



TEXOMA AREA PARATRANSIT SYSTEM, INC.
AGENDA
BOARD OF DIRECTORS MEETING

Notice is hereby given that a regular meeting of the Board of Directors of the Texoma Area Paratransit System will be held **November 15, 2023** @ 2:00pm at 6104 Texoma Parkway, Sherman or **virtually at:**

Meeting ID: 356 728 070 366

Passcode: ufJ9vE

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Agenda as follows:

- I. Establish Quorum, Call to Order and Invocation
- II. Public Comments - Citizens may speak on items listed on this agenda. A “Request to Speak Card” should be completed and returned to the Board Secretary before the Board meeting convenes. Citizen comments are limited to three (3) minutes.
- III. Introductions – New Board Member from Fannin County, Doug Kopf
- IV. Approval of Board Minutes – Minutes from the August 16, 2023, meeting is attached and submitted for review and consideration of approval.
- V. Review and Adopt Transit Asset Management (TAM) Plan Update – Staff request Board review and consider adoption of TAM Plan Update. This update includes annual update to inventory.
- VI. Review and Adopt Public Transportation Agency Safety Plan (PTASP) Update – Staff request Board review and consider adoption of PTASP Plan Update.
- VII. Review and Adopt TAPS Procurement Policies and Procedures Update – Staff requests Board review and consider adoption of TAPS Procurement Policies and Procedures Update.
- VIII. New Transit Building Update – Staff to discuss and answer questions regarding progress and next steps of TAPS building project.
- IX. Monthly Financial Update – Staff have provided financial reports and will answer any questions Board has regarding reports.

Planning portion of financial audit will begin in December 2023. Auditors will be onsite for final audit work in January 2024.
- X. Capital Projects – Staff will update the Board on planned capital projects.
- XI. Operational Update – Staff provide operational reports and will answer any questions the Board has regarding reports.



TEXOMA AREA PARATRANSIT SYSTEM, INC.
AGENDA
BOARD OF DIRECTORS MEETING

- XII. Executive Officer Elections for TAPS Board of Directors – Recognize Board Membership and elect Board Officers.

Current Officers:

Board Chairperson – Pamela Howeth, City of Sherman Council
Board Vice-Chair – J.D. Clark, Wise County Judge
Board Treasurer – Phyllis James, Grayson County Commissioner

- XIII. Consider/Adopt Bank Account Signature Authority – Staff to seek adoption of resolution pertaining to TAPS bank account signature authority based on outcome of Executive Officer elections.
- XIV. TAPS Delegation of Authority – Staff to seek consideration and adoption of resolution assigning delegation of authority. Each year TXDOT and FTA requires TAPS updates signature authority per the program requirements.
- XV. Schedule next Board meeting – Next Board meeting to be tentatively scheduled for February 21, 2024 at 2pm.
- XVI. Comments by TAPS Board of Directors
- XVII. Adjournment

BOARD MINUTES



**TEXOMA AREA PARATRANSIT SYSTEM
MINUTES OF THE BOARD OF DIRECTORS**

REGULAR MEETING

August 16,2023

MEMBERS PRESENT: Pamela Howeth Chairperson, J.D. Clark Vice Chairman, Matt Sicking, Edwina Lane, and James Thorne. Phyllis James,

MEMBERS MISSING: Mike Campbell, Kevin Benton

STAFF PRESENT: Shellie White, Scott Parten, Brenda Davis, Eddie Brunk, Bill Null, Joe Penson, Christina Zamora, and Karen Kemp.

GUESTS PRESENT: Clay Barnett, Josh Walker, Bill Magers

- I. **CALL TO ORDER:** Chairperson Pamela Howeth declared a quorum, calling the meeting to order at 2:10 PM.
- II. **INVOCATION:** Edwina Lane provided invocation.
- III. **PUBLIC COMMENTS:** Citizens may speak on items listed on the agenda as Public Hearings. A "request to speak card" should be completed and returned to the Board Secretary before the Board considers the item listed under Public Hearings. Citizen Comments on public hearings are limited to three (3) minutes.

There were no speakers.

- IV. **APPROVAL OF BOARD MINUTES:** Chairperson Pamela Howeth presented the minutes from the May 17,2023 Board Meeting for approval. Edwina Lane made a motion to approve the board minutes as presented. James Thorne seconded the motion. The motion was passed unanimously.
- V. **Approval of Proposal from Huitt-Zollars for TAPS new Facility Professional Services:** Shellie White introduced Clay Barnett from Huitt-Zollars to go over the contract details. With no questions or concerns from the Board. Phyllis James made a motion to approve the contract. Matt Sicking second the motion. The motion was passed unanimously.

- VI. **Monthly Financial Update:** General Manager Shellie White gave the financial update from May, June, and July. With no questions or concerns from the Board.
- VII. **Capital Projects:** General Manger Shellie White gave the update on our Capital projects. The Forklift has been delivered, and the covered parking project was completed. All Projects were paid for through Grants. New projects for this fiscal year include ordering 20 buses 10 of which will be her 2024 fiscal year and the other 10 in the 2025 fiscal year. Funds in the amount of 1.2 million will be provided through Grants. All was reviewed without significant concern from the Board. Chairperson Pamela asked for a motion to approve the purchase of Buses in 2024 Phyliss James made the motion to approve James Thorne second the motion. The motion passed unanimously.
- VIII. **Operational Update:** Staff updated the Board on trip data and advertising for recruiting more employees, as well as our drug testing findings. All was reviewed without significant concern from the Board.
- IX. **FY2024 TAPS Budget:** Staff presented the Board with proposed budget Phyliss James made a motion to accept the FY23 Budget as amended and the FY24 Operating Budget. Second by James Thorne.
- X. **Transdev PPOP Agreement:** Staff presented the Board with proposed updated Transdev Agreement. Phyliss James made a motion to accept the Twelfth Amendment and Thirteenth Amendment to the Transdev PPOP agreement. Second by Edwina Lane.
- XI. **Schedule next Board Meeting:** Set for November 15,2023 @ 2:00pm.
- XII. **Comments by TAPS Board of Directors:** Chairperson Pam Howeth thanked Edwina Lane for her service. No other comments or questions from the TAPS Board of Directors.
- XIII. **Adjournment:** Chairperson Pam Howeth called for adjournment at 3:15 pm

Texoma Area Paratransit System, Inc.

Public Transportation Agency Safety Plan

Version 3

Adopted November 15, 2023

In compliance with 49 CFR Part 673

**Developed in conjunction with the
Texas Department of Transportation**

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1. EXECUTIVE SUMMARY

Moving Ahead for Progress in the 21st Century (MAP-21) granted the Federal Transit Administration (FTA) the authority to establish and enforce a comprehensive framework to oversee the safety of public transportation throughout the United States. MAP-21 expanded the regulatory authority of FTA to oversee safety, providing an opportunity to assist transit agencies in moving towards a more holistic, performance-based approach to Safety Management Systems (SMS). This authority was continued through the Fixing America's Surface Transportation Act (FAST Act).

In compliance with MAP-21 and the FAST Act, FTA promulgated a Public Transportation Safety Program on August 11, 2016, that adopted SMS as the foundation for developing and implementing a Safety Program. FTA is committed to developing, implementing, and consistently improving strategies and processes to ensure that transit achieves the highest practicable level of safety. SMS helps organizations improve upon their safety performance by supporting the institutionalization of beliefs, practices, and procedures for identifying, mitigating, and monitoring safety risks.

There are several components of the national safety program, including the National Public Transportation Safety Plan (NSP), that FTA published to provide guidance on managing safety risks and safety hazards. One element of the NSP is the Transit Asset Management (TAM) Plan. Public transportation agencies implemented TAM plans across the industry in 2018. The subject of this document is the Public Transportation Agency Safety Plan (PTASP) rule, 49 CFR Part 673, and guidance provided by FTA.

Safety is a core business function of all public transportation providers and should be systematically applied to every aspect of service delivery. At Texoma Area Paratransit System, Inc (TAPS), all levels of management, administration and operations are responsible for the safety of their clientele and themselves. To improve public transportation safety to the highest practicable level in the State of Texas and comply with FTA requirements, the Texas Department of Transportation (TxDOT) has developed this Agency Safety Plan (ASP) in collaboration with TAPS and Transdev.

To ensure that the necessary processes are in place to accomplish both enhanced safety at the local level and the goals of the NSP, TAPS and Transdev adopt this ASP and the tenets of SMS including a Safety Management Policy (SMP) and the processes for Safety Risk Management (SRM), Safety Assurance (SA), and Safety Promotion (SP), per 49 U.S.C. 5329(d)(1)(A).¹ While safety has always been a primary function at TAPS, this document lays out a process to fully implement an SMS over the next several years that complies with the PTASP final rule.

¹ Federal Register, Vol. 81, No. 24

A. Plan Adoption – 673.11(a)(1)

This Public Transit Agency Safety Plan is hereby adopted, certified as compliant, and signed by:

Shellie White, Texoma Area Paratransit System, Inc General Manager

ACCOUNTABLE EXECUTIVE SIGNATURE

DATE

The Texoma Area Paratransit System, Inc is governed by the TAPS Board of Directors. Approval of this plan by the TAPS Board of Directors occurred on November 15, 2023 and is documented in Resolution No. 21- 2023 from the TAPS Board of Directors Meeting.

B. Certification of Compliance – 673.13(a)(b)

TxDOT certifies on October 1, 2023, that this Agency Safety Plan is in full compliance with 49 CFR Part 673 and has been adopted and will be implemented by Texoma Area Paratransit System, Inc as evidenced by the plan adoption signature and necessary TAPS Board of Directors approvals under Section 1.A of this plan.

2. TRANSIT AGENCY INFORMATION – 673.23(D)

TAPS is the public transportation provider for Fannin, Grayson, Cooke, Wise, Clay, and Montague counties in Texas. The TAPS main office/transfer center is located at 6104 Texoma Parkway, Sherman, Texas.

TAPS currently operates 22 vehicles for our demand response service which is the only service TAPS currently operates. The fleet is comprised of small sedan-type vehicles and 26-foot standard cutaway buses (body-on-chassis buses). TAPS requires 15 buses for peak service. All the demand response vehicles are Americans with Disabilities Act (ADA) accessible. Weekday demand response transit service is provided from 6:00 a.m. to 6:00 p.m. (last available pick-up time is 5:30 p.m.). There is no Saturday or Sunday demand response service. TAPS presently does not provide any fixed route service.

TAPS service is contracted to a third-party provider, Transdev Services Inc. The TAPS is managed by the General Manager and the management team consisting of the, Operations Manager, Maintenance/Facilities Manager, HR Generalist, Safety Manager, Accounting Assistant and Grants Coordinator.

