

UTAH TRANSIT AUTHORITY POLICY

No. UTA.02.05

PROCUREMENT

1) Purpose.

The purpose of this policy is to define the controlling principles, regulations and laws that govern UTA Procurement of goods, services, and construction in fulfillment of its purpose to provide integrated mobility solutions to service life's connections, improve public health and enhance quality of life.

2) Definitions.

“Chief Procurement Officer” means the chief officer, normally the Chief Financial Officer, who exercises oversight and control of the Procurement organization and function.

“Federally assisted Procurement” means a Procurement which is financed in whole or in part by Federal funds.

“FTA Third Party Contracting Guidance” means the Federal Transit Administration Procurement Circular covering the Procurement of goods, services, and construction when federal funds are used to finance the Procurement. (FTA C 4220.1F)

“Master Agreement” means the official Federal Transit Administration (FTA) Master Agreement¹ that applies to each underlying agreement (third party agreements) where FTA assistance is provided. It contains the standard terms and conditions that apply to any underlying agreement.

“Procurement” means the cradle to grave process involved with the acquisition of goods, services, or construction through the expenditure of public funds.

“Super Circular” means the uniform administrative requirements, cost principles, and audit requirements for federal awards contained at 2 C.F.R. § 200 (Subparts A through F)

“UTA” means Utah Transit Authority

“Utah Procurement Code” means State of Utah law (Title 63G Chapter 6a) covering the acquisition of goods, services, and construction through an expenditure of public funds.

3) Policy.

UTA will conduct all Procurements in a manner which:

- Ensures transparency in the UTA Procurement process.
- Ensures fair and equitable treatment of all persons who participate in the UTA Procurement process.
- Fosters full and open competition to the maximum extent practicable.

¹ <https://www.transit.dot.gov/grantee-resources/sample-fta-agreements/fta-master-agreement-version-28-february-9-2021>

- Obtains the best value product, service, or construction for UTA.
- Avoids the appearance of conflict of interest with regard to the solicitation, evaluation, award, or administration of UTA contracts.
- Ensures all Procurements receive the appropriate level of legal, functional and leadership reviews and approvals prior to entering into binding contracts.
- Complies with all state Procurement laws.
- Complies with the Public Transit District Act (UCA 17B-2A-801) and UTA Board Policy 2.2.
- For any Federally Assisted Procurement, complies with all federal laws, regulations and guidance including current versions of the FTA Third Party Contracting Guidance (FTA C 4220.1F), Super Circular (2 C.F.R. § 200 (Subparts A through F)) and the applicable FTA Master Agreement (FTA MA 28).

A. Procurement Documentation

UTA's Supply Chain Department will maintain detailed Procurement Documentation which describes each part of the Procurement process in detail from initial Procurement planning through solicitations, evaluation, and award, to the handling of protests.

B. Responding to Protests.

UTA will respond to protests in a timely and impartial manner within the guidelines set forth in the Utah Procurement Code and UTA's Procurement Standard Procedures. A protest involving a Federally Assisted Procurement will be reported to the FTA Regional Administrator through the FTA Regional Counsel's Office.

The initial protest will be decided by the Chief Procurement Officer based upon advice provided by the assigned Assistant Attorney General. Any appeal will be decided by an appeals panel appointed by the Chairman of the Board or other Trustee. The standard for review on appeal will be whether the Chief Procurement Officer's decision was arbitrary and capricious or clearly erroneous. The detailed instructions for handling a protest at both the Chief Procurement Officer and appeal level will be included in the Supply Chain Department's detailed Procurement Documentation.

C. Responsibilities.

1. The UTA Supply Chain Department, under the direction of the Chief Procurement Officer, will have the lead responsibility for all Procurement activities through contract award in compliance with this policy.
2. Any UTA organization and each UTA employee that engages in the Procurement of goods, services, or construction will have lead responsibility for post-award contract administration activities working cooperatively with the Procurement Organization in full adherence to this Policy.

The Assistant Attorney General assigned to support the Procurement organization will have the responsibility to:

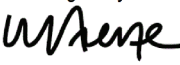
- a. Review and approve any Procurement above the micro purchase threshold to ensure compliance with all applicable Procurement laws and regulations, applicable UTA Policies, Procedures, and Supply Chain's detailed Procurement Documentation.
- b. Coordinate and prepare the Agency response to any protest for consideration by the Chief Procurement Officer acting in the capacity of Protest Officer.

- c. Coordinate and prepare a response to any appeal for consideration by the Board of Trustees appeals panel. Notify the FTA Regional Counsel’s Office of any protest involving a Federally Assisted Procurement.

4) Cross-References.

- UTA Board Policy 2.2 Contract Authority and Procurement
- UTA.01.01 Ethics Policy
- UTA.02.02 Contracting Authority Policy
- FTA Super Circular 2 C.F.R. § 200 (Subparts A through F)

This UTA Policy was reviewed by UTA’s Chief Officers on 08/04/2021, approved by the Board of Trustees on _____ and approved by the Executive Director on _____. This policy takes effect on the latter date.

<p>DocuSigned by:  E17559BFE7DD49E... William Greene, Chief Financial Officer Accountable Executive</p>	<p>_____ Jay Fox Executive Director</p>
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Approved as to form and content:

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 Counsel for the Authority

History

Date	Action	Owner
	Rescinded – Corporate Policy 1.1.7 Procurement and Contracting Code of Conduct Rescinded – Corporate Policy 1.2.1 Procurement Standards Rescinded – Corporate Policy 1.2.2 Technology Hardware and Software Procurement Policy	Supply Chain Director
	Board Approved – UTA.02.05 Procurement Policy	Supply Chain Director
	Adopted – UTA.02.05 Procurement Policy	Supply Chain Director