



Carson City Public Works
CAMPO Policies and Procedures
Effective date: December 12, 2007
Revised: December 8, 2021

CARSON AREA METROPOLITAN PLANNING ORGANIZATION (CAMPO)

POLICIES AND PROCEDURES

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1 Policies and Procedures

1.1 Purpose

These policies and procedures are intended to provide policies and guidelines for the ongoing operation of the Carson Area Metropolitan Planning Organization (CAMPO). The unique nature of CAMPO and the derivation of authority found in Federal regulation, interlocal agreements and authority delegated by other agencies such as the Carson City Board of Supervisors, the Regional Transportation Commission or other governmental agencies, suggest that a set of procedures needs to be in place to guide the exercise of authority and operation of CAMPO.

The policies included in this document are intended to serve as flexible working guidelines to assist in the day-to-day operation of CAMPO and to assist the members of the governing body in administering the affairs of this special purpose organization.

Policies that may be approved by CAMPO are subordinate to Federal regulation, State law or City/County ordinance that may require specific approval process or action. Any Federal regulation related to public notice or involvement, process and approval, etc., will be considered primary and will not be reduced or in any way replaced or supplanted by these policies and procedures.

It is expected that the policies and procedures may be expanded or modified to include circumstances that arise from time to time and amendments of these policies may be necessary to reflect the activities of CAMPO. Amendments to these policies will only occur as defined in the approval process delineated below.

1.2 Approval and amendment

These policies are to be approved by CAMPO by majority vote as provided elsewhere in this document. Since the flexibility needed to operate an agency such as CAMPO will require timely action, the policies and procedures may be approved and amended in the normal course of business providing statutory agenda posting and required majority vote authorizing such change.

2 Composition of CAMPO

2.1 Authority for creation of CAMPO

Carson City has been identified by the United States Department of Commerce, Bureau of the Census as a qualifying urbanized area for Census 2000. The official determination ~~was~~was published in the Federal Register on May 1, 2002¹. Codified Federal Regulation (CFR) requires the designation of a Metropolitan Planning Organization (MPO)² for each urbanized area and implementation of a "...continuing, cooperative, and comprehensive transportation planning process that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals."

The designation was confirmed by the Governor of the State of Nevada on February 26, 2003. A copy of the letter of designation is included in ~~the~~A Appendix A.

An Interlocal Agreement has been executed by CAMPO, the Regional Transportation Commission (RTC) and the Carson City Board of Supervisors that further details the duties and responsibilities of the respective parties in the planning and implementation of transportation services.

2.2 Appointing authority and appointments

The CAMPO governing body will be composed of seven (7) members including the five (5) members of the Regional Transportation Commission of Carson City as appointed by the Carson City Board of Supervisors, one representative from Douglas County appointed by the Douglas County Commission, and one representative from Lyon County appointed by the Lyon County Board of Commissioners. A representative from the Nevada Department of Transportation also serves as an ex officio, non-voting member.

2.3 Term of members

Each member appointed by the respective appointing authority shall serve a term of two (2) years. Such term shall continue until the member is replaced by the appointing authority ~~except that~~except that at the expiration of the two (2) year term or in the event of the resignation of a member, the appointing authority may renew the appointment for an additional two (2) year term or shall appoint a new member to complete the unexpired term of the member being replaced.

¹Federal Register/Volume 67, No. 84/Wednesday, May 1, 2002/Notices

²23 CFR 450.300 Metropolitan Transportation Planning and Programming

2.4 Attendance

In order to serve the best interests of CAMPO and to adequately carry out the responsibilities of CAMPO, members are expected to regularly attend meetings. If a voting member misses three consecutive meetings or four meetings in a six-month moving period, the member shall be considered non-responsive.

2.5 Member replacement

In the event a member fails to attend meetings as required in Section 2.4 of these policies and procedures, the sponsoring appointing authority will be notified in writing by the CAMPO Chair or the designated staff member and a request will be made for the appointment of a new member.

3 Meeting Requirements

3.1 Rules of Procedure

Roberts Rules of Procedure will be utilized as a basis for the orderly conduct of meetings of CAMPO. In the event of a dispute over procedural matters and where clarity in Roberts Rules of Order is not present, the dispute will be settled by a ruling of the chair.

3.2 Frequency

In order to conduct ongoing business affairs, CAMPO will meet on a monthly basis unless otherwise directed by the Chairman or as otherwise may be provided in these policies and procedures.

3.3 Meeting agendas and matters for consideration

Any member of CAMPO may request inclusion of an item for discussion at any regularly scheduled meeting provided such request is made to the appropriate designated CAMPO staff person sufficiently in advance as to allow the incorporation of the item into the next regularly scheduled meeting agenda and the proposed agenda item is approved by the chair.