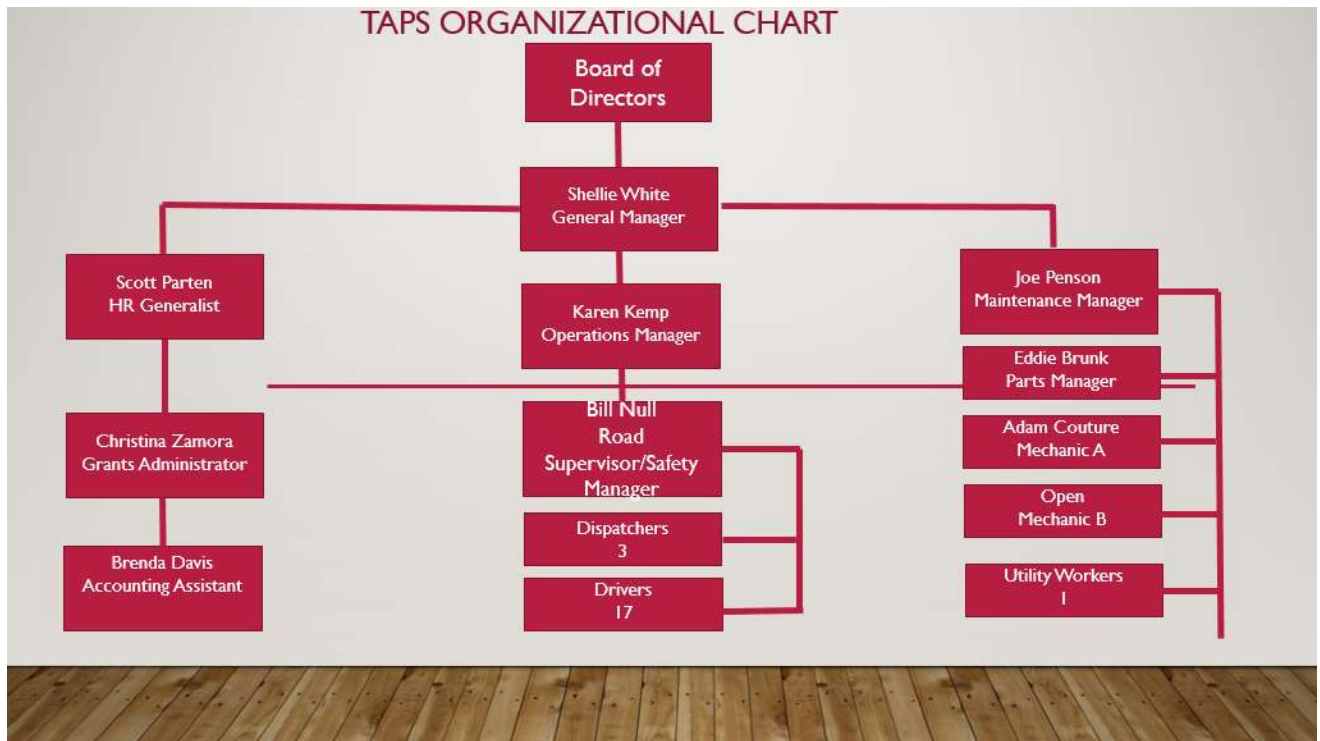
No additional transit service is provided by TAPS on behalf of another transit agency or entity at the time of the development of this plan.

Table 1 contains agency information, while an organizational chart for TAPS is provided in Figure 1.

TABLE 1: AGENCY INFORMATION

Information Type	Information
Full Transit Agency Name	Texoma Area Paratransit System, Inc (TAPS)
Transit Agency Address	6104 Texoma Parkway, Sherman, TX 75090
Name and Title of Accountable Executive 673.23(d)(1)	Shellie White, General Manager
Name of Chief Safety Officer or SMS Executive 673.23(d)(2)	Bill Null, Safety Manager
Key Staff	Karen Kemp, Operations Manager Joe Penson, Maintenance Manager
Mode(s) of Service Covered by This Plan 673.11(b)	Demand Response
List All FTA Funding Types (e.g., 5307, 5310, 5311)	5307, 5311
Mode(s) of Service Provided by the Transit Agency (Directly operated or contracted service)	Demand Response
Number of Vehicles Operated	22

FIGURE 1: TAPS ORGANIZATIONAL CHART



A. Authorities & Responsibilities – 673.23(d)

As stated in 49 CFR Part 673.23(d), TAPS is establishing the necessary authority, accountabilities, and responsibilities for the management of safety amongst the key individuals within the organization, as those individuals relate to the development and management of our SMS. In general, the following defines the authority and responsibilities associated with our organization.

The **Accountable Executive** has ultimate responsibility for carrying out the SMS of our public transportation agency, and control or direction over the human and capital resources needed to develop and maintain both the ASP, in accordance with 49 U.S.C. 5329(d), and the agency's TAM Plan, in accordance with 49 U.S.C. 5326. The Accountable Executive has authority and responsibility to address substandard performance in the TAPS SMS, per 673.23(d)(1).

Agency leadership and executive management include members of our agency leadership or executive management, other than the Accountable Executive, CSO/SMS Executive, who have authority or responsibility for day-to-day implementation and operation of our agency's SMS.

The **CSO** is an adequately trained individual who has the authority and responsibility as designated by the Accountable Executive for the day-to-day implementation and operation of the TAPS SMS. As such, the CSO is able to report directly to our transit agency's Accountable Executive.

Key staff are staff, groups of staff, or committees to support the Accountable Executive, CSO, or SMS Executive in developing, implementing, and operating our agency's SMS.

Front line employees perform the daily tasks and activities where hazards can be readily identified so the identified hazards can be addressed before the hazards become adverse events. These employees are critical to SMS success through each employee's respective role in reporting safety hazards, which is where an effective SMS and a positive safety culture begins.

3. SAFETY POLICIES AND PROCEDURES

A. Policy Statement – 673.23(a)

TAPS recognizes that the management of safety is a core value of our business. The management team at TAPS will embrace the SMS and is committed to developing, implementing, maintaining, and constantly improving processes to ensure the safety of our employees, customers, and the general public. All levels of management and frontline employees are committed to safety and understand that safety is the primary responsibility of all employees.

TAPS is committed to:

- Communicating the purpose and benefits of the SMS to all staff, managers, supervisors, and employees. This communication will specifically define the duties and responsibilities of each employee throughout the organization and all employees will receive appropriate information and SMS training.
- Providing appropriate management involvement and the necessary resources to establish an effective reporting system that will encourage employees to communicate and report any unsafe work conditions, hazards, or at-risk behavior to the management team.
- Identifying hazardous and unsafe work conditions and analyzing data from the employee reporting system. After thoroughly analyzing provided data, the transit operations division will develop processes and procedures to mitigate safety risk to an acceptable level.
- Ensuring that no action will be taken against employees who disclose safety concerns through the reporting system, unless disclosure indicates an illegal act, gross negligence, or deliberate or willful disregard of regulations or procedures.
- Establishing Safety Performance Targets (SPT) that are realistic, measurable, and data driven.
- Continually improving our safety performance through management processes that ensure appropriate safety management action is taken and is effective.

I. Employee Safety Reporting Program – 673.23(b)

An effective SMS uses information from a variety of sources. Frontline employees are a significant source of safety data. These employees are typically the first to spot unsafe conditions that arise from unplanned conditions either on the vehicles, in the maintenance shop, or in the field during operations. For this reason, the Employee Safety Reporting Program (ESRP) is a major tenet of the PTASP Rule. Under this rule, agencies must establish and implement a process that allows employees to report safety conditions directly to senior management; provides protections for employees who report safety conditions to senior management; and includes a description of employee behaviors that may result in disciplinary action.

TAPS has a policy in place called the *TAPS Customer Complaint Policy*, which is applicable to all complainants whether internal or external to the agency. The procedure requires that when complaints are submitted, the complaints are first routed to the facility coordinator who will do an initial investigation. The facility coordinator will give the results of the investigation to the respective Operations Manager, Human Resources/Safety Coordinator, or appropriate policy. If the complaint relates to an accident, then the CSO is notified. Over the next year, TAPS will review and modify, if necessary, our *TAPS Customer Complaint Policy* to develop it into a full ESRP to ensure that the procedure complies with 49 CFR Part 673.

As contained in TAPS' *HR Policy Procedures*, TAPS has an Open-Door Policy that allows for both anonymous and identified communication of complaint, question, or suggestion for improvement. This process requires the employee to first approach their immediate supervisor. However, problems may be discussed with a higher-level manager instead of, or in addition to, their supervisor. There is also a Transdev North America, Inc. Ethics & Compliance Hotline that is always available to every employee. TAPS employees are protected from retaliation for using the Open-Door Policy in good faith and TAPS maintains the confidentiality of the employee making the complaint.

In general, the TAPS' *HR Policy Procedures* ensures that all employees are encouraged to report safety conditions directly to senior management or their direct supervisor for elevation to senior management. The policy will include any contract employees. The policy will also spell out what protections are afforded employees who report safety related conditions and will describe employee behaviors that are not covered by those protections. The policy will also elaborate on how safety conditions that are reported will be reported back to the initiator(s) – either to the individual or groups of individuals or organization, dependent on the nature of the safety condition.

To bolster the information received from frontline employees, TAPS will also review our current policy for how our agency receives information and safety related data from employees and customers. If necessary, we will develop additional means for receiving, investigating and reporting the results from investigations back to the initiator(s) – either to the person, groups of persons, or distributed agency-wide to ensure that future reporting is encouraged.

II. Communicating the Policy Throughout the Agency – 673.23(c)

TAPS is committed to ensuring the safety of our clientele, personnel and operations. Part of that commitment is developing an SMS and agencywide safety culture that reduces agency risk to the lowest level possible. The first step in developing a full SMS and agencywide safety culture is communicating our SMP throughout our agency.

The SMP and safety objectives are at the forefront of all communications. This communication strategy will include posting the policy in prominent work locations for existing employees and adding the policy statement to the on-boarding material for all new employees. In addition, the policy statement will become part of our agency's regular safety meetings and other safety communications efforts. The

policy will be signed by the Accountable Executive so that all employees know that the policy is supported by management.

B. PTASP Development and Coordination with TxDOT – 673.11(d)

This PTASP has been developed by TxDOT on behalf of the Sherman-Denison Metropolitan Planning Organization (MPO) and TAPS in accordance with all requirements stated in 49 CFR Part 673 applicable to a small public transportation provider. TxDOT mailed a formal call for participation in a State sponsored PTASP development process to all Texas Section 5307 small bus transit agencies on January 15, 2019 and followed that call with a series of phone calls and additional correspondence. TAPS provided a letter to TxDOT opting into participation on March 15, 2019 and has been an active participant in the development of this plan through sharing existing documentation and participating in communication and coordination throughout the development of this plan. The TAPS documentation used in the development of this plan is presented in Table 7, in Appendix A.

In support of tracking performance on our SA and SP processes, TAPS conducts an internal safety audit and an annual safety culture survey. The internal safety audit and safety culture survey are intended to help TAPS assess how well we communicate safety and safety performance information throughout our organization by gauging how safety is perceived and embraced by TAPS' administrators, supervisors, staff and contractors. The audit and survey are designed to help us assess how well we are conveying information on hazards and safety risks relevant to employees' roles and responsibilities and informing employees of safety actions taken in response to reports submitted through our ESRP. Results from our most recent internal safety audit and safety culture survey were analyzed and incorporated into the implementation strategies contained in this ASP.

