

TWO STEP PROCUREMENTS	PROCEDURE	
	Document Number:	FRS-PR-033
	Version Number:	05

1.0 Purpose:

To implement the provisions of VTA Policy FRS-PL- 033 “Vendor Selection—Two Step Procurements”.

2.0 Scope:

This Procedure applies to all VTA departments and all vendors participating in the established VTA procurement process.

3.0 Responsibilities:

It is the responsibility of the Purchasing and Materials Manager to draft and obtain approval of this procedure to assure organizational understanding and compliance with Policy FRS-PL-033. Additionally, the Purchasing and Materials Manager will have responsibility for periodic review and proposing updates to the Policy and Procedure.

4.0 Procedure:

4.1 The Two Step Procurement process will be employed under the circumstances outlined in Policy FRS-PL-033 for procurements valued at greater than \$100,000.

4.2 EARLY INVOLVEMENT: It is preferable to have CAMM staff involved at an early stage of such procurements to provide guidance on the process to be used and to set tentative procurement timelines.

4.3 REQUISITION REQUIRED: A complete and acceptable requisition must be received by CAMM staff before the procurement process will begin. When the requisition is received, CAMM staff will review all documents to determine the funding source and to assure that the specifications are clear, complete and non-restrictive.

4.3.1 Any incomplete documents or restrictive specifications will be discussed with the requestor and must be corrected and approved by CAMM staff prior to solicitation.

4.4 PHASE ONE OF THE PROCESS: Phase one of the Two Step Procurement process is the solicitations phase. In addition to the normal requirements for an IFB, the solicitation phase also generally provides:

4.4.1 Un-priced technical offers will be requested.

4.4.2 This procurement is a two-step sealed bid procurement in which priced bids will be considered in the second phase of the process and only from those bidders whose un-priced technical offers are found to be acceptable in the first phase.

4.4.3 VTA may conduct oral or written discussions regarding the technical offers.

TWO STEP PROCUREMENTS	PROCEDURE	
	Document Number:	FRS-PR-033
	Version Number:	05

- 4.4.4 The solicitation document should contain a statement that bidders should submit proposals that are complete without the need for additional explanation or information, and that VTA may make a final determination regarding the acceptability of the proposals based solely on the basis of the proposals as submitted and may proceed to the second step of the process without requesting further information.
- 4.4.5 Bidders may designate those portions of the technical offers which contain trade secrets or other proprietary data which are to remain confidential. Should there be a request from a competitor or the public to release such information, CAMM staff will notify the bidder of the request and consult with General Counsel's office before releasing such information.
- 4.4.6 The item being procured shall be furnished generally in accordance with the bidders offer as found to be technically acceptable and shall meet the requirements of the solicitation.
- 4.5 PHASE TWO OF THE PROCESS: Each bidder who submitted an un-priced offer that was determined to be acceptable in Phase One will be invited to submit a priced offer in this phase.
- 4.5.1 No additional public notice or advertisement of the IFB need be given because such notice was given during Phase One of the process.
- 4.5.2 Priced bids from the acceptable bidders will be opened according to this procedure.
- 4.6 KICK OFF MEETING: Generally, CAMM staff will meet with the requestor to determine the following:
- If a Pre-Bid conference is needed.
 - The required staff attendees of the Pre-Bid conference.
 - The advertising to be used and department/project advertisement budget availability.
 - The need to obtain Board approval.
 - If federally funded, the needed federal clauses.
 - Assure that the requestor understands that the Office of Small and Disadvantaged Business (OSDB) must approve all DBE and or SBE goals for the solicitation.
 - Determine Bonding and Insurance requirements.
 - Determine the need for Liquidated Damages.
 - The overall procurement timeline to include the date and time of the pre-proposal conference and the date, time and location for submitting proposals.
 - Any vendor sources recommended by the requestor.

<i>TWO STEP PROCUREMENTS</i>	PROCEDURE	
	Document Number:	FRS-PR-033
	Version Number:	05

4.7 THE EVALUATION TEAM:

- Shall consist of VTA staff recommended by the Project Manager approved by the Contract Administrator.
- The Contract Administrator shall act as chairperson and facilitator of the evaluation team and be a voting member.
- If there is a demonstrated need for non-VTA staff to be on the evaluation team, the Project Manager and Contract Administrator will agree on who those team members shall be.
- The evaluation team should be kept to a workable size. The Contract Administrator and three to four members would be an ideal size.
- The Contract Administrator shall have the responsibility of contacting the proposed evaluation team members and confirming their participation.
- The Contract Administrator shall have the responsibility of arranging all meetings places for the Pre-Proposal meeting and subsequent evaluation meetings.
- The Contract Administrator shall have the responsibility of notifying all evaluation team members of the dates, times and locations of necessary meetings.
- No consultants may be on the evaluation team.
- The Contract Administrator will have the responsibility of assuring that none of the evaluation team members have any conflict of interest in the solicitation.