3.4 Publishing agendas and public notice requirements

The agenda, special hearings, and consideration of any and all matters that are covered or included in the Nevada Open Meeting Law will be published as provided by Nevada Revised Statute, Carson City Ordinance and the adopted policies and procedures of CAMPO.

3.5 Postponement and rescheduling

If the Board finds such monthly meetings unnecessary or in conflict with other special events, holidays or at times when achieving and maintaining a quorum will be unproductive, such meetings may be postponed or rescheduled. If the normal monthly meeting is postponed, rescheduled or will not be rescheduled until a later date, a public notice of such postponement or rescheduling will be posted in accordance with the Nevada Open Meeting Law.

3.6 Meeting quorum

In order to conduct business of CAMPO a quorum must be present. A quorum is defined as at least four (4) members of the duly appointed CAMPO membership. If the minimum number of members are not present, CAMPO may agree to take testimony or entertain presentation of information but no formal action or indication of future possible action may be expressed by any individual member or the members in attendance.

3.7 Majority required to act

In order for action to be taken by CAMPO, a quorum must be present and a minimum of four (4) affirmative votes will be required. No differentiation will be made as to whether those representing the quorum or those in attendance represent a particular appointing authority.

4 Coordination and Interaction

4.1 Authority delegated by others to CAMPO

In addition to the regulatory authority vested in CAMPO by Federal regulation, CAMPO has been authorized to exercise approval over the expenditure of funds provided by the Carson City Board of Supervisors including exercise of authority in the execution of tasks and activities related to the implementation of work activities authorized or budgeted by Carson City Board of Supervisors or CAMPO and to exercise such responsibilities as may from time to time be explicitly assigned by others.

4.2 Coordination with Member Units of Local Government

The nature of the respective transportation responsibilities assigned to CAMPO will require careful coordination. CAMPO will be responsible for the timely consideration, approval, and if necessary, submittal of the necessary grant documents that will be used to secure available grant financial support for the operation of public transit services by local government entities, provided required information is provided by the other parties in a timely manner.

4.3 Coordination with other agencies

It is the stated objective of CAMPO to coordinate all transportation related activities with other interested agencies and jurisdictions. To the extent necessary, CAMPO will execute cooperative agreements detailing the respective responsibilities and coordination that will be followed. Currently, agreements have been structured to better define the respective responsibilities of each of the agencies involved in the activities of CAMPO and include:

- 4.3.1 Interlocal agreement with Washoe County Regional Transportation Commission specifying the respective responsibilities of each party.
- 4.3.2 Interlocal agreement with the Tahoe Metropolitan Planning Organization specifying the respective responsibilities for each party.
- 4.3.3 Cooperative agreement with the Nevada Department of Transportation specifying the respective duties and responsibilities of each party in the preparation and processing of various planning documents and other related tasks and activities.
- 4.3.4 Cooperative agreement with the Carson City RTC and the Carson City Board of Supervisors detailing the assignment of responsibilities to RTC and CAMPO for transportation planning and implementation in the region.

5 CAMPO Staffing

5.1 Staffing and support activities

Staff support for CAMPO will be provided by the Carson City Public Works Department by arrangements with others including consultants or other authorized personnel. The responsible staff person for CAMPO will be the Carson City Transportation Program Manager or his/her designee.

5.2 CAMPO Advisory Workgroups

CAMPO Advisory Workgroups will be used on an as needed basis for significant updates to existing CAMPO documents or during the course of special planning studies. CAMPO Staff will develop a recommended list of invitees relevant to a specific planning endeavor. The formation of an Advisory Workgroup will be non-binding in nature, whose purpose will be to offer technical guidance during the development of CAMPO planning studies. Representatives will be asked to meet through the duration of the plan development, including a public comment period after a final draft is submitted for approval by the CAMPO Board, if applicable.

6 Consultant Selection ProceduresProcurement

6.1 FHWA RFP and RFQ Consultant Procurement

CAMPO will follow all Federal and local requirements during the procurement of engineering, planning, management, administrative, or other licensed professional service contracts for FHWA-funded projects. For contracts between \$0 and \$49,999, CAMPO sStaff will develop a Request For Qualifications (RFQ) to be sent to a minimum of three (3) consultants in accordance with the latest version of the Carson City Public Works Policy “LPA Contracts \$50,000 and Under”, latest version. Contracts over \$50,000 require a formal competitive procurement method including an advertised, sealed, bid process; evaluation of the submitted proposals; and negotiation of a standard form Carson City contract in full compliance with the accepted policy for consultant selection.