Once the documents were reviewed, an on-site interview was conducted with TAPS to gain a better understanding of the agency and agency personnel. This understanding was necessary to ensure that the ASP was developed to fit TAPS' size, operational characteristics, and capabilities.

The draft ASP was delivered to TAPS in March 2020 for review and comment. Once review was completed and any adjustments made, the final was delivered to TAPS for review and adoption.

C. PTASP Annual Review – 673.11(a)(5)

Per 49 U.S.C. 5329(d)(1)(D), this plan includes provisions for annual updates of the SMS. As part of TAPS' ongoing commitment to fully implementing SMS and engaging our agency employees in developing a robust safety culture, TAPS will review the ASP and all supporting documentation annually. The review will be conducted as a precursor to certifying to FTA that the ASP is fully compliant with 49 CFR Part 673 and accurately reflects the agency's current implementation status. Certification will be accomplished through TAPS' annual Certifications and Assurances reporting to FTA.

The annual review will include the ASP and supporting documents (Standard Operating Procedures [SOP], Policies, Manuals, etc.) that are used to fully implement all the processes used to manage safety

at TAPS. All changes will be noted (as discussed below) and the Accountable Executive will sign and date the title page of this document and provide documentation of approval by the TAPS Board of Directors whether by signature or by reference to resolution.

The annual ASP review will follow the update activities and schedule provided below in Table 2. As processes are changed to fully implement SMS or new processes are developed, TAPS will track those changes for use in the annual review.

TABLE 2: ASP ANNUAL UPDATE TIMELINE

Task	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept
Review Agency Operations	→							
Review SMS Documentation <ul style="list-style-type: none"> • Safety Policy; • Risk Management; • Safety Assurance; and • Safety Promotion. 		→						
Review Previous Targets and Set or Continue Targets			→					
Report Targets to National Transit Database (NTD), TxDOT, Sherman-Denison MPO					→			
Make Any Necessary Adjustments to PTASP						→		
Update Version No., Adopt & Certify Plan Compliance								★

The following table, Table 3, will be used to record final changes made to the ASP during the annual update. This table will be a permanent record of the changes to the ASP over time.

TABLE 3: ASP RECORD OF CHANGES

Document Version	Section/Pages Changed	Reason for Change	Reviewer Name	Date of Change
Header	Text	Text	Text	Text
Header	Text	Text	Text	Text
Header	Text	Text	Text	Text

The implementation of SMS is an ongoing and iterative process, and as such, this PTASP is a working document. Therefore, a clear record of changes and adjustments is kept in the PTASP for the benefit of safety plan performance management and to comply with Federal statutes.

D. PTASP Maintenance – 673.11(a)(2)(c)

TAPS will follow the annual review process outlined above and adjust this ASP as necessary to accurately reflect current implementation status. This plan will document the processes and activities related to SMS implementation as required under 49 CFR Part 673 Subpart C and will make necessary updates to this ASP as TAPS continues to develop and refine our SMS implementation.

E. PTASP Documentation and Recordkeeping – 673.31

At all times, TAPS will maintain documents that set forth our ASP, including those documents related to the implementation of TAPS’ SMS and those documents related to the results from SMS processes and activities. TAPS will also maintain documents that are included in whole, or by reference, that describe the programs, policies, and procedures that our agency uses to carry out our ASP and all iterations of those documents. These documents will be made available upon request to the FTA, other Federal entity, or TxDOT. TAPS will maintain these documents for a minimum of three years after the documents are created. These additional supporting documents are cataloged in Appendix A and the list will be kept current as a part of the annual ASP review and update.

F. Safety Performance Measures – 673.11(a)(3)

The PTASP Final Rule, 49 CFR Part 673.11(a)(3), requires that all public transportation providers must develop an ASP to include SPTs based on the safety performance measures established under the NSP. The safety performance measures outlined in the NSP were developed to ensure that the measures can be applied to all modes of public transportation and are based on data currently being submitted to the NTD. The safety performance measures included in the NSP are fatalities, injuries, safety events, and system reliability (State of Good Repair as developed and tracked in the TAM Plan).

There are seven (7) SPTs that must be included in each ASP that are based on the four (4) performance measures in the NSP. These SPTs are presented in terms of total numbers reported and rate per Vehicle Revenue Mile (VRM). Each of the seven (7) is required to be reported by mode as presented in Table 4:

TABLE 4: NSP SAFETY PERFORMANCE MEASURES

Safety Performance Measure	SPT	
Fatalities	Total Number Reported	Rate Per 100,000 VRM
Injuries	Total Number Reported	Rate Per 100,000 VRM
Safety Events	Total Number Reported	Rate Per 100,000 VRM
System Reliability	Mean distance between major mechanical failure	

Table 5 presents baseline numbers for each of the performance measures. TAPS collected the past four (4) years of reported data to develop the rolling averages listed in the table.

TABLE 5: BASELINE 2019 SAFETY PERFORMANCE MEASURES

Mode	Fatalities	Rate of Fatalities*	Injuries	Rate of Injuries*	Safety Events	Rate of Safety Events*	Mean Distance Between Major Mechanical Failure
Demand Response	0	0	3	0.0000006	0	0	83,880

*rate = total number for the year/total revenue vehicle miles traveled

While safety has always been a major component of the TAPS operation, the adoption of this ASP will result in changes across all aspects of the organization. The SPTs set in Table 6 reflect an acknowledgment that SMS implementation will produce new information that will be needed to accurately set meaningful SPTs. We will set our targets at the current NTD reported four-year average as we begin the process of fully implementing our SMS and developing our targeted safety improvements. This will ensure that we do no worse than our baseline performance over the last five years.

TABLE 6: DEMAND RESPONSE SAFETY PERFORMANCE TARGETS

Mode	Baseline	Target
Fatalities	0	0
Rate of Fatalities*	0	0
Injuries	3	3
Rate of Injuries*	0.0000006	0.0000006
Safety Events	0	0
Rate of Safety Events*	0	0
System Reliability	83,880	83,880
Other	N/A	N/A

*rate = total number for the year/total revenue vehicle miles traveled

As part of the annual review of the ASP, TAPS will reevaluate our SPTs and determine whether the SPTs need to be refined. As more data is collected as part of the SRM process discussed later in this plan, TAPS may begin developing safety performance indicators to help inform management on safety related investments.

G. Safety Performance Target Coordination – 673.15(a)(b)

TAPS will make our SPTs available to TxDOT and the Sherman-Denison MPO to aid in those agencies’ respective regional and long-range planning processes. To the maximum extent practicable, TAPS will coordinate with TxDOT and Sherman-Denison MPO in the selection of State and MPO SPTs as documented in the Interagency Memorandum of Understanding (MOU).

Each year during the FTA Certifications and Assurances reporting process, TAPS will transmit any updates to our SPTs to both the Sherman-Denison MPO and TxDOT (unless those agencies specify another time in writing).

4. SAFETY MANAGEMENT SYSTEMS – 673 SUBPART C

As noted previously, FTA has adopted SMS as the basis for improving safety across the public transportation industry. In compliance with the NSP, National Public Transportation Safety Plan, and 49 CFR Part 673, TAPS is adopting SMS as the basis for directing and managing safety and risk at our agency. TAPS has always viewed safety as a core business function. All levels of management and employees are accountable for appropriately identifying and effectively managing risk in all activities and operations in order to deliver improvements in safety and reduce risk to the lowest practical level during service delivery.

SMS is comprised of four basic components: SMP, SRM, SA, and SP. The SMP and SP are the enablers that provide structure and supporting activities that make SRM and SA possible and sustainable. The SRM and SA are the processes and activities for effectively managing safety as presented in Figure 2.

FIGURE 2: SAFETY MANAGEMENT SYSTEMS



Implementing SMS at TAPS will be a major undertaking over the next several years. This ASP is the first step to putting in place a systematic approach to managing the agency’s risk. TAPS has already taken several steps to implement SMS, such as developing this initial ASP and designating a CSO. During the first year of implementation, TAPS will identify SMS roles and responsibilities and key stakeholder groups, identify key staff to support implementation, and ensure the identified staff receive SMS training. TAPS will also develop a plan for implementing SMS, inform stakeholders about the ASP, and discuss our progress toward implementation with the TAPS Board of Directors and our agency’s planning partners.

A. Safety Risk Management – 673.25

By adopting this ASP, TAPS is establishing the SRM process presented in Figure 3 for identifying hazards and analyzing, assessing and mitigating safety risk in compliance with the requirements of 49 CFR Part 673.25. The SRM processes described in this section are designed to implement the TAPS SMS.

FIGURE 3: SAFETY RISK MANAGEMENT PROCESS



The implementation of the SRM component of the SMS will be carried out over the course of the next year. The SRM components will be implemented through a program of improvement during which the SRM processes will be implemented, reviewed, evaluated, and revised, as necessary, to ensure the processes are achieving the intended safety objectives as the processes are fully incorporated into TAPS’ SOPs.

The SRM is focused on implementing and improving actionable strategies that TAPS has undertaken to identify, assess and mitigate risk. The creation of a Risk Register provides an accessible resource for documenting the SRM process, tracking the identified risks, and documenting the effectiveness of mitigation strategies in meeting defined safety objectives and performance measures. The draft Risk Register is presented in Figure 4.

FIGURE 4: DRAFT RISK REGISTER

Hazard	Type	Likelihood	Consequence	Resolution

What is wrong?

What could happen

What could mitigate this?

As the SRM process progresses through the steps of identifying what may be wrong, what could happen as a result, and what steps TAPS is taking to resolve the risk and mitigate the hazard, the CSO completes and publishes the various components of the Risk Register. These components include the use of safety hazard identification, safety risk assessment, and safety risk mitigation, as described in the following sections.

I. Safety Hazard Identification – 673.25(b)

TAPS has a program called *Hazard Communication Program Transdev-Taps 430* (Appendix A) in place to prevent accidents and ensure the safety and health of employees by identifying hazards. Under this program employees are informed of the contents of the OSHA Hazard Communications Standard, the hazardous properties of chemicals with which they work, safe handling procedures, and measures to take to protect them from these chemicals. This document also includes a list of steps that are to be taken by employees as part of this communication program.

These steps are provided in TAPS' *Hazard Communication Program Transdev-Taps 430*. Additional steps for hazard identification are provided in the *Job Hazard Analysis* (Appendix A) document.

The procedures outlined in the *Job Hazard Analysis* document were based on the OSHA's *Hazard Communication Standard*, along with state and local requirements. Although the current procedures have been effective in achieving our safety objectives, to ensure compliance with 49 CFR Part 673, TAPS is working to implement the following expanded SRM process.

The TAPS SRM process is a forward-looking effort to identify safety hazards that could potentially result in negative safety outcomes. In the SRM process, a hazard is any real or potential condition that can

cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or, damage to the environment.