4.8 CAMM RESPONSIBILITIES: CAMM staff will have the responsibility for:

- Preparing the solicitation document.
- Assuring the solicitation document contains the scope of work, the evaluation factors and their relative importance and any necessary federal clauses among other required elements.
- Assuring that documentation of the decision for the solicitation method used is in the file.
- Working with the Project Manager to determine the type of advertising to be used in the solicitation and developing the advertising budget.
- Placing all agreed upon advertisements, at least one in a newspaper of general circulation.
- Receiving notices of publication.
- Uploading the needed information to the VTA website.
- Arrange for the meeting room for the Pre-bid conference.
- Making arrangements for any needed site visits.

4.9 PRE-BID CONFERENCE: Should a Pre-Bid conference be needed, CAMM staff will have the following responsibilities:

- Chair the meeting and assure that questions asked are responded to appropriately, and to fully outline the procurement process that will be followed.

<i>TWO STEP PROCUREMENTS</i>	PROCEDURE	
	Document Number:	FRS-PR-033
	Version Number:	05

- Remind prospective proposers that all communications VTA throughout the procurement process will be with CAMM staff only unless indicated otherwise in this Procedure.
- Notify attendees that they must register as an interested vendor on the CAMM website for the specific RFP so they will be notified of any addenda that may be issued.
- Assure that needed VTA staff are in attendance, this would include staff from the requesting department, staff from the Office of Small and Disadvantaged Business and any others that may be needed to respond to questions from prospective bidders.
- Accurately document questions that are asked and answered and questions that must be responded to in writing at a later date.
- Assure that all attendees have signed in on sheets prepared for that use.
- Coordinate with the requestor and Legal Counsel's office if necessary to develop written responses to questions raised at the Pre-Proposal conference.
- Provide written responses to all plan holders of record to questions raised at the Pre-Bid conference.

4.10 COMMUNICATION WITH VENDORS: CAMM staff will be solely responsible for all communications with the vendors throughout the procurement process. Any VTA staff member that is contacted by a bidder or a prospective bidder must inform that vendor that such contact is inappropriate and refer that person to the CAMM staff member that is responsible for the procurement. Additionally CAMM staff should be notified of the contact. The only exception to this requirement is that prospective bidders may contact the OSDB to discuss related procedures and requirements.

4.11 ADDENDA: Any needed addenda to the solicitation documents must be prepared and issued by the responsible CAMM staff person. The issuance of such addenda will be done with involvement and concurrence of the requestor. Such addenda will be sent to all plan holders of record.

4.12 PLAN HOLDERS OF RECORD: The plan holders of record will be determined by those vendors who have registered on the VTA website for the specific RFP in question. Vendors who submit bids without having been so registered do so at the risk of not receiving addenda and potentially having their proposal rejected.

4.13 BID OPENING RESPONSIBILITIES: CAMM staff will have the following responsibilities:

- Receive all bids submitted in a timely manner.
- Consult with Counsel's Office to determine the proper handling of "late" submissions.
- Assure all proposals received are complete and responsive.

<i>TWO STEP PROCUREMENTS</i>	PROCEDURE	
	Document Number:	FRS-PR-033
	Version Number:	05

4.14 **POST BID OPENING RESPONSIBILITIES:** After the un-priced bids are received, CAMM staff will be responsible for the following:

- Distribute the un-priced bids to the evaluation team.
- The OSDB must approve all DBE/SBE goal attainment and direct any Good Faith Efforts review that may be necessary.
- Schedule and chair the evaluation process meetings.
- Assure that the evaluation is consistent with the published evaluation criteria.
- The evaluations should be categorized as Acceptable, Potentially Acceptable (those determined to potentially be made acceptable), Unacceptable.
- Bidders whose un-priced bids have been determined to be Unacceptable may be notified by CAMM of that fact and normally will not be afforded additional opportunities to submit supplemental information.
- Determine, with the Project Manager if any discussions with Acceptable and Potentially Acceptable bidders are necessary.
- If discussions are necessary, schedule times and meeting facilities with the necessary bidders and VTA staff.
- Work with the Project Manager to determine the agenda for the discussion meetings.
- Chair the discussion meetings.
- Determine if any of the Potentially Acceptable bidders have become Acceptable based on the discussions.
- Notify any bidders who have now been determined to be Unacceptable.
- Work with the Project Manager to develop any needed revisions to the technical specifications and send any revisions to the Acceptable bidders.
- Set a time and date for submission of priced bids.
- When priced bids are received open them publically and announce the bid prices for each bidder.
- Indicate to all present the name of the apparent low bidder and that VTA staff will review the bids and subsequently issue a Notice of Recommended Award to all parties.
- Draft the Notice of Recommended Award and send to all plan holders of record.
- Assist the requestor with drafting the Board Memo, if needed.
- Create the necessary contract documents for signature when the contract has been approved.
- Secure the required signatures on the contract documents from the awardee and VTA.
- Distribute the fully executed contract document to the awardee and the requestor.
- Maintain a complete procurement contract file.