6.16.2 Estimated threshold values for issuing RFP and RFQFTA Procurement

~~Information~~The requirements for procurements on related to FTA-funded projects procurements isare found in Appendix B. In case of any conflict between Appendix B and some other provision of CAMPO’s policies and procedures, including but not limited to Sections 6.1 and 6.3, Appendix B shall govern for all FTA funded projects, unless the provision conflicting with Appendix B sets forth more restrictive procurement procedures, in which case the more restrictive procurement procedures shall govern. Similarly, if Appendix B conflicts with some other Carson City policyies, Appendix B shall govern for all FTA funded projects, unless the provision conflicting with Appendix B sets forth more restrictive procurement procedures, in which case the more restrictive procurement procedures shall govern., unless other, more restrictive, contractual funding obligations apply. CAMPO will follow all Federal and local requirements during the procurement of engineering, planning, management, or administrative services contracts. Contracts less than \$2,500 do not require a specific procurement method and may be based upon knowledge of current market and pricing. Contracts between \$2,500 and \$49,999 require an unsealed, informal bid process with a minimum of two quotes. Contracts over \$50,000 require a formal competitive method including an advertised, sealed, bid process; evaluation of the submitted proposals; and negotiation of a standard form Carson City contract in full compliance with the accepted policy for consultant selection.

6.26.3 Exemptions from consultant selection procedures

Any contract: requiring a specialized expertise or product that is not readily available in the regional area, that cannot be delayed by a competitive solicitation due to public emergency, or resulting in the determination of inadequate competition after solicitation of a number of sources may be subject to a sole source selection and assignment provided sole source selection and assignment is approved in advance by the funding agency or the agency’s representative. Any contract selection estimated to have a value of less than \$25,000 may be subject to a sole source evaluation and assignment provided sole source selection and assignment is approved in advance by the funding agency. Prior to requesting such approval, a Request for Qualification must be issued to the identified source and the Statement of Qualifications must ~~be included~~ be included in the request for sole source assignment.

7 Plan Development Procedures

Any amendments or updates to the documents listed below will be subject to the CAMPO Public Participation Plan.

7.1 Unified Planning Work Program

As detailed in 23 CFR §450.308, CAMPO shall develop an annual Unified Planning Work Program (UPWP) that includes a discussion of the planning priorities of the metropolitan planning area. The UPWP shall identify work proposed for the next one-year period by major activity and task. Each activity listed in the UPWP must indicate who will do the work, the schedule for completing the work, the resulting product, the proposed funding, and a summary of total amounts and sources of Federal and matching funds. CAMPO will follow the fiscal year beginning July 1 and ending June 30.

7.2 Regional Transportation Plan

The Regional Transportation Plan (RTP) must be approved by CAMPO and will include at least a twenty-year (20-year) planning horizon and both long- and short-range strategies/actions that lead to the development of an integrated intermodal transportation system that facilitates the efficient movement of people and goods. The plan will be updated a minimum every five (5) years to insure consistency with current and forecasted transportation and land use conditions and trends and to extend the forecast period. In addition, the plan shall include all components and elements included in 23 CFR §450.322

7.3 Transportation Improvement Program

A Transportation Improvement Program (TIP) must be approved by CAMPO and will be updated at minimum every four (4) years as detailed in 23 CFR §450.324. Amendments or administrative modifications may be made as necessary to the TIP.

7.4 Public Participation Plan

CAMPO will develop a Public Participation Plan (PPP) which will be used as a model for soliciting public participation during the update of the UPWP, RTP, TIP or special planning studies. The PPP will be reviewed annually and updated as warranted.

GLOSSARY

Administrative modification means a minor revision to a long-range metropolitan transportation plan or Transportation Improvement Program (TIP) that includes minor changes to project/project phase costs, minor changes to funding sources of previously-included projects, and minor changes to project/project phase initiation dates. An administrative modification is a revision that does not require public review and comment or redemonstration of fiscal constraint.

Amendment means a revision to a long-range metropolitan transportation plan or TIP that involves a major change to a project included in a long-range metropolitan transportation plan or TIP, including the addition or deletion of a project or a major change in project cost, project/project phase initiation dates, or a major change in design concept or design scope. Changes to projects that are included for illustrative purposes do not require an amendment. An amendment is a revision that requires public review and comment or redemonstration of fiscal constraint.

Metropolitan planning area means the geographic area in which the metropolitan transportation planning process required by 23 U.S.C. 134 and section 8 of the Federal Transit Act must be carried out.

Metropolitan Planning Organization (MPO) means the forum for cooperative transportation decision making for the metropolitan planning area.

Metropolitan Transportation Plan means the official intermodal transportation plan that is developed and adopted through the metropolitan transportation planning process for the metropolitan planning area.

Regional Transportation Plan (RTP) means the long-range transportation plan for the region composed of a series of transportation elements conforming to the requirements of State and Federal regulations and sometimes referred to as the Metropolitan Transportation Plan. Per Federal requirements, the RTP must have a 20-year planning horizon and be updated at minimum every five (5) years.