Hazard identification focuses on out-of-the-norm conditions that need special attention or immediate action, new procedures, or training to resolve a condition that is unacceptable and return conditions to an acceptable level. TAPS uses a variety of mechanisms for identifying and documenting hazards, namely:

- Through training and reporting procedures TAPS ensures personnel can identify hazards and that each employee clearly understands that the employee has a responsibility to immediately report any safety hazards identified to the employee's supervisors. Continued training helps employees to develop and improve the skills needed to identify hazards.
- Employee hazard training coupled with the ESRP ensures that TAPS has full use of information from frontline employees for hazard identification.
- Upon receiving the hazard report, supervisors communicate the identified hazard to the CSO for entry into the risk register for risk assessment, classification and possible mitigation.
- In carrying out the risk assessment, the CSO uses standard reporting forms (e.g. incident reporting process used within the *Incident Reporting Policy*) and other reports completed on a routine basis by administrative, operations and maintenance. The TAPS *Safety Policy & Procedures* contain procedures for flagging and reporting hazards as a part of day-to-day operations.
- Supervisors are responsible for performing and documenting regular *Internal Safety Audit Reports*, which include reporting and recommending methods to reduce identified hazards.
- TAPS uses incident reports and records to determine specific areas of training that need to be covered with employees to ensure safety hazard identification is continually improved, and thus ensure that hazards are identified before an event recurrence.
- Incident reports are also analyzed by the risk management team to identify any recurring patterns or themes that would help to identify underlying hazards and root causes of the event that can be mitigated to prevent recurrence.
- If a hazard is such that an employee would be reluctant to report the information due to perceived negative consequences (e.g. disciplinary action), the Human Resources Policy Procedure policy ensures providing employees the means to report in good faith known violations without fear of retaliation from any sources. The confidentiality of anyone who reports a suspected violation or participates in the investigation of it will be maintained.
- To increase the safety knowledge of our agency, the CSO, risk management personnel and subject matter experts are also encouraged to participate in available professional development

activities and peer-to-peer exchanges as a source of expertise and information on lessons learned and best practices in hazard identification.

- Other sources for hazard identification include:
 - ESRP
 - Inspections of personnel job performance, vehicles, facilities and other data
 - Investigations of safety events
 - Safety trend analysis on data currently collected
 - Training and evaluation records
 - Internal safety audits
 - External sources of hazard information could include:
 - FTA and other federal or state authorities
 - Reports from the public
 - Safety bulletins from manufacturers or industry associations

In addition to identifying the hazard, the hazard identification process also classifies the hazard by type (organizational, technical or environmental) to assist the CSO in identifying the optimal combination of departmental leadership and subject matter expertise to select in assembling the safety risk assessment team.

The various hazard types can also be categorized by subcategory for each type. For example, organizational hazards can be subcategorized into resourcing, procedural, training or supervisory hazards. Each of the subcategories implies different types of mitigation strategies and potentially affect overall agency resources through varying costs for implementation. Technical hazards can be subcategorized into operational, maintenance, design and equipment. Additionally, environmental hazards can be subcategorized into weather and natural, which is always a factor for every operation.

II. Safety Risk Assessment – 673.25(c)

TAPS currently uses a *Threats Form* with a similar framework for assessing risks and threats with reference to security for the transportation system. This form and procedure can be found in Section 4.2 of the *Transit System Security & Emergency Preparedness Program Plan (TSSEPPP)* (Appendix A) and shows specific threats, the likelihood to occur, the impact on transportation assets and systems, and a vulnerability index based on this assessment.

As part of the new SRM process, TAPS has developed methods to assess the likelihood and severity of the consequences of identified hazards, and prioritizes the hazards based on the safety risk. The process continues the use of the Risk Register described in the previous section to address the next two components.

Safety risk is based on an assessment of the likelihood of a potential consequence and the potential severity of the consequences in terms of resulting harm or damage. The risk assessment also considers any previous mitigation efforts and the effectiveness of those efforts. The results of the assessment are used to populate the third and fourth components of the Risk Register as presented in Figure 5.

FIGURE 5: SAFETY RISK ASSESSMENT STEPS IN POPULATING THE RISK REGISTER

Hazard	Type	Likelihood	Consequence	Resolution

The risk assessment is conducted by the CSO and their risk management team through the safety compliance committee supplemented by subject matter experts from the respective department or section to which the risk applies. The process employs a safety risk matrix, similar to the one presented in Figure 6, that allows the safety team to visualize the assessed likelihood and severity, and to help decision-makers understand when actions are necessary to reduce or mitigate safety risk.

FIGURE 6: SAFETY RISK ASSESSMENT MATRIX

RISK ASSESSMENT MATRIX				
SEVERITY LIKELIHOOD	Catastrophic (1)	Critical (2)	Marginal (3)	Negligible (4)
Frequent (A)	High	High	High	Medium
Probable (B)	High	High	Medium	Medium
Occasional (C)	High	Medium	Medium	Low
Remote (D)	Medium	Medium	Low	Low
Improbable (E)	Medium	Low	Low	Low

Although the current version of the matrix relies heavily on the examples and samples that are listed on the PTASP Technical Assistance Center website, lessons learned from the implementation process during the coming years will be used to customize the matrix that TAPS will use to address our unique operating realities and leadership guidance.

The Risk Assessment Matrix is an important tool. If a risk is assessed and falls within one of the red zones, the risk is determined to be unacceptable under existing circumstances. This determination means that management must take action to mitigate the situation. This is the point in the process when SRMs are developed. If the risk is assessed and falls within one of the yellow zones, the risk is determined to be acceptable, but monitoring is necessary. If the risk falls within one of the green zones, the risk is acceptable under the existing circumstances.

Once a hazard’s likelihood and severity have been assessed, the CSO enters the hazard assessment into the Risk Register that is used to document the individual hazard and the type of risk it represents. This information is used to move to the next step, which is hazard mitigation.

III. Safety Risk Mitigation – 673.25(d)

As part of the TSSEPPP, TAPS currently has a *Threat and Vulnerability Assessment*, found in Section 4.2. The TSSEPPP lists the specific vulnerability according to the Vulnerability Index and identifies Current Risk Reduction Strategies and Additional Mitigation Actions Planned for each.

Upon completion of the risk assessment, the CSO and the safety committee continue populating the Risk Register by identifying mitigations or strategies necessary to reduce the likelihood and/or severity of the consequences. The goal of this step is to avoid or eliminate the hazard or, when elimination is not likely or feasible, to reduce the assessed risk rating to an acceptable level (Figure 7). However, mitigations do not typically eliminate the risk entirely.

FIGURE 7: RISK REGISTER MITIGATION COMPONENT

Hazard	Type	Likelihood	Consequence	Resolution

To accomplish this objective, the CSO, through the risk management team, works with subject matter experts from the respective department or section to which the risk applies. The risk management team

then conducts a brainstorming exercise to elicit feedback from staff and supervisors with the highest level of expertise in the components of the hazard.

Documented risk resolution and hazard mitigation activities from previous Risk Register entries and the resolution's documented level of success at achieving the desired safety objectives may also be reviewed and considered in the process. If the hazard is external (e.g., roadway construction by an outside agency) information and input from external actors or experts may also be sought to take advantage of all reasonably available resources and avoid any unintended consequences.

Once a mitigation strategy is selected and adopted, the strategy is assigned to an appropriate staff member or team for implementation. The assigned personnel and the personnel's specific responsibilities are entered into the Risk Register. Among the responsibilities of the mitigation team leader is the documentation of the mitigation effort, including whether the mitigation was carried out as designed and whether the intended safety objectives were achieved. This information is recorded in the appendix to the Risk Register for use in subsequent SA activities and to monitor the effectiveness of the SRM program.

B. Safety Assurance – 673.27 (a)

Safety Assurance means processes within the TAPS SMS that function to ensure a) the implementation and effectiveness of safety risk mitigation, and b) TAPS meets or exceeds our safety objectives through the collection, measurement, analysis and assessment of information.

SA helps to ensure early identification of potential safety issues. SA also ensures that safeguards are in place and are effective in meeting TAPS' critical safety objectives and contribute towards SPTs.

I. Safety Performance Monitoring and Measuring – 673.27 (b)

As the first step in the TAPS SA program, TAPS collects and monitors data on safety performance indicators through a variety of mechanisms described in the following sections. Safety performance indicators can provide early warning signs about safety risks. TAPS currently relies primarily on lagging indicators representing negative safety outcomes that should be avoided or mitigated in the future. However, initiatives are underway to adopt a more robust set of leading indicators that monitor conditions that are likely to contribute to negative outcomes in the future. In addition to the day-to-day monitoring and investigation procedures detailed below, TAPS will review and document the safety performance monitoring and measuring processes as part of the annual update of this ASP.

MONITORING COMPLIANCE AND SUFFICIENCY OF PROCEDURES 673.27 (B)(1)

TAPS monitors our system for personnel compliance with operations and maintenance procedures and also monitors these procedures for sufficiency in meeting safety objectives. A list of documents describing the safety related operations and maintenance procedures cited in this ASP is provided in Appendix A of this document.

Supervisors monitor employee compliance with TAPS SOPs through direct observation and review of information from internal reporting systems such as the *Customer Concern Reporting* from both employees and customers.

TAPS addresses non-compliance with standard procedures for operations and maintenance activities through a variety of actions, including revision to training materials and delivery of employee and supervisor training if the non-compliance is systemic. If the non-compliance is situational, then activities may include supplemental individualized training, coaching, and heightened management oversight, among other remedies.

Sometimes personnel are fully complying with the procedures, but the operations and maintenance procedures are inadequate and pose the risk of negative safety outcomes. In this case, the cognizant person submits the deficiency or description of the inadequate procedures to the SRM process. Through the SRM process, the SRM team will then evaluate and analyze the potential organizational hazard and assign the identified hazard for mitigation and resolution, as appropriate. The SRM team will also conduct periodic self-evaluation and mitigation of any identified deficiencies in the SRM process itself.

MONITORING OPERATIONS 673.27(B)(2)

Department Managers are required to monitor investigation reports of safety events and SRM resolution reports to monitor the department's operations to identify any safety risk mitigations that may be ineffective, inappropriate, or not implemented as intended. If it is determined that the safety risk mitigation did not bring the risk to an acceptable level or otherwise failed to meet safety objectives, then the supervisor resubmits the safety risk/hazard to the SRM process. The CSO will work with the supervisor and subject matter experts to reanalyze the hazard and consequences and identify additional mitigation or alternative approaches to implementing the mitigation.

II. Safety Event Investigation – 673.27(B)(3)

TAPS currently conducts investigations of safety events. From an SA perspective, the objective of the investigation is to identify causal factors of the event and to identify actionable strategies that TAPS can employ to address any identifiable organizational, technical or environmental hazard at the root cause of the safety event. TAPS uses the *Incident Reporting Policy* document to identify safety and operational risks based on individual assets. The procedures outlined in the *Incident Reporting Policy* were based on the FTA's Model Bus Safety Programs and Public Transportation System Security and Emergency Preparedness Planning Guide.

