

Subrecipient: _____
Project No.: _____
Object Code/Line Item No.: _____

IMD
01/25

FORMAL BIDS - PROCUREMENT CHECKLIST
\$90,000+ (Equipment/Supplies) *
\$500,000+ (State) \$150,000+ (Federal-Construction) *

This checklist incorporates the State's local government procurement requirements as stated in N.C.G.S. 143-129 and 143-131, the Federal Transportation Administration's (FTA) requirements as stated in FTA Circular 4220 (as amended), guidance found in FTA's Best Practices Manual, and FTA's Master Agreement FTA MA (as amended), the "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 C.F.R Part 200, dated December 26, 2014, and FTA's new authorizing legislation, and any subsequent amendments or revisions thereto.

TYPE OF PURCHASE (list quantity and describe)

Submit Procurement Checklist for pre-award authorization for ALL formal bids*:

___ Construction: _____
___ Rolling Stock: _____
___ Equipment/supplies: _____
___ Service Contract (RFP): _____
___ Other: _____

___ **PURCHASE FROM STATE CONTRACT*:** Contract No. _____ (contract name)

***Include federal requirements with Purchase Order when issuing to vendor if federally funded; Appropriate certification must be completed if purchase is over \$25,000 threshold. Indicate in Section B the federal requirement package attached to P.O.**

FUNDING SOURCES (check all that apply)

___ State funds - Complete Part A of Procurement Process only
___ Federal funds- Parts A and B of Procurement Process must be completed
___ FTA grant funds: ___ 5311 ___ 5310 ___ 5316 ___ 5317 ___ 5339 ___ 5307, Other: ___

PROCUREMENT PROCESS

- ___ **A. FORMAL BIDS:** Equipment & Supplies - \$90,000 or greater; Construction - \$500,000 or greater (State funds only); Construction-\$150,000 or greater (federal and state funds)
1. Specification or criteria and instructions to bidder.
 2. Advertisement - may use electronic advertisement or newspaper, or both. Must have prior board authorization if advertisement is solely electronic. At least 7 full days must lapse between notice and bid opening. List publications or method: _____
 3. Solicitation: Mail to at least 3 responsible suppliers (list): _____
 4. Date Bid Let: _____
 5. Date/Time of Bid Opening: _____
 6. Number of Addenda: _____
 7. Number of Sealed Bids Received (Construction must have minimum 3): _____
 8. Tabulation (attach copy): _____
- Additional Construction Requirements:**
9. Bid Bond (5%) (required for construction **ONLY**): _____
 10. Performance & Payment Bonds (100%) (required for construction **ONLY**): _____
 11. MBE/WBE/DBE participation: FTA funded: DBE project specific goal assigned ___%; NCDOT-DBE policy to be included in bid documents; State funded: Attach State MBE/WBE Construction documents for participants and Affidavits A & B; Affidavit C or D must be submitted after notification to low bidder.
 12. **Indicate type of bid:** Separate-prime bidding ___ Single-prime bidding ___
Dual Bidding (separate & single prime) ___ Construction Management at Risk _____
Alternative Contracting (prior approval by State Building Commission required) _____
 13. (All Bids) Contract award recommendation(attach copy of contract): _____
(If award made to other than the low bidder, provide justification for award.)
 14. State funded only: go to last page, certify with authorized signature. ___
FTA funded: complete all sections of item **B. FEDERAL REQUIREMENTS** that apply. ___

B. FEDERAL REQUIREMENTS:

Provide the correct federal requirements that apply to your procurement. Please go to the IMD Web Site to find the applicable set of federal requirements. You will find the link listed here:

<https://connect.ncdot.gov/business/Transit/Pages/Transit-Procurement.aspx> . Then under the "Federal and State Requirements", you will find the listed Federal Requirement selection listed below. You will need to download the appropriate one for your procurement. Attach this document to your Formal Bid Document.