State Implementation Plan (SIP) means the portion (or portions) of an applicable implementation plan approved or promulgated, or the most recent revision thereof, under applicable sections of the Clean Air Act. (Note: Carson City is not currently subject to these requirements but the definition is provided to draw a distinction between the SIP and the Statewide Transportation Improvement Program sometimes referred to as the STIP)

Statewide Transportation Improvement Program (STIP) means a staged multi-year, statewide intermodal program of transportation projects which is consistent with the Statewide Transportation Plan and planning processes and metropolitan plans, TIPs and processes. The Nevada Department of Transportation (NDOT) is required to include, without change, all projects listed in the Metropolitan Planning Organization's (MPO) approved Regional Transportation Improvement Program (RTIP).

Statewide Transportation Plan (STP) means the official statewide, intermodal transportation plan that is developed through the statewide transportation planning process.

Transportation Improvement Program (TIP) means a staged, multiyear, intermodal program of transportation projects which is consistent with the metropolitan transportation plan. The TIP must be updated at a minimum of every four (4) years.

Simplified Statement means a plan to accomplish transportation planning activities by the MPO that clearly defines who will be responsible for the planning work and what is to be accomplished. The Simplified Statement takes the place of the Unified Planning Work Program that is required of areas over 200,000 in population.

Unified Planning Work Program (UPWP) documents planning activities that are planned to be accomplished during a program year with funds provided under title 23 U.S.C. and the Federal Transit Act.

APPENDIX A



KENNY C. GUINN
Governor

OFFICE OF THE GOVERNOR

February 26, 2003

Mr. Bill Kappus
Acting Division Administrator
Federal Highway Administration
705 North Plaza Street, Suite 220
Carson City, NV 89701

Dear Mr. Kappus:

In accordance with the provisions of Title 23, Section 134 of the United States Code, the State of Nevada does hereby appoint and designate the Carson Area Metropolitan Planning Organization as the metropolitan planning organization for the Carson City urbanized area. Your acknowledgement of the agency's status is hereby requested.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenny C. Guinn".

KENNY C. GUINN
Governor

JF/lf

Cc: Jeff Fontaine, Interim Director, NDOT

APPENDIX B

The following Appendix and forms are to be used for all FTA procurements, as needed. CAMPO staff will use the Procurement Checklist and Contract Clause Matrix to identify the necessary documents to include in the procurement file.

The current Micro-purchase Threshold is \$10,000. Purchases under this threshold do not require solicitation of price quotes or RFP/RFQ/IFB. If a change order pushes increases the purchase/contract above \$10,000, the proper procurement steps consistent with the appropriate purchasing threshold must be followed (Cost Analysis/ICE, etc.) for those additional costs above \$10,000.

The current Simplified Acquisition Threshold is \$150,000 (as of 9/23/2021). Any purchases/contracts below \$150,000 DO NOT require an RFP/RFQ/IFB, but DO require Carson City to solicit price quotes from “an adequate number” of qualified sources. If a change order pushes the purchase/contract above \$150,000, the contract must be updated with all necessary clauses (debarment/suspension, etc.).

Any procurements that “piggy-back” off of a larger procurement (state-schedule purchases, etc.) will still need to include proper documentation including original cost analysis/ICE performed by original Procurement agency as well as cost analysis/ICE performed by CAMPO.

Buy America Certifications to be included on Rolling Stock procurements \$150,000 and above only.

1. Procurement History/Checklist

1. Procurement History/Checklist
2. Solicitation Type (RFP/RFQ/IFB/Quotes)
3. Solicitation Documents
 - Regulatory Requirements Included Sample Contract/Purchase Order T&Cs
 - Min Insurance Requirements Protest Policy
 - Form Submission Scope of Work Other: _____
2. Notice to Proceed Executed Contract (Date Executed / Board)
3. Change Orders/Options/Amendments (Options)(if applicable)
4. Sole Source Justification (if applicable)
 - Board Staff Reports (Release Approvals and Awards): Board or Commission
5. Awarded Bid/Proposal Bonds
6. Purchase Order(s) / Invoices / Releases / Certified Payrolls
7. Cost/Price Analysis / Reasonableness
8. Insurance
9. Contractual Correspondence (Pre and Post OST award)
10. DBE Forms / Goal (if applicable)
11. Independent Cost Estimate (ICE) (if applicable)
7. DBE Forms / Goal (if applicable)