Safety Event Investigations that seek to identify and document the root cause of an accident or other safety event are a critical component of the SA process because they are a primary resource for the collection, measurement, analysis and assessment of information. TAPS gathers a variety of information for identifying and documenting root causes of accidents and incidents, including but not limited to:

- A. All agency incidents, non-work and work related injuries or illnesses (to determine preventability)**
- B. All Transdev North America incidents (e.g.: collisions, passenger injuries/falls, pedestrian/bicyclist events, etc.), regardless of severity, shall be immediately reported from the scene:**
- a. Operators shall:**
1. Stop the vehicle, notify the Dispatch immediately after the incident occurs, and remain at the scene until released by proper authority.
NOTE: Failure to comply with this requirement shall result in termination
 2. Provide dispatch with incident details and remain in contact with Dispatch until all necessary information has been obtained:
 - The exact location of the accident, vehicle/route number and direction of travel
 - Any inquires or passenger complaints
 - Condition of the vehicle
 - Damage to any other property
 3. Operators are authorized to call emergency services directly in cases of “imminent danger to life” if not able to immediately contact dispatch
- b. Dispatch shall** immediately report the incident to the Operations Manager and to the Safety Manager
1. Dispatch will determine the severity of the accident and notify the appropriate emergency response authorities (fire and police).
 2. Dispatch will notify the appropriate Supervisor or Manager and ensure that a street Supervisor responds to the scene.
- 1) **Operations Manager/Safety Manager shall** enter the incident into WebRisk as soon as possible but **within 24 hours** and update the WebRisk entry as the investigation is completed and/or more information becomes available.
- 2) Operations Manager/Safety Manager uploads/updates pertinent documents reports in WebRisk as they become available.
- C. Work-Related Injury or Illness reporting:**
- 1) When an incident occurs, the employee must report all injuries or illnesses to the Safety Manager immediately.
 - 2) All worked related injuries or illnesses are to be reported by calling:
Clinical Consult
888-836-5426
(888-VEOLIA6)
 - 3) In the event of a medical emergency, the injured employee should not wait to speak with a nurse. The employee should go to the nearest emergency room or call 911.

- 4) The injured employee should be present for the call to speak with the nurse. After the injury assessment and care recommendations re provided the call will be transferred to intake.
- 5) The Safety Manager should instruct the employee to proceed with the care recommendations provided as the employee does not need to be present for the intake portion of the call.
- 6) The Safety Manager will provide the needed information to intake.

D. Critical Incident Reporting

In the case of Critical Incidents, in addition to the above, managers shall follow the procedures listed in the Critical Incident Protocol and take the additional steps outlined below:

- 1) Obtain the following basic information:
 - a. Time and Place of incident
 - b. Driver name and Date of Hire
 - c. Vehicle number and type (cut-away, van, bus, sedan, etc.)
 - d. Injuries, if transported from the scene – where to and by whom.
 - e. Damage description
 - f. Basic facts of incident
- 2) Call and notify the following persons:
 - a. Risk Management
 1. Vehicle Crash or Passenger Incident:
 - B2G (Transit): Richard Freed, Director of Liability
 - B2B/B2C (Business Services/SuperShuttle/Taxi): Beth Edinger, Director of Risk)
 2. Work-Related Injuries:
 - B2G (Transit): Sandy Rosenwinkel, Director of Work Comp
 - B2B/B2C (Business Services/SuperShuttle/Taxi): Beth Edinger, Director of Risk)
 - b. Regional Vice President
 - c. Regional Safety Director

If the above cannot be reached, contact the Vice President of Safety.

- 3) General Manager or designee submits a “Critical Incident Notification”: Go to “Outlook” and enter the required information.
- 4) Regional Safety Director and/or the Regional Vice President will continue the phone tree to the senior executives listed on an “as needed” basis. The Regional Safety Director will personally contact the Vice President of Safety for fatal or catastrophic events.
- 5) If the Regional Safety Director and/or the Regional Vice President or Vice President of Safety is not available, please contact the Chief Operating Officer.

MONITORING INTERNAL SAFETY REPORTING PROGRAMS 673.27(B)(4)

As a primary part of the internal safety reporting program, our agency monitors information reported through the ESRP. When a report originating through the complaint process documents a safety hazard, the supervisor submits the hazards identified through the internal reporting process, including previous mitigation in place at the time of the safety event. The supervisor submits the hazard report to the SRM process to be analyzed, evaluated, and if appropriate, assigned for mitigation/resolution.

OTHER SAFETY ASSURANCE INITIATIVES

Because leading indicators can be more useful for safety performance monitoring and measurement than lagging indicators, TAPS is undertaking efforts to implement processes to identify and monitor more leading indicators or conditions that have the potential to become or contribute to negative safety outcomes. This may include trend analysis of environmental conditions through monitoring National Weather Service data; monitoring trends toward or away from meeting the identified SPTs; or other indicators as appropriate.

C. Safety Promotion – 673.29

Management support is essential to developing and implementing SMS. SP includes all aspects of how, why, when and to whom management communicates safety related topics. SP also includes when and how training is provided. The following sections outline both the safety competencies and training that TAPS will implement and how safety related information will be communicated.

I. Safety Competencies and Training – 673.29(a)

TAPS provides comprehensive training to all employees regarding each employee's job duties and general responsibilities. This training includes safety responsibilities related to the employee's position. In addition, regular driver safety meetings are held to ensure that safety related information is relayed to the key members of our agency's safety processes.

As part of SMS implementation, TAPS will be conducting the following activities:

- Conduct a thorough review of all current general staff categories (administrative, driver, supervisor, mechanic, maintenance, etc.) and the respective staff safety related responsibilities.
- Assess the training requirements spelled out in 49 CFR Part 672 and the various courses required for different positions. (TAPS is not subject to the requirements under 49 CFR Part 672, but will review the training requirements to understand what training is being required of other larger agencies in the event these trainings might be useful).
- Assess the training material available on the FTA PTASP Technical Assistance Center website.

- Review other training material available from industry sources such as the Community Transportation Association of America and the American Public Transportation Association websites.
- Develop a set of competencies and trainings required to meet the safety related activities for each general staff category.
- Develop expectations for ongoing safety training and safety meeting attendance.
- Develop a training matrix to track progress on individuals and groups within the organization.
- Adjust job notices associated with general staff categories to ensure that new personnel understand the safety related competencies and training needs and the safety related responsibilities of the job.
- Include refresher training in all trainings and apply it to agency personnel and contractors.

II. Safety Communication – 673.29(b)

TAPS regularly communicates safety and safety performance information throughout our agency's organization that, at a minimum, conveys information on hazards and safety risks relevant to employees' roles and responsibilities and informs employees of safety actions taken in response to reports submitted through the ESRP (noted in Section 3.A.I) or other means.

TAPS reports any safety related information to the TAPS Board of Directors at their regular meetings and will begin including safety performance information. In addition, TAPS holds regularly scheduled meetings with drivers to ensure that any safety related information is passed along that would affect the execution of the drivers' duties. TAPS also posts safety related and other pertinent information in a common room for all employees.

TAPS will begin systematically collecting, cataloging, and, where appropriate, analyzing and reporting safety and performance information to all staff. To determine what information should be reported, how the information should be reported and to whom, TAPS will answer the following questions:

- What information does this individual need to do their job?
- How can we ensure the individual understands what is communicated?
- How can we ensure the individual understands what action must be taken as a result of the information?
- How can we ensure the information is accurate and kept up-to-date?
- Are there any privacy or security concerns to consider when sharing information? If so, what should we do to address these concerns?

In addition, TAPS will review our current communications strategies and determine whether others are needed. As part of this effort, TAPS has conducted, and will continue to conduct, a Safety Culture Survey

to understand how safety is perceived in the workplace and what areas TAPS should be addressing to fully implement a safety culture at our agency.

5. APPENDIX A

TABLE 7: TAPS SUPPORTING DOCUMENTS

File Name	Revision Date	Document Name	Document Owner
2018 Trends & Analysis.pdf	2018	Vehicle Events	TAPS
Compliance Audit Procedures.pdf		Maintenance Performance / Quarterly Compliance Audit Procedures	Transdev
Customer Concern Reporting.pdf		Customer Complaint Policy	TAPS
D&A Policy.pdf	Dec-18	Zero Tolerance Drug and Alcohol Policy for Employees in Safety Sensitive Job Functions	Transdev / TAPS
Doc & Data Control.pdf	2012	Document and Data Control	Transdev
Facilities Plan.pdf	12/1/2016	Facility Maintenance Plan	TAPS
Fleet Management Plan.pdf	2016	Fleet Management Plan	Transdev / TAPS
Funding Sources.pdf	2019	Funding Sources	TAPS
Governing Board Policy.pdf	1/28/2009	Bylaws of TAPS	TAPS
HAZCOM Program.pdf	10/20/2017	Hazard Communication Program	Transdev / TAPS
HR Policy_Procedures.pdf	Sep-17	Policies and Procedures Handbook	Transdev
Incident Reporting Policy.pdf	3/12/2018	Incident Reporting	Transdev
Incident Reporting_Paratransit.pdf	Feb-18	Accident/Incident Reporting Forms	Transdev
Job Descriptions.pdf		Job Description Postings	TAPS
Job Hazard Analysis.pdf	12/13/2018	Job Safety Analysis Plan	Transdev / TAPS
Job Hazard Analysis_2.pdf	4/18/2018	Job Hazard Analysis: Drivers / Operations	TAPS
Job Hazard Analysis_3.pdf	4/18/2018	Job Hazard Analysis: Maintenance	TAPS
Job Hazard Analysis_4.pdf	4/18/2018	Job Hazard Analysis: Office	TAPS
Maintenance Plan.pdf	5/10/2016	Maintenance Plan	Transdev
MPO Map.pdf		MPO Map	TAPS

File Name	Revision Date	Document Name	Document Owner
MPO Plans.pdf	10/15/2014	Sherman-Denison 2040 MTP: Guiding Principles, Objectives, and Policies	Sherman-Denison MPO
MPO Plans_2.pdf	12/5/2018	Unified Planning Work Program	Sherman-Denison MPO
MPO Plans_3.pdf	5/25/2018	Transportation Improvement Plan (2019-2022)	Sherman-Denison MPO
Organizational Structure.pdf		Organization Chart	TAPS
PPE Plan.pdf	10/13/2017	Personal Protective Equipment (PPE) Plan	Transdev / TAPS
Procurement P&P.pdf	Mar-17	Procurement Policies & Procedures	TAPS
Safety Committee.pdf	2/2/2018	Safety Committees	Transdev
Safety KPI.pdf	2019	2017-2019 Safety Measures	TAPS
Safety P&P.pdf		Safety Policies and Procedures	Transdev
Safety Training Manual.pdf	2018	Safe Driving Reference Guide	Transdev
SOPs.pdf	6/29/2017	Standard Operating Procedures	Transdev
TAPS Description.pdf		TAPS Description	TAPS
TAPS Services.pdf		Get-a-Ride Services	TAPS
Training Program.pdf	3/22/2018	Recommended New Paratransit Operator Development Syllabus	Transdev
Transit Asset Management (TAM).pdf	8/29/2018	2018 Transit Asset Management Plan	TAPS
Triennial Review Report.pdf	10/16/2017	Preliminary Findings of Deficiency: FY 2017 Triennial Review	TAPS / FTA
TSSEPPP.pdf	5/2/2019	Transit System Security & Emergency Preparedness Program Plan (TSSEPPP)	Transdev
Safety Data Collections.pdf		Safety Data Collections	TAPS
CHIEF SAFETY OFFICER (002).pdf		Chief Safety Officer	TAPS
CHIEF SAFETY OFFICER (002).pdf		TAPS Organizational Chart	TAPS
Hazardous Materials > Appendix B - Internal EMS Audit.pdf	Mar-16	Environmental Management System (EMS) Manual: Appendix B - Internal EMS Audit	Transdev