Select the Federal Requirements that you used for your Solicitation:

- Construction
 - Rolling Stock
 - Materials / Equipment / Supplies
 - Operations & Management
 - Professional A & E Services
 - Technology/ Goods/ Services
- Certifications:** *(Include all executed certifications when submitting documentation for approval.)*
- 1. All bids over \$90,000 that require a service or installation must include the **Affidavit of Compliance with NC E-Verify** signed by all vendors, suppliers, or contractors certifying that they are in compliance with NCGS 64-26.
 - 2. **Lobbying Certification** - Required with bids exceeding \$100,000 signed by all vendors, suppliers, or contractors, certifying that no funds are being used for lobbying. This certification is included with all the federal requirements.
 - 3. All bids over \$90,000 must include the **Debarment Certification** signed by all vendors, suppliers, or contractors certifying that they are not on the State's or Federal's Debarment or Excluded Parties Listing System.
The transit system is required to review all third party contractors under the Excluded Parties Listing System at <http://sam.gov> and the State's Debarment List at <http://www.pandc.nc.gov/actions.asp> before entering into any contracts.
 - 4. **Buy America Certification** is required for all bids involving equipment, materials or construction over \$150,000. Only one Certification **MUST** be submitted with the bid; a bid is considered non-responsive if the certification is not submitted or if both the compliance and non-compliance certifications are submitted, the contract cannot be awarded.
 - 5. **Rolling Stock Quotes – a TVM Certification** is required for all vehicles other than minivans or crossover type vehicles. The Certification **MUST** be submitted with the quote; a quote is considered non-responsive if certification is not submitted and contract cannot be awarded. The TVM goal must be verified by on the FTA website and the TVM report form must be completed within 30 days of award of contract/issuance of P.O.
 - 6. **Rolling Stock bids – a Bus Testing Certification** is required for ADA minivans and all vehicles other than vans (unmodified 9 passenger or less vehicles, 10-15 passenger standard vans, or modified 10-15 passenger vans with or without wheelchair lifts). The Certification **MUST** be submitted prior to the award of the contract. A copy of the Bus Testing Report must be kept on file.
 - 7. N.C.G.S. §147-86.59 requires that all bids or contracts or renewals with the State of NC or local governments, or any political subdivisions of the State, have a certification that the contractor is not on the Final Divestment List that has been created by the NC State Treasurer pursuant to N.C.G.S. § 147-86.58. In compliance with the requirements of N.C.G.S. § 147-86.55 and 147-86.59, the Contractor shall not utilize the performance of the contract with any subcontractor that is identified on the Final Divestment List.

Additional Requirements: *(Include all documentation with checklist)*

- 1. **Rolling Stock Pre-Award and Post Delivery Audit.** – Grantee **MUST conduct** Pre-Award Audit and **Certify** that vehicle meets specifications and the FMVSS compliance requirements. Upon delivery, “Post Delivery” **MUST** be completed and **Certify** that vehicle meets requirements. Documentation must be kept on file.

I hereby certify that this procurement was conducted following all applicable state, federal and local procedures and requirements. Documentation regarding this procurement is on file and will be retained at least five (5) years from the date of project closeout, in accordance with state and federal requirements. **(The person that certifies this checklist and that the procurement was conducted following all applicable procedures must be authorized to have oversight of this procurement.)**

I am authorized to certify at this procurement level:

(Signature)

(Date)

(Title)

(Telephone number)

PRIOR APPROVAL IS REQUIRED FOR ALL FORMAL BIDS OVER \$90,000.

Integrated Mobility Division Approval:

BY: _____

Date: _____

APPROVED: _____ AMOUNT: _____

COMMENTS: _____

APPENDIX D
PROVISIONS, CERTIFICATIONS, REPORTS, FORMS, AND OTHER -- MATRICES

A. THIRD PARTY CONTRACT PROVISIONS

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

PROVISION	COMMENTS	MASTER AGREEMENT REFERENCE (based on FA MA(30) 11-2-2022)
All FTA Assisted Third Party Contracts and Subcontracts		
No Federal Government Obligations to Third Parties (Use of Disclaimer)		§ 3(l)
False or Fraudulent Statements or Claims – Civil and Criminal Fraud		§ 4.e
Access to Third Party Contract Records		§ 16.s
Changes to Federal Requirements		§ 3.j.(1)
Equal Employment Opportunity (except special DOL construction clause))		§ 12
Disadvantaged Business Enterprises (DBEs)	Contract awarded on the basis of a bid/proposal offering to use DBEs.	§ 12.e
Incorporation of FTA Terms	Per FTA C 4220 (as amended)	§ 16.d
Prompt Payment		49 CFR 26.29
Prohibition on Certain Telecommunications Equipment		2 CFR 200.216 FAR 52.204-24
Seat Belt Use		§ 34.(a)
Distracted Driving		§ 34.(b)
Federal Tax Liability and Recent Felony Convictions		§ 4.(g)(1)(i)
Trafficking in Persons		§ 4.(f)
Awards Exceeding \$10,000		
Terminations		§ 11 and § 16.d.(2)
Debarment and Suspension	Awards exceeding \$25,000	§ 4.h
Notice to FTA and U.S. DOT Inspector General of waste, fraud, abuse...	Awards exceeding \$25,000	§ 39(b)
Lobbying	Awards exceeding \$100,000	§ 4.c and § 16.d(8)
Awards Exceeding the Simplified Acquisition Threshold (\$250,000)		
Resolution of Disputes, Breaches, or Other Litigation		§ 39
Awards Exceeding \$150,000 by Statute		
Clean Air	42 U.S.C. 7401-7671q.	§ 16.d.(7)
Clean Water	33 U.S.C 1251-1387	§ 16.d.(7)
Buy America	When tangible property or construction will be acquired. The threshold for applicability is no longer tied to the simplified acquisition threshold. It is statutorily fixed in 49 U.S.C. §5323(j)(13).	§ 15.a and b

PROVISIONS, CERTIFICATIONS, REPORTS, FORMS, AND OTHER — MATRICES

– **THIRD PARTY CONTRACT PROVISIONS (Continued)**

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

PROVISION	COMMENTS	MASTER AGREEMENT REFERENCE (based on FA MA(30) 11-2-2022)
Transport of Property or Persons		
Cargo Preference	When acquiring property suitable for shipment by ocean vessel.	§ 15.c
Fly America	When property or persons are transported by air between U.S. and foreign destinations, or between foreign locations.	§ 15.d
Construction Activities		
Construction Employee Protections – Davis-Bacon Act	For contracts exceeding \$2,000.	§ 16.d.(4)
Construction Employee Protections – Contract Work Hours & Safety Standards Act	For contracts exceeding \$100,000. OMB Office of Federal Financial Management has not adopted the FAR clause 2.101 \$150,000 simplified acquisition threshold standard.	§ 16.d.(5)
Construction Employee Protections – Sec. 1 Copeland Anti-Kickback Act – Sec. 2 Copeland Anti-Kickback Act	All contracts All construction contracts exceeding \$2,000.	§ 16.d.(4)
Special EEO Provision for Construction	All construction contracts	§ 16.d.(3)
Bonding for Construction Activities Exceeding \$250,000	5% bid guarantee bond. 100% performance and payment bond.	§ 16.n
Seismic Safety	Construction contracts for new buildings or for existing buildings.	§ 23.b
Veterans Preference	All construction contracts	16.u
Non-construction Activities		
Nonconstruction Employee Protection – Contract Work Hours & Safety Standards Act	For all turnkey, rolling stock, and operational contracts (except transportation services contracts and open market contracts) exceeding \$100,000. OMB Office of Federal Financial Management has not adopted the FAR clause 2.101 \$150,000 simplified acquisition threshold standard.	§ 24.b
Transit Operations		
Transit Employee Protective Arrangements		§ 24.d
Charter Bus Operations		§ 28
School Bus Operations		§ 29
Drug Use and Testing	Safety sensitive functions.	§ 35.b
Alcohol Misuse and Testing	Safety sensitive functions.	§ 35.b