12. Sole Source Justification (if applicable)
14. Solicitation Type (RFP/RFQ/IFB/Quotes) Scope of Work
 - Regulatory Requirements Sample
 - Contract/Purchase Order T&Cs Min Insurance Requirements
 - Protest Policy
 - Form Submission
 - Other
15. Advertisement (If required if applicable)
9. Notified Vendors/Bid List
10. Pre-Proposal Meeting Documents (if applicable)
 - Final Job Walk (sign in sheets)
18. Required Forms and Clauses Responsibility
 - Determination Form SAM.gov (print out results)
 - Lobbying Debarment
19. Protest Clauses in Contract Does Public Records Requests
20. Correspondence (prior to award)
21. Rejection Letters
22. Miscellaneous (List Describe)

1123. Bid Opening (Date _____) Sign in for paper
bids/construction _____

12. Required Forms and Clauses

Responsibility Determination Form SAM.gov (print out results)
 Lobbying Debarment Insurance
 Conflict of Interest/Non-Disclosure BAFO (Best and Final Offer)
 Protest Clauses in Contract Docs Public Records Requests

2413. Negotiations

14. - Evaluations BAFO (Best and Final Offer) _____

15. - Recap of Responsiveness Conflict of Interest/Non-Disclosure _____

1625. Unsuccessful Proposals _____

1724. Rejection Letters

18. Awarded Bid/Proposal Bonds

19. Board Staff Reports (Approvals and Awards): Board or Commission _____

20. Executed Contract Notice to Proceed (Date) _____

21. Contractual Correspondence (Pre and Post award) _____

22. Purchase Order(s) / Invoices / Releases / Certified Payrolls _____

23. Change Orders/Options/Amendments (if applicable) _____

24. Final Job Walk (sign-in sheets) _____

256. Closeout Forms and Letters _____

26. Miscellaneous (Describe) _____

Form completed and reviewed by:

Purchasing Agent Project Manager

Senior Manager Document Controller

Date

Date

Note: This checklist shall be saved in the project file along side the executed contract.

7. Price Analysis Form

ITEM BEING PROCURED

A price analysis is needed to determine if the offers you received are fair and reasonable. The most common way to make this determination is to compare the offers to your Independent Cost Estimate (ICE). You may need to conduct additional analysis if your ICE is not consistent with the offers received.

Step 1: Determine if the offered prices received are Fair and Reasonable by comparing to your Independent Cost Estimate (ICE).

Fill in the following matrix: (Use the ICE from your ICE form)

<u>Independent Cost Estimate</u>	<u>Vender A Offered Price</u>	<u>Vendor B Offered Price</u>	<u>Vendor C Offered Price</u>	<u>Vendor D Offered Price</u>

(Attach additional sheets if necessary)

If your ICE is consistent with the offered prices, proceed to Step 3. If not, complete Step 2 and Step 3. Sign and date this form and include in the project's procurement file.

Step 2: Determine if offer is fair and reasonable (complete either a or b below)

a. Explain how the above numbers show that the price is fair and reasonable

b. If you cannot use your ICE to determine if the price is fair and reasonable, additional explanation is required. Please indicate how you determined the price is fair and reasonable. Some accepted forms of price analysis techniques discussed in the *Pricing Guide for FTA Grantees* are:

1. Prices set by law or regulation (e.g., utility rates);
2. Established catalog prices;
3. Comparison to previous purchases;
4. Current published standards;
5. Established market prices.

Please indicate your technique:

Prices are set by law or regulation. These are considered fair and reasonable. Grantees should acquire a copy of the rate schedules set by the applicable law or regulation to provide with the file. Once these schedules are obtained, verify that they apply to your situation and that you are being charged the correct price. For utility contracts, this policy applies only to prices prescribed by an effective, independent regulatory body.

Comparison with competing suppliers' prices or catalog pricing for the same item. (Provide documentation such as copies of the catalog pages, website screenshots, etc.) Established catalog prices require the following conditions:

- Established catalog prices exist.
- The items are commercial in nature.
- They are sold in substantial quantities.
- They are sold to the general public.

Comparison of proposed pricing with historical pricing from previous purchases of the same item. Changes in quantity, quality, delivery schedules, the economy, and inclusion of non-recurring costs such as design, capital equipment, etc. can cause price variations. Each differing situation must be analyzed. Also ensure that the previous price was fair and reasonable. (Provide a copy of the previous purchase invoices or quotes.)

Analysis of price components against current published standards, such as labor rates, dollars per pound, etc. to justify the price reasonableness of the whole. (Attach analysis to support conclusions drawn.)

Established market prices are based on the same principle as catalog prices except there is no catalog. A market price is a current price established in the usual or ordinary course of business between buyers and sellers free to bargain. These prices must be verified by buyers and sellers who are independent of the offeror. If one you cannot determine other commercial buyers and sellers, one you may obtain this information from the offeror. (Provide documentation such as advertisements, catalog pages or invoices from other buyers and sellers.)

Other (provide explanation):

Step 3: Negotiation – Required for A & E procurements and may be appropriate for other RFP procurements

For RFP procurements – were negotiations conducted with the selected vendor?