File Name	Revision Date	Document Name	Document Owner
Hazardous Materials > Chapter 00 - Cover Page & Table of Content.pdf	Mar-16	Environmental Management System (EMS) Manual: Table of Contents	Transdev
Hazardous Materials > Chapter 01 - Introduction.pdf	Mar-16	Environmental Management System (EMS) Manual: Introduction	Transdev
Hazardous Materials > Chapter 02 - EMS Structure and Elements.pdf	Mar-16	Environmental Management System (EMS) Manual: EMS Structure & Elements	Transdev
Hazardous Materials > Chapter 03 - EPCRA.pdf	Mar-16	Environmental Management System (EMS) Manual: Emergency Planning and Community Right-to-Know Act (EPCRA)	Transdev
Hazardous Materials > Chapter 04 - Employee Right-to-Know Program.pdf	Mar-16	Environmental Management System (EMS) Manual: Employee Right-to-Know Program	Transdev
Hazardous Materials > Chapter 05 - Hazardous Waste Management Program.pdf	Mar-16	Environmental Management System (EMS) Manual: Hazardous Waste Management (HASMAT) Program	Transdev
Hazardous Materials > Chapter 06 - Clean Water Management Program.pdf	Mar-16	Environmental Management System (EMS) Manual: Clean Water Management Program	Transdev
Hazardous Materials > Chapter 07 - Clean Air Management Program.pdf	Mar-16	Environmental Management System (EMS) Manual: Clean Air Management Program	Transdev
Hazardous Materials > Chapter 08 - Storage Tank Program.pdf	Mar-16	Environmental Management System (EMS) Manual: Storage Tank Program	Transdev

A. Glossary of Terms

Accident: means an event that involves any of the following: a loss of life; a report of a serious injury to a person; a collision of transit vehicles; an evacuation for life safety reasons; at any location, at any time, whatever the cause.

Accountable Executive (typically the highest executive in the agency): means a single, identifiable person who has ultimate responsibility for carrying out the SMS of a public transportation agency, and control or direction over the human and capital resources needed to develop and maintain both the

agency's PTASP, in accordance with 49 U.S.C. 5329(d), and the agency's TAM Plan in accordance with 49 U.S.C. 5326.

Agency Leadership and Executive Management: means those members of agency leadership or executive management (other than an Accountable Executive, CSO, or SMS Executive) who have authorities or responsibilities for day-to-day implementation and operation of an agency's SMS.

Chief Safety Officer (CSO): means an adequately trained individual who has responsibility for safety and reports directly to a transit agency's chief executive officer, general manager, president, or equivalent officer. A CSO may not serve in other operational or maintenance capacity, unless the CSO is employed by a transit agency that is a small public transportation provider as defined in this part, or a public transportation provider that does not operate a rail fixed guideway public transportation system.

Corrective Maintenance: Specific, unscheduled maintenance typically performed to identify, isolate, and rectify a condition or fault so that the failed asset or asset component can be restored to a safe operational condition within the tolerances or limits established for in-service operations.

Equivalent Authority: means an entity that carries out duties similar to that of a Board of Directors, for a recipient or subrecipient of FTA funds under 49 U.S.C. Chapter 53, including sufficient authority to review and approve a recipient or subrecipient's PTASP.

Event: means an accident, incident, or occurrence.

Federal Transit Administration (FTA): means the Federal Transit Administration, an operating administration within the United States Department of Transportation.

Hazard: means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

Incident: means an event that involves any of the following: a personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency.

Investigation: means the process of determining the causal and contributing factors of an accident, incident, or hazard, for the purpose of preventing recurrence and mitigating risk.

Key staff: means a group of staff or committees to support the Accountable Executive, CSO, or SMS Executive in developing, implementing, and operating the agency's SMS.

Major Mechanical Failures: means failures caused by vehicle malfunctions or subpar vehicle condition which requires that the vehicle be pulled from service.

National Public Transportation Safety Plan (NSP): means the plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53.

Occurrence: means an event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a transit agency.

Operator of a Public Transportation System: means a provider of public transportation as defined under 49 U.S.C. 5302(14).

Passenger: means a person, other than an operator, who is on board, boarding, or alighting from a vehicle on a public transportation system for the purpose of travel.

Performance Measure: means an expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.

Performance Target: means a quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the FTA.

Preventative Maintenance: means regular, scheduled, and/or recurring maintenance of assets (equipment and facilities) as required by manufacturer or vendor requirements, typically for the purpose of maintaining assets in satisfactory operating condition. Preventative maintenance is conducted by providing for systematic inspection, detection, and correction of anticipated failures either before they occur or before they develop into major defects. Preventative maintenance is maintenance, including tests, measurements, adjustments, and parts replacement, performed specifically to prevent faults from occurring. The primary goal of preventative maintenance is to avoid or mitigate the consequences of failure of equipment.

Public Transportation Agency Safety Plan (PTASP): means the documented comprehensive agency safety plan for a transit agency that is required by 49 U.S.C. 5329 and this part.

Risk: means the composite of predicted severity and likelihood of the potential effect of a hazard.

Risk Mitigation: means a method or methods to eliminate or reduce the effects of hazards.

Road Calls: means specific, unscheduled maintenance requiring either the emergency repair or service of a piece of equipment in the field or the towing of the unit to the garage or shop.

Safety Assurance (SA): means the process within a transit agency's SMS that functions to ensure the implementation and effectiveness of safety risk mitigation and ensures that the transit agency meets or exceeds our safety objectives through the collection, analysis, and assessment of information.

Safety Management Policy (SMP): means a transit agency's documented commitment to safety, which defines the transit agency's safety objectives and the accountabilities and responsibilities of the agency's employees regarding safety.

Safety Management System (SMS): means the formal, top-down, data-driven, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards.

Safety Management System (SMS) Executive: means a CSO or an equivalent.

Safety Objective: means a general goal or desired outcome related to safety.

Safety Performance: means an organization's safety effectiveness and efficiency, as defined by safety performance indicators and targets, measured against the organization's safety objectives.

Safety Performance Indicator: means a data-driven, quantifiable parameter used for monitoring and assessing safety performance.

Safety Performance Measure: means an expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.

Safety Performance Monitoring: means activities aimed at the quantification of an organization's safety effectiveness and efficiency during service delivery operations, through a combination of safety performance indicators and safety performance targets.

Safety Performance Target (SPT): means a quantifiable level of performance or condition, expressed as a value for a given performance measure, achieved over a specified timeframe related to safety management activities.

Safety Promotion (SP): means a combination of training and communication of safety information to support SMS as applied to the transit agency's public transportation system.

Safety Risk: means the assessed probability and severity of the potential consequence(s) of a hazard, using as reference the worst foreseeable, but credible, outcome.

Safety Risk Assessment: means the formal activity whereby a transit agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks.

Safety Risk Management (SRM): means a process within a transit agency's Safety Plan for identifying hazards, assessing the hazards, and mitigating safety risk.

Safety Risk Mitigation: means the activities whereby a public transportation agency controls the probability or severity of the potential consequences of hazards.

Safety Risk Probability: means the likelihood that a consequence might occur, taking as reference the worst foreseeable, but credible, condition.

Safety Risk Severity: means the anticipated effects of a consequence, should the consequence materialize, taking as reference the worst foreseeable, but credible, condition.

Serious Injury: means any injury which:

- Requires hospitalization for more than 48 hours, commencing within seven days from the date that the injury was received;
- Results in a fracture of any bone (except simple fractures of fingers, toes, or nose);
- Causes severe hemorrhages, nerve, muscle, or tendon damage;
- Involves any internal organ; or
- Involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface.

Small Public Transportation Provider: means a recipient or subrecipient of Federal financial assistance under 49 U.S.C. 5307 that has one hundred (100) or fewer vehicles in peak revenue service and does not operate a rail fixed guideway public transportation system.

State: means a State of the United States, the District of Columbia, or the Territories of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

State of Good Repair: means the condition in which a capital asset is able to operate at a full level of performance.

State Safety Oversight Agency: means an agency established by a State that meets the requirements and performs the functions specified by 49 U.S.C. 5329(e) and the regulations set forth in 49 CFR part 674.

Transit Agency: means an operator of a public transportation system.

Transit Asset Management (TAM) Plan: means the strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost-effective, and reliable public transportation, as required by 49 U.S.C. 5326 and 49 CFR part 625.

Vehicle Revenue Miles (VRM): means the miles that vehicles are scheduled to or actually travel while in revenue service. Vehicle revenue miles include layover/recovery time and exclude deadhead; operator training; vehicle maintenance testing; and school bus and charter services.

B. Additional Acronyms Used

ADA: Americans with Disabilities Act

ASP: Agency Safety Plan

ESRP: Employee Safety Reporting Program

FAST Act: Fixing America's Surface Transportation Act

MAP-21: Moving Ahead for Progress in the 21st Century Act

MOU: Memorandum of Understanding

MPO: Metropolitan Planning Organization

NTD: National Transit Database

SOP: Standard Operating Procedure

TAPS: Texoma Area Paratransit System, Inc.