PROVISIONS, CERTIFICATIONS, REPORTS, FORMS, AND OTHER—MATRICES

A. THIRD PARTY CONTRACT PROVISIONS (Continued)

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

PROVISION	COMMENTS	MASTER AGREEMENT REFERENCE (based on FA MA(30) 11-2-2022)
Planning, Research, Development, and Demonstration Projects		
Patent Rights		§ 17
Rights in Data and Copyrights		§ 18
Special Notification Requirements for States		
Special Notification Requirement for States		§ 37
Miscellaneous Special Requirements		
Energy Conservation	All Contracts	§ 26
Recycled Products	Contracts when procuring \$10,000 or more per year of items designated by EPA.	§ 16.d.(10)
Prohibition on Certain Telecommunications Equipment	All Contracts	2 CFR 200 Appendix II 2 CFR 200.216
Conformance with National ITS Architecture	Contracts and solicitations for ITS projects.	§ 16.l
ADA Access	Contracts for rolling stock or facilities construction/renovation.	§ 12.h
Assignability Clause	Procurements through assignments (“piggybacking”).	§ 16.a, which incorporates FTA circular 4220.1

PROVISIONS, CERTIFICATIONS, REPORTS, FORMS, AND OTHER—MATRICES

B. APPLICABILITY OF THIRD PARTY CONTRACT PROVISIONS

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

TYPE OF PROCUREMENT					
PROVISION	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase	Construction	Materials & Supplies
No Federal Government Obligations to Third Parties (by Use of a Disclaimer)	All	All	All	All	All
False Statements or Claims Civil and Criminal Fraud	All	All	All	All	All
Access to Third Party Contract Records	All	All	All	All	All
Changes to Federal Requirements	All	All	All	All	All
Termination	>\$10,000	>\$10,000	>\$10,000	>\$10,000	>\$10,000
Equal Employment Opportunity except Special DOL EEO clause for construction projects)	All	All	All	All	All
Special DOL EEO clause for construction projects				>\$10,000	
Disadvantaged Business Enterprises (DBEs)	All	All	All	All	All
Incorporation of FTA Terms	All	All	All	All	All
Debarment and Suspension	>\$25,000	>\$25,000	>\$25,000	>\$25,000	>\$25,000
Buy America			>\$150,000	>\$150,000	>\$150,000
Resolution of Disputes, Breaches, or Other Litigation	>\$250,000	>\$250,000	>\$250,000	>\$250,000	>\$250,000
Lobbying	>\$100,000	>\$100,000	>\$100,000	>\$100,000	>\$100,000
Clean Air	>\$150,000	>\$150,000	>\$150,000	>\$150,000	>\$150,000
Clean Water	>\$150,000	>\$150,000	>\$150,000	>\$150,000	>\$150,000
Cargo Preference			Transport by ocean vessel.	Transport by ocean vessel.	Transport by ocean vessel.
Fly America	Foreign air transp. /travel.	Foreign air transp. /travel.	Foreign air transp. /travel.	Foreign air transp. /travel.	Foreign air transp. /travel.
Notice to FTA and U.S. DOT Inspector General of Information Related to Fraud, Waste, etc.	\$25,000 or More. Prime and Subs	\$25,000 or More. Prime and Subs	\$25,000 or More. Prime and Subs	\$25,000 or More. Prime and Subs	\$25,000 or More. Prime and Subs
Prompt Payment	All	All	All	All	All