Yes

No, If No, why not?

For all A & E and other RFP procurements that conducted negotiations, describe the negotiations that occurred.

NAME

SIGNATURE

TITLE

DATE

11. Independent Cost Estimate

(To be used for all procurements except micropurchases)

Need one form for each item being procuredAs required by Federal Transit Administration Circular FTA C 4220.1F Third

Party Contracting Guidance, Rev. 4, March 18, 2013, and all subsequent editions, as available on FTA's website,

www.fta.dot.gov

ITEM BEING PROCURED

PROJECT AUTHORIZATION

COST ESTIMATE

Estimate was obtained using the following process:

Published price list (e.g., catalogs).

Past pricing (include previous purchase date for similar item):

Engineering or technical estimate.

Item is a standard commercial item sold in the open marketplace.

Analysis of price components against current published standards, such as labor rate, cost per unit, etc.

For buses only, State or other cooperative vehicle purchasing program

Other (please describe)

SIGNATURE

TITLE

DATE

12. Sole Source Justification Form

Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids, or competitive proposals and at least one of the following circumstances applies:

Check one:

The item is available only from a single source (sole source justification is attached).

The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation (documented emergency condition is attached).

FTA authorizes noncompetitive negotiations (letter of authorization is attached).

After solicitation of a number of sources, competition is determined inadequate (record of source contacts is attached).

The item is an associated capital maintenance item as defined in 49 U.S.C. §5307(a)(1) that is procured directly from the original manufacturer or supplier of the time to be replaced (price certification attached).

Comments:

Independent Estimate and Cost Analysis are attached.

Purchasing Agent

Senior Manager

Date

Date

18a. Responsibility Determination Form

Bid/RFP No: _____

Supplier: _____

Date: _____

For each of the areas described below, check that the appropriate research has been accomplished and provide a short description of the research and the results.

	<u>Acceptable</u>	<u>Comment</u>
<u>1. Appropriate financial, equipment, facility, and personnel?</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____ _____
<u>2. Ability to meet the delivery Schedule?</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____ _____
<u>3. Satisfactory period of performance facility, and personnel?</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____ _____
<u>4. Satisfactory record of integrity, not on debarred or suspended listings</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____ _____
<u>5. Receipt of all necessary data from Supplier</u>	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____ _____

18c. Lobbying
For contracts over \$100,000
31 U.S.C. 1352
2 CFR Part 200 Appendix II (I) 49 CFR Part 20

The Lobbying requirements apply to Construction/Architectural and Engineering/Acquisition of Rolling Stock/Professional Service Contract/Operational Service Contract/Turnkey contracts.

The Lobbying requirements mandate the maximum flow down, pursuant to Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352(b)(5) and 2 CFR Part 200 Appendix II (I)

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

[Note: Pursuant to 31 U.S.C. § 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.]

The Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

Date

Print Name of Authorized Official

Title

Signature of Authorized Official

Company Name

Company Address

18d. Debarment, Suspension, Ineligibility, and Voluntary Exclusion Requirements

This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor is required to verify that none of the contractor, its principals, as defined at 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945.

The contractor is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into.

The bidder or proposer certifies as follows:

1. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, Carson City may pursue available remedies, including suspension and/or debarment.
2. The prospective lower tier participant shall provide immediate written notice to Carson City if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
3. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "persons," "lower tier covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549 [49 CFR Part 29]. You may contact Carson City for assistance in obtaining a copy of those regulations.
4. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized in writing by Carson City.
5. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction", without

modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

6. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List issued by U.S General Administration Service.

7. Nothing contained in the foregoing shall be construed to require establishment of system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

8. Except for transactions authorized under Paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to all remedies available to the Federal Government, Carson City may pursue available remedies including suspension and/or debarment.

19. Right to Protest

NOTICE OF PROTEST OF AWARD OF CONTRACT must be in compliance with NRS 338.142 and submitted in writing to the Carson City Purchasing and Contracts Department of the Division of Finance (Department) at City Hall, 201 N. Carson Street, #32, Carson City, NV 89701 within five (5) business days after the date the DirectorAdministrator of such Department or the City's Public Works Director, as the City's authorized representative, makes a recommendation to the award the contract.

The notice of protest must include a written statement setting forth with specificity the reasons the person filing the notice believes the applicable provisions of law were violated.

A person filing a notice of protest may be required by the Purchasing and Contracts Administrator, at the time or soon after the notice of protest is filed, to post a bond with a good and solvent surety authorized to do business in this state or submit other security, in a form approved by such authorized representative of the City and the City shall hold the bond or other security until a determination is made on the protest. A bond posted or other security submitted with a notice of protest must be in an amount equal to the lesser of Twenty-five percent of the total value of the proposal submitted by the person filing the notice of protest; of Two-hundred-fifty thousand dollars.