4.15 **PROTESTS:** Any protests received during the procurement process will be handled according to Policy and Procedure FRS-PL-036 & FRS-PR-036.

TWO STEP PROCUREMENTS	PROCEDURE	
	Document Number:	FRS-PR-033
	Version Number:	05

- 4.16 **AMENDMENTS:** Any changes to the executed contract must be accomplished by a contract amendment. A contract amendment can be requested by the vendor or VTA. CAMM staff will have the following responsibilities when a contract amendment is contemplated:
- Work with the Project Manager to develop the scope of the intended contract change.
 - Assure that the proposed amendment is within the scope of the original agreement.
 - Assure that the proposed amendment is not a “Cardinal” change to the contract.
 - Assure that the Project Manager has developed a valid Independent Cost Estimate (ICE).
 - Participate, as needed, in the negotiations of such amendments with the vendor.
 - Assure that the Project Manager has completed a Negotiation Summary which documents the negotiations that took place to resolve differences in price or scope between the ICE and the vendors proposal.
 - Draft or approve the amendment.
 - Secure appropriate approval signatures from the vendor and VTA.
 - Assure that the vendor and the Project Manager receive fully executed amendments.
- 4.17 **CONTRACT CLOSEOUT:** CAMM staff will assure that all contract closeout requirements are met.

5.0 **Definitions:**

Days:	Working days of VTA.
File or Submit:	The date of receipt by VTA.
Interested Party:	All bidders/proposers on a procurement, and any subcontractor or supplier that shows a substantial economic interest in a provision of the Invitation for Bids (IFB) or Request for Proposal (RFP), or in the interpretation of such a provision.
Bid:	Includes “offer” and “proposal”.
IFB:	Invitation for Bids
DBE:	Disadvantages Business Enterprise
FTA:	Federal Transportation Administration

TWO STEP PROCUREMENTS	PROCEDURE	
	Document Number:	FRS-PR-033
	Version Number:	05

Contract:	<p>A contract can be:</p> <ul style="list-style-type: none"> • A formal contract document that contains all of the terms, conditions and specifications of the agreement. • A standard VTA Purchase Order. • A Construction Agreement.
CAMM Staff Member:	Used interchangeably with Contract Administrator or Buyer
Requestor:	The responsible VTA staff member that has requested the product or service. Sometimes referred to as the Project Manager or Project Engineer.
Project Manager:	The person who submitted the requisition for the product or service and is (or will be) the responsible party for the contract once executed.
Cardinal Change:	A Cardinal Change is a change that is not within the general scope of the original contract or of such a large dollar value that a new procurement would be justified.
Amendment:	A formal document signed by both parties to the original contract that change the terms, conditions or specifications of the original contract. In the case construction contracts, can be referred to as a Change Order or a Construction Change Order.

6.0 Records:

Records of protests shall be maintained within the Contracts and Materials Management Department according to established record retention guidelines.

7.0 Appendices:

Not applicable.

8.0 Training Requirements:

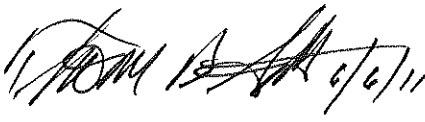


Contracts and Materials Management will have responsibility for training VTA staff for compliance with this Procedure.

9.0 Summary of Changes:

This is a new Procedure that outlines existing practice as a result of periodic review of policies.

TWO STEP PROCUREMENTS	PROCEDURE	
	Document Number:	FRS-PR-033
	Version Number:	05

10.0 Approval Information:

<i>Prepared by</i>	<i>Reviewed by</i>	<i>Approved by</i>
 Thomas B. Smith Purchasing and Materials Manager	 Joseph T. Smith Chief Financial Officer	 Michael T. Burns General Manager

6/28/2011
Date Signed

Original Date:	Revision Date:	Page 8 of 8
10/14/94	5/30/11	