TSSEPPP: Transit System Security & Emergency Preparedness Program Plan

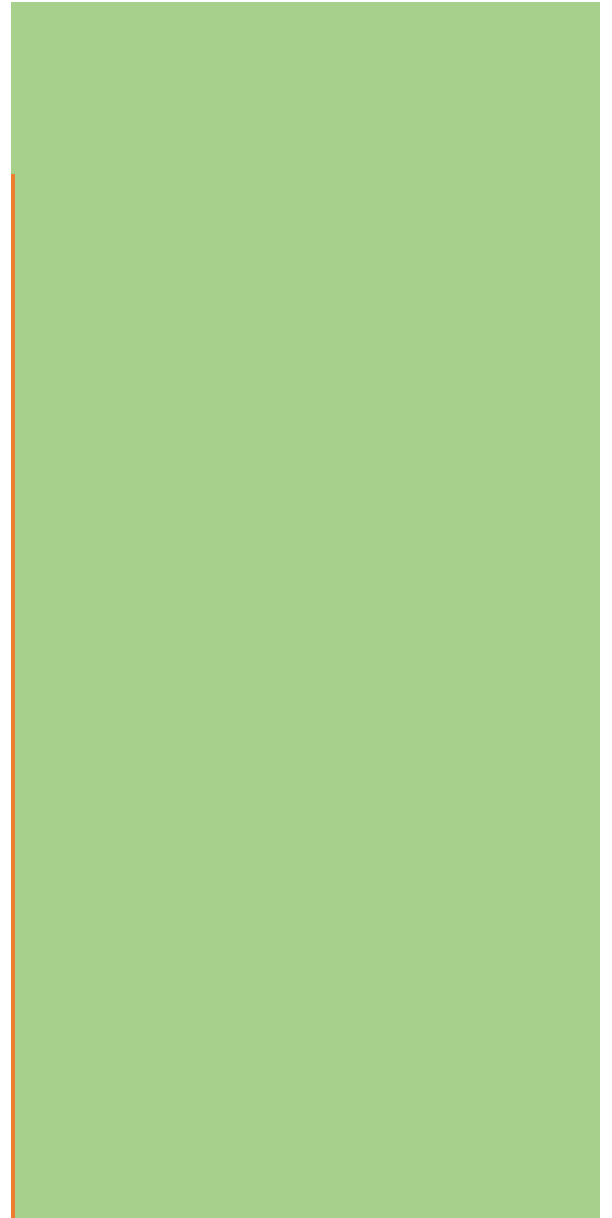
TxDOT: Texas Department of Transportation

6. APPENDIX B

A. Board Minutes or Resolution



2023 TRANSIT ASSET MANAGEMENT PLAN



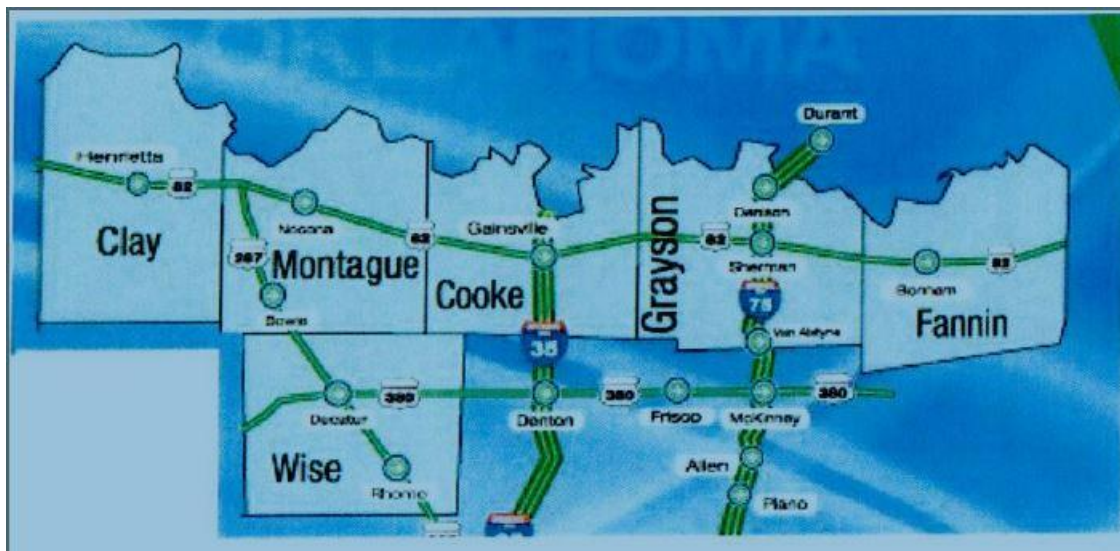
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Section 1 - Introduction

Overview

Texoma Area Paratransit System (TAPS) provides demand responsive public transportation in rural Clay, Cooke, Fannin, Grayson, Montague, and Wise counties located in North Central Texas. TAPS also provides demand responsive service for the Sherman/Denison Urbanized Area (see Figure 1). Service hours are Monday-Friday 6 am to 6 pm and are open to the public. Service is not exclusive of any population. The fleet is made up of 26-foot Cutaway paratransit type vehicles. All vehicles are ADA accessible. The agency has Facilities to maintain the fleet of vehicles as well as equipment to clean and maintain the vehicles.

Figure 1: TAPS Service Area



The purpose of this TAM (Transit Asset Management) Plan is to document the condition of the various assets and prepare for replacement based on each asset type's useful life. The TAM Plan also provides a framework for effective decision-making with respect to the capital assets. TAPS TAM Plan is comprised of tables derived from the FTA's TAM Guide for Small Providers Worksheet.

About the TAM Plan

As part of MAP-21 and the subsequent Fixing America's Surface Transportation (FAST) ACT, the FTA enacted regulations for transit asset management that require transit service providers to establish asset management performance measures and targets, and to develop a TAM Plan. The final TAM rule was published on July 26, 2016 and went into effect on October 1, 2016.

The rule distinguishes requirements between larger and smaller transit agencies. TAPS is a Tier II provider, which the FTA describes as:

A Federal grant recipient that owns, operates, or manages: 1) one hundred (100) or fewer vehicles in fixed-route revenue service during peak regular service across all non-rail fixed route modes or in any one non-fixed route mode, or has one hundred (100) or fewer vehicles in general demand response service during peak regular service hours; 2) a subrecipient under the Section 5311 Rural Area Formula Program; or 3) any American Indian tribe.

The TAM Rule requires that transit agencies establish state of good repair (SGR) performance measures and targets for each asset class. TAPS reports on the following asset performance measures and categories:

- Rolling Stock (Revenue Vehicles): Percent of vehicles that have either met or exceeded their Useful Life Benchmark (ULB).
- Equipment (Equipment and Service Vehicles): Percent of equipment that have either met or exceeded their ULB.
- Facilities: Percent of Facilities rated below condition 3 on the FTA TERM scale.

The Useful Life Benchmark (ULB) is defined as the expected lifecycle of a capital asset for a particular transit provider's operating environment, or the acceptable period of use in service for a particular transit provider's operating environment. The ULB considers a provider's unique operating environment such as geography, service frequency, and other factors. TAPS uses the service life for rolling stock as suggested in the Altoona Report for each individual vehicle; the IRS (Internal Revenue Service) life of 5 years for Non-Revenue Service Vehicles; and the IRS life of 3 years for automobiles.

This TAM Plan covers 17 transit operators in North Texas. The Plan follows the structure provided in the FTA TAM Plan Template for Small Providers¹, which includes the following elements:

- Define TAM and SGR policy, TAM goals, and performance targets and measures
- Capital asset inventory summary
- Capital asset condition assessment summary
- Investment prioritization and decision support tool description
- Maintenance, overhaul, disposal, and acquisition and renewal strategies
- Proposed investment and capital investment activity schedules.

This plan covers a timeframe through the end of FY 24 and can be easily added to include more long-term goals. This plan includes expected useful life timelines for equipment, includes steps that are performed to maintain equipment in a state of good repair and allows the agency a document to fall back on to monitor progress.

Performance Targets & Measures

The goal of this plan is to assist in maintaining assets to ensure that the agency obtains the maximum amount of use for an asset without sacrificing safety to the public. This assists the agency in planning for the replacement of assets. The agency also can assess progress toward goals and objects.

Asset Category	Performance Measure	Target
Rolling Stock <i>All revenue vehicles</i>	Age - % of revenue vehicles within a particular asset class that have met or exceeded their Useful Life Benchmark (ULB)	20%
Equipment <i>Non-revenue vehicles</i>	Age - % of vehicles that have met or exceeded their Useful Life Benchmark (ULB)	20%
Facilities <i>All buildings or structures</i>	Condition - % of facilities with a condition rating below 3.0 on the FTA Transit Economic Requirements Model (TERM) Scale	0.01%

Transit Asset Management: Vision

The goal of this plan is to assist in maintaining assets to ensure that the agency obtains the maximum amount of use for an asset without sacrificing safety to the public. This assists the agency in planning for the replacement of assets. The agency also can assess progress toward goals and objects.

Beyond compliance with legislation, regulations, and statutory requirements, TAPS aims to improve asset management awareness, and ensure staff have the knowledge and skills necessary to successfully carry out their roles.

TAM and SGR Policy

TAPS will establish and maintain investment strategies to ensure its capital assets are kept in a state of good repair. The state of good repair is defined as the condition in which a capital asset can operate at a full level of performance throughout its useful life.

To do this, TAPS will:

- Maintain an inventory of all capital assets, including vehicles, facilities, equipment, and infrastructure;

- Consistently monitor the condition and measure the performance of assets over time and report performance of assets each year to the Nation Transit Database;
- Project the future performance of assets consistent with FTA guidelines;
- Establish and adhere to plans for maintenance, risk management, disposal, acquisition, and renewal of capital assets;
- Document policies, procedures, investment priorities, and other elements of TAPS' asset management program in a Transit Asset Management Plan, which will be updated annually

TAM Goals and Objectives

Following the TAM Vision and SGR Policy, the table below provides a list of goals and objectives that this TAM Plan is designed to achieve. Measuring each of these objectives will allow TAPS to track progress towards its goals, policies, and vision for Transit Asset Management.

Goals	Objectives
Increase customer satisfaction score by 20 percent in fiscal year.	Respond to customer feedback from past survey by mid-fiscal year.
	Respond to customer complaints (through 511) within one week of complaint.
Fleet Replacement	Follow through with Fleet Replacement Plan target set for end FY 24
	Continue to monitor fleet maintenance activity to ensure timely and cost-effective delivery of maintenance activities.
Assess TAM	Assess this plan annually to ensure state of good repair.
	This plan will be assessed in the beginning of each FY following the closeout inventory of each FY.

Roles and Responsibilities

Implementing the TAM Plan requires the shared work and responsibility of many people within the agency. These specific people are listed below. The responsibilities include implementing, monitoring, and updating this TAM Plan. TAPS must designate an Accountable Executive to ensure appropriate resources for implementing the agency's TAM plan and the Transit Agency Safety Plan. TAPS' Accountable Executive shall be the General Manager. The General Manager,

is a single, identifiable person who has ultimate responsibility for carrying out the safety management system of a public transportation agency; responsibility for carrying out transit asset management practices; and control or direction over the human and capital resources needed to develop and maintain both the agency's public transportation agency safety plan, in accordance with 49 U.S.C. 5329(d), and the agency's transit asset management plan in accordance with 49 U.S.C. 5326.

Department/Individual	Role (Title and/or Description)	
Shellie White	General Manager, Accountable Executive, reports to Board and Oversees all aspects of TAPS	TAPS
Brenda Davis	Accounting Assistant, support in financial planning and annual inventory	TAPS
Joe Penson	Maintenance Manager, maintaining fleet, equipment, and property	TAPS

Section 2 - Asset Portfolio

Asset Inventory Listing

The table below presents a summary of the asset inventory. This plan includes a total of 30 vehicles with an average age of 4.17 years. The equipment inventory includes 6 support vehicles and maintenance equipment. Also included is a maintenance facility, wash bay and land. Please see inventory table for the complete asset inventory listing.

Asset Category	Total Number	Avg Age	Avg Value
Equipment	13	7.3077	\$17,448.00
Facilities	3	14.364	\$86,135.00
Rolling Stock	30	4.17	\$73,862.00

Inventory Table

Asset Category	Asset Class	Asset #	Make	Model	ID/Serial No.	Asset Owner	Age (Yrs)	Purchase Price
Rolling Stock	Vehicle	218	Ford	Universal	1FDXE4FS4BDA97212	TAPS/TX DOT	12	\$80,000.00
Rolling Stock	Vehicle	323	Glaval	Universal	1FDXE4FS2FDA07206	TAPS/TX DOT	8	\$80,000.00
Rolling Stock	Vehicle	324	Glaval	Universal	1FDXE4FS0FDA07205	TAPS/TX DOT	8	\$80,000.00
Rolling Stock	Vehicle	325	Glaval	Universal	1FDXE4FS7FDA07203	TAPS/TX DOT	8	\$80,000.00
Rolling Stock	Vehicle	327	Glaval	Universal	1FDXE4FS9FDA07204	TAPS/TX DOT	8	\$80,000.00
Rolling Stock	Vehicle	341	Glaval	Universal	1FDXE4FS8JDC36336	TAPS/TX DOT	5	\$80,000.00
Rolling Stock	Vehicle	342	Glaval	Universal	1FDXE4FS3JDC36325	TAPS/TX DOT	4	\$80,000.00
Rolling Stock	Vehicle	343	Glaval	Commute	1FDES8PM1JKB25758	TAPS/TX DOT	5	\$70,000.00
Rolling Stock	Vehicle	344	Glaval	Commute	1FDES8PM6JKB25755	TAPS/TX DOT	5	\$70,000.00
Rolling Stock	Vehicle	345	Glaval	Commute	1FDES8PMXJKB25757	TAPS/TX DOT	5	\$70,000.00
Rolling Stock	Vehicle	346	Glaval	Commute	1FDES8PM7JKB23318	TAPS/TX DOT	5	\$70,000.00
Rolling Stock	Vehicle	347	Glaval	Commute	1FDES8PM9JKB23319	TAPS/TX DOT	5	\$70,000.00
Rolling Stock	Vehicle	348	Glaval	Commute	1FDES8PM5JKB23317	TAPS/TX DOT	5	\$70,000.00
Rolling Stock	Vehicle	349	Glaval	Commute	1FDES8PM8JKB36451	TAPS/TX DOT	5	\$70,000.00
Rolling Stock	Vehicle	350	Glaval	Commute	1FDES8PM8JKB25756	TAPS/TX DOT	4	\$70,000.00
Rolling Stock	Vehicle	351	Glaval	Cutaway	1FDXE4FS2KDC55630	TAPS/TX DOT	3	\$70,000.00
Rolling Stock	Vehicle	352	Lone Star	Promaster	3C6TRVAG0KE539022	TAPS/TX DOT	3	\$75,000.00
Rolling Stock	Vehicle	353	Lone Star	Promaster	3C6TRVAG9KE539021	TAPS/TX DOT	3	\$75,000.00
Rolling Stock	Vehicle	354	Glaval	Commute	1FDES6PG6LKB18595	TAPS/TX DOT	2	\$ 75,110.00
Rolling Stock	Vehicle	355	Glaval	Commute	1FDES6PG6LKB18600	TAPS/TX DOT	2	\$ 75,110.00
Rolling Stock	Vehicle	356	Glaval	Commute	1FDES6PG0LKB31830	TAPS/TX DOT	2	\$ 75,110.00
Rolling Stock	Vehicle	357	Glaval	Commute	1FDES6PG0LKB18592	TAPS/TX DOT	2	\$ 75,110.00

Rolling Stock	Vehicle	358	Glaval	Commute	1FDES6PG6LKB3 1833	TAPS/TX DOT	2	\$ 75,110.00
Rolling Stock	Vehicle	359	Glaval	Commute	1FDES6PG0LKB1 8611	TAPS/TX DOT	2	\$ 75,110.00
Rolling Stock	Vehicle	360	Glaval	Commute	1FDES6PG4LKB1 8613	TAPS/TX DOT	2	\$ 75,110.00
Rolling Stock	Vehicle	361	Glaval	Commute	1FDES6PG9LKB1 8591	TAPS/TX DOT	2	\$ 75,110.00
Rolling Stock	Vehicle	362	Glaval	Commute	1FDXE4FN8NDC1 3137	TAPS/TX DOT	2	\$ 78,791.00
Rolling Stock	Vehicle	363	Glaval	Commute	1FDXE4FN8NDC1 3140	TAPS/TX DOT	2	\$ 78,791.00
Rolling Stock	Vehicle	364	Glaval	Commute	1FDXE4FN1NDC1 3139	TAPS/TX DOT	2	\$ 78,791.00
Rolling Stock	Vehicle	365	Glaval	Commute	1FDXE4FNXNDC 13138	TAPS/TX DOT	2	\$ 78,791.00
Equipment	Vehicle	S3	Ford	F-150	1FTFX1CF0FA276 52	TAPS/TX DOT	9	\$30,000.00
Equipment	Vehicle	S4	Chevy	350	1GC4CVCG7KF17 1780	TAPS/TX DOT	4	\$48,000.00
Equipment	Vehicle	S5	Ford	350	1FDRF3G62LEE2 7054	TAPS/TX DOT	3	\$44,000.00
Equipment	Vehicle	C1	Chevy	Equinox	2GNALDEK3E612 1494	TAPS/TX DOT	9	\$32,000.00
Equipment	Vehicle	C2	Chevy	Impala	1G1125S39EU14 3136	TAPS/TX DOT	9	\$34,000.00
Equipment	Vehicle	C4	Chevy	Equinox	3GNAXKEV7LL31 1990	TAPS/TX DOT	3	\$23,315.00
Equipment	Vehicle Lift	14225	Rotary	SP015N310	CQK14I0025	TAPS/FT A	9	\$11,000.00
Equipment	Vehicle Lift	14224	Rotary	SP012N7T0	DAU14I0090	TAPS/FT A	9	\$11,000.00
Equipment	Alignment Rack	14223	Hunter	L441	JYB1634	TAPS/FT A	9	\$73,000.00
Equipment	Hydraulic Lift System	14283	Koni	ST-1082FSFUS	211H-601201	TAPS/FT A	10	\$30,000.00
Equipment	Fall Protection System					TAPS/FT A	5	\$15,535.00
Facilities	Maintenance Facility	Maintenance Facility	Building	Custom	6104 Texoma Pkwy Sherman, TX	TAPS	16	\$200,000.00
Facilities	Wash Bay	Wash Bay	Building	Custom	6104 Texoma Pkwy Sherman, TX	TAPS	12	\$85,000.00

Facilities	Land	Land	Land	N/A	6104 Texoma Pkwy Sherman, TX	TAPS	28	\$150,000.00
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Section 3 - Condition Assessment

Asset Condition Summary

Thirty percent of rolling stock is currently at or past its ULB. All other assets are within their useful life benchmarks. A detailed list is presented below.

Asset Category	Count	Avg Age	Avg Mileage	Avg TERM Condition	Avg Value	% At or Past ULB
Equipment	13	7.3077		N/A	\$17,448.00	53.85%
Facilities	3	14.364		4.333333333	\$86,135.00	0.00%
Rolling Stock	30	4.17	84,310	N/A	\$73,862.00	33%

Rolling Stock Condition Table

Asset Category	Asset Class	Asset Name	ID/Serial No.	Age (Yrs)	Replacement Cost/Value	Useful Life Benchmark (Yrs)	Past Useful Life Benchmark
Rolling Stock	Vehicle	218	1FDXE4FS4BDA97212	12	\$80,000.00	5	Yes
Rolling Stock	Vehicle	323	1FDXE4FS2FDA07206	8	\$80,000.00	5	Yes
Rolling Stock	Vehicle	324	1FDXE4FS0FDA07205	8	\$80,000.00	5	Yes
Rolling Stock	Vehicle	325	1FDXE4FS7FDA07203	8	\$80,000.00	5	Yes
Rolling Stock	Vehicle	327	1FDXE4FS9FDA07204	8	\$80,000.00	5	Yes
Rolling Stock	Vehicle	341	1FDXE4FS8JDC36336	5	\$80,000.00	7	No
Rolling Stock	Vehicle	342	1FDXE4FS3JDC36325	3	\$80,000.00	7	No

Rolling Stock	Vehicle	343	1FDES8PM1JKB25758	5	\$70,000.00	5	Yes
Rolling Stock	Vehicle	344	1FDES8PM6JKB25755	5	\$70,000.00	5	Yes
Rolling Stock	Vehicle	345	1FDES8PMXJKB25757	5	\$70,000.00	5	Yes
Rolling Stock	Vehicle	346	1FDES8PM7JKB23318	5	\$70,000.00	5	Yes
Rolling Stock	Vehicle	347	1FDES8PM9JKB23319	5	\$70,000.00	5	Yes
Rolling Stock	Vehicle	348	1FDES8PM5JKB23317	5	\$70,000.00	5	Yes
Rolling Stock	Vehicle	349	1FDES8PM8JKB36451	5	\$70,000.00	5	Yes
Rolling Stock	Vehicle	350	1FDES8PM8JKB25756	4	\$70,000.00	5	No
Rolling Stock	Vehicle	351	1FDXE4FS2KDC55630	3	\$70,000.00	5	No
Rolling Stock	Vehicle	352	3C6TRVAG0KE539022	3	\$75,000.00	5	No
Rolling Stock	Vehicle	353	3C6TRVAG9KE539021	3	\$75,000.00	5	No
Rolling Stock	Vehicle	354	1FDES6PG6LKB18595	2	\$75,110.00	7	No
Rolling Stock	Vehicle	355	1FDES6PG6LKB18600	2	\$75,110.00	7	No
Rolling Stock	Vehicle	356	1FDES6PG0LKB31830	2	\$75,110.00	7	No
Rolling Stock	Vehicle	357	1FDES6PG0LKB18592	2	\$75,110.00	7	No
Rolling Stock	Vehicle	358	1FDES6PG6LKB31833	2	\$75,110.00	7	No
Rolling Stock	Vehicle	359	1FDES6PG0LKB18611	2	\$75,110.00	7	No

Rolling Stock	Vehicle	360	1FDES6PG4LKB18613	2	\$ 75,110.00	7	No
Rolling Stock	Vehicle	361	1FDES6PG9LKB18591	2	\$ 75,110.00	7	No
Rolling Stock	Vehicle	362	1FDXE4FN8NDC13137	2	\$ 78,791.00	7	No
Rolling Stock	Vehicle	363	1FDXE4FN8NDC13140	2	\$ 78,791.00	7	No
Rolling Stock	Vehicle	364	1FDXE4FN1NDC13139	2	\$ 78,791.00	7	No
Rolling Stock	Vehicle	365	1FDXE4FNXNDC13138	2	\$ 78,791.00	7	No

Facilities Condition Table

Asset Category	Asset Class	Asset Name	ID/Serial No.	Age (Yrs)	Replacement Cost/Value	Useful Life Benchmark (Yrs)	Past Useful