A notice of protest filed under these provisions operates as a stay of action in relation to the awarding of any contract until a determination is made by the City's Board of Supervisors or Regional Transportation Commission on the protest.

A person who makes an unsuccessful proposal may not seek any type of judicial intervention until the City's –Board of Supervisors or Regional Transportation Commission has made a determination on the protest and awarded the contract.

Neither the City's Board of Supervisors, Regional Transportation Commission, nor any authorized representative of the City or such public body is liable for any costs, expenses, attorney's fees, loss of income or other damages sustained by a person who makes a proposal, whether or not the person files a notice of protest pursuant hereto.

If the protest is upheld, the bond posted or other security submitted with or soon after the submission of the notice of protest must be returned to the person who posted the bond or submitted the security. If the protest is rejected, a claim may be made against the bond or other security by the City's Board of Supervisors or Regional Transportation Commission in an amount equal to the expenses incurred by the City or its Board of Supervisors or Regional Transportation Commission because of the unsuccessful protest. Any money remaining after the claim has been satisfied must be returned to the person who posted the bond or submitted

| the security

Buy America Requirements

FOR PROCUREMENT OF STEEL, IRON, AND MANUFACTURED PRODUCTS (INCLUDING ROLLING STOCK) OVER \$150,000

If this contract or purchase order is valued in excess of \$150,000 and involves the procurement of steel, iron, or manufactured products, the bidder or offeror hereby certifies that it:

- Will meet the requirements of 49 USC 5323(j)(1) and the applicable regulations in 49 CFR part 661.5.
- Cannot meet the requirements of 49 USC 5323(j)(1) and 49 CFR part 661.5, but it may qualify for an exception pursuant to 49 USC 5323(j)(2)(A), 5323(j)(2)(B), or USC 5323(j)(2)(D), and 49 CFR part 661.7.

If this contract or purchase order is valued in excess of \$150,000 and involves the procurement of buses, other rolling stock and associated equipment, the bidder or offeror hereby certifies that it:

- Will comply with the requirements of 49 USC 5323(j)(2)(C) and the regulations at 49 CFR part 661.11.
- Cannot comply with the requirements of 49 USC 5323(j)(2)(C) and 49 CFR part 661.11, but it may qualify for an exception pursuant to 49 USC 5323(j)(2)(A), 5323(j)(2)(B), or USC 5323(j)(2)(D), and 49 CFR part 661.7.

Date

Print Name of Authorized Official

Title

Signature of Authorized Official

Company Name

Company Address

Note: This Buy America certification must be submitted to Carson City, if applicable, with all bids or offers on FTA-funded contracts involving construction or the acquisition of goods or rolling stock, except those subject to a general waiver. General waivers are listed in 49 CFR 661.7, and include final assembly in the United States for microcomputer equipment, software, and small purchases (currently less than \$150,000) made with capital, operating or planning funds.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters
(Contracts over \$25,000).

The contractor certifies, that neither it nor its “principals” as defined in CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any governmental department or agency.

Date

Print Name of Authorized Official

Title

Signature of Authorized Official

Company Name

Company Address

Contract Clause Matrix

APPLICABILITY OF THIRD PARTY CONTRACT PROVISIONS

(excluding micro-purchases, except Davis-Bacon requirements apply to contracts exceeding \$2,000)