PROVISIONS, CERTIFICATIONS, REPORTS, FORMS, AND OTHER—MATRICES

B. APPLICABILITY OF THIRD PARTY CONTRACT PROVISIONS (Continued)

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

TYPE OF PROCUREMENT					
PROVISION	Professional Services/A&E	Operations/ Management	Rolling Stock Purchase	Construction	Materials & Supplies
Davis-Bacon Act				>\$2,000 (also ferries).	
Veterans Preference				>\$150,000	
Contract Work Hours and Safety Standards Act		>\$250,000 (transportation services excepted).	>\$250,000	>\$250,000 (also ferries).	
Copeland Anti-Kickback Act Section 1 Section 2				All > \$2,000 (also ferries).	
Bonding				>\$250,000	
Seismic Safety	A&E for new buildings & additions.			New buildings & additions.	
Transit Employee Protective Arrangements		Transit operations.			
Charter Service Operations		All			
School Bus Operations		All			
Drug Use and Testing		Transit operations.			
Alcohol Misuse and Testing		Transit operations.			
Patent Rights	R & D				
Rights in Data and Copyrights	R & D				
Energy Conservation	All	All	All	All	All
Recycled Products		EPA-selected items \$10,000 or more annually.		EPA-selected items \$10,000 or more annually.	EPA-selected items \$10,000 or more annually.
Seat Belt Use	All	All	All	All	All
Distracted Driving	All	All	All	All	All
Conformance with ITS National Architecture	ITS projects.	ITS projects.	ITS projects.	ITS projects.	ITS projects.
ADA Access	A&E	All	All	All	All
Notification of Federal Participation for States	Limited to States.	Limited to States.	Limited to States.	Limited to States.	Limited to States.
Prohibition on Certain Telecommunications Equipment	All	All	All	All	All
Federal Tax Liability and Recent Felony Convictions	All	All	All	All	All
Trafficking in Persons	All	All	All	All	All

PROVISIONS, CERTIFICATIONS, REPORTS, FORMS, AND OTHER—MATRICES

C. CERTIFICATIONS, REPORTS, AND FORMS

CERTIFICATIONS, REPORTS, AND FORMS	COMMENTS	REGULATORY REFERENCE
Bus Testing Certification	All procurements of new model transit buses and vans and existing models being modified with major changes.	49 CFR Part 665
TVM Certifications	All rolling stock procurements.	49 CFR Part 26
Buy America Certification	Procurements of steel, iron, manufactured products and construction materials exceeding \$150,000.	49 CFR Part 661
Preaward Review	FTA Annual Certification for any rolling stock procurement.	49 CFR Part 663
Preaward Buy America Certification	Rolling stock procurements exceeding \$150,000.	49 CFR Part 663
Preaward Purchaser's Requirement	All rolling stock procurements.	49 CFR Part 663
Post Delivery Review	FTA Annual Certification for any rolling stock procurement.	49 CFR Part 663
Post Delivery Buy America Certification	Rolling stock procurements exceeding \$150,000.	49 CFR Part 663
Post Delivery Purchaser's Requirement	All rolling stock procurements to the extent required by Federal law and regulations.	49 CFR Part 663
On-Site Inspector's Report	Rolling Stock except for procurements of: - 10 or fewer vehicles; - 20 or fewer vehicles serving rural (other than urbanized) areas or urbanized areas or 200,000 people or fewer; - any amount of primary manufactured standard production and unmodified vans that after visual inspection and road testing meet the contract specifications.	49 CFR Part 663
Federal Motor Vehicle Safety Standards – Pre Award and Post Delivery Reviews	Motor vehicle procurements (49 CFR 571).	49 CFR Part 663
Lobbying	Procurements exceeding \$100,000.	49 CFR Part 20 OMB Office of Federal Financial Management has not adopted FAR 2.101 \$150,000 simplified acquisition threshold standard.
Standard Form LLL and Quarterly Updates (when required)	Procurements exceeding \$100,000 where contractor engages in lobbying activities.	49 CFR Part 20 OMB Office of Federal Financial Management has not adopted FAR 2.101 \$150,000 simplified acquisition threshold standard.

PROVISIONS, CERTIFICATIONS, REPORTS, FORMS, AND OTHER—MATRICES

D. OTHER MATTERS

OTHER MATTERS	COMMENTS	STATUTORY OR REGULATORY REFERENCES
Contract Administration System		2 CFR § 200.318(b)
Record of Procurement History		2 CFR § 200.318(i)
Protest Procedures		2 CFR § 200.318(k)
Selection Procedures		2 CFR § 200.320 b.
Cost/Price Analysis		2 CFR § 200.324
Justification for Noncompetitive Awards	If Applicable.	2 CFR § 200.320 c.
No Excessive Bonding Requirements		2 CFR § 200.319(b) (2)
No Exclusionary Specifications		2 CFR § 200.319(d) (1)
No Geographic Preferences	Except for A&E Services	42 CFR § 200.319 c.