<u>PROVISION</u>	<u>Professional Services/A&E</u>	<u>Operations/Management</u>	<u>Rolling Stock Purchases</u>	<u>Construction</u>	<u>Materials & Supplies</u>
<u>No Federal Government Obligations to Third Parties (by Use of a Disclaimer)</u>	<u>All</u>	<u>All</u>	<u>All</u>	<u>All</u>	<u>All</u>
<u>False Statements or Claims Civil and Criminal Fraud</u>	<u>All</u>	<u>All</u>	<u>All</u>	<u>All</u>	<u>All</u>
<u>Access to Third Party Contract Records</u>	<u>All</u>	<u>All</u>	<u>All</u>	<u>All</u>	<u>All</u>
<u>Changes to Federal Requirements</u>	<u>All</u>	<u>All</u>	<u>All</u>	<u>All</u>	<u>All</u>
<u>Termination</u>	<u>>\$10,000 if 49 CFR Part 18 applies.</u>	<u>>\$10,000 if 49 CFR Part 18 applies.</u>	<u>>\$10,000 if 49 CFR Part 18 applies.</u>	<u>>\$10,000 if 49 CFR Part 18 applies.</u>	<u>>\$10,000 if 49 CFR Part 18 applies.</u>
<u>Civil Rights (Title VI, EEO, ADA)</u>	<u>>\$10,000</u>	<u>>\$10,000</u>	<u>>\$10,000</u>	<u>>\$10,000</u>	<u>>\$10,000</u>
<u>Disadvantaged Business Enterprises (DBEs)</u>	<u>All</u>	<u>All</u>	<u>All</u>	<u>All</u>	<u>All</u>
<u>Incorporation of FTA Terms</u>	<u>All</u>	<u>All</u>	<u>All</u>	<u>All</u>	<u>All</u>
<u>Debarment and Suspension</u>	<u>>\$25,000</u>	<u>>\$25,000</u>	<u>>\$25,000</u>	<u>>\$25,000</u>	<u>>\$25,000</u>
<u>Buy America</u>			<u>>\$100,000</u>	<u>>\$100,000</u>	<u>>\$100,000</u>
<u>Resolution of Disputes, Breaches, or Other Litigation</u>	<u>>\$100,000</u>	<u>>\$100,000</u>	<u>>\$100,000</u>	<u>>\$100,000</u>	<u>>\$100,000</u>
<u>Lobbying</u>	<u>>\$100,000</u>	<u>>\$100,000</u>	<u>>\$100,000</u>	<u>>\$100,000</u>	<u>>\$100,000</u>
<u>Clean Air</u>	<u>>\$100,000</u>	<u>>\$100,000</u>	<u>>\$100,000</u>	<u>>\$100,000</u>	<u>>\$100,000</u>
<u>Clean Water</u>	<u>>\$100,000</u>	<u>>\$100,000</u>	<u>>\$100,000</u>	<u>>\$100,000</u>	<u>>\$100,000</u>
<u>Cargo Preference</u>			<u>For property transported by ocean vessel.</u>	<u>For property transported by ocean vessel.</u>	<u>For property transported by ocean vessel.</u>
<u>Fly America</u>	<u>For foreign air transport or travel.</u>	<u>For foreign air transport or travel.</u>	<u>For foreign air transport or travel.</u>	<u>For foreign air transport or travel.</u>	<u>For foreign air transport or travel.</u>

<u>PROVISION</u>	<u>Professional Services/A&E</u>	<u>Operations/ Management</u>	<u>Rolling Stock Purchases</u>	<u>Construction</u>	<u>Materials & Supplies</u>
<u>Davis-Bacon Act</u>				<u>>\$2,000 (including ferry vessels)</u>	
<u>Contract Work Hours and Safety Standards Act</u>		<u>>\$100,000 (except transportation services)</u>	<u>>\$100,000</u>	<u>>\$100,000 (including ferry vessels)</u>	
<u>Copeland Anti-Kickback Act</u> <u>Section 1</u> <u>Section 2</u>				<u>All</u> <u>All exceeding \$2,000 (including ferry vessels)</u>	
<u>Bonding</u>				<u>\$100,000</u>	
<u>Seismic Safety</u>	<u>A&E for New Buildings & Additions</u>			<u>New Buildings</u>	
<u>Transit Employee Protective Arrangements</u>		<u>Transit Operations</u>			
<u>Charter Service Operations</u>		<u>All</u>			
<u>School Bus Operations</u>		<u>All</u>			
<u>Drug Use and Testing</u>		<u>Transit Operations</u>			
<u>Alcohol Misuse and Testing</u>		<u>Transit Operations</u>			
<u>Patent Rights</u>	<u>Research & Development</u>				
<u>Rights in Data and Copyright Requirements</u>	<u>Research & Development</u>				
<u>Energy Conservation</u>	<u>All</u>	<u>All</u>	<u>All</u>	<u>All</u>	<u>All</u>
<u>Recycled Products</u>		<u>Contracts for items designated by EPA, when procuring \$10,000 or more per year</u>		<u>Contracts for items designated by EPA, when procuring \$10,000 or more per year</u>	<u>Contracts for items designated by EPA, when procuring \$10,000 or more per year</u>
<u>Conformance with ITS National Architecture</u>	<u>ITS Projects</u>	<u>ITS Projects</u>	<u>ITS Projects</u>	<u>ITS Projects</u>	<u>ITS Projects</u>
<u>ADA Access</u>	<u>A&E</u>	<u>All</u>	<u>All</u>	<u>All</u>	<u>All</u>
<u>Notification of Federal Participation for States</u>	<u>Limited to States</u>	<u>Limited to States</u>	<u>Limited to States</u>	<u>Limited to States</u>	<u>Limited to States</u>

Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open

market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) Procurement of recovered materials. A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

(K) Prohibition on certain telecommunications and video surveillance services or equipment.

(a) Recipients and sub recipients are prohibited from obligating or expending loan or grant funds to:

(1) Procure or obtain;

(2) Extend or renew a contract to procure or obtain; or

(3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that

uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under Public Law 115-232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(L) Domestic preferences for procurements. (a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

(1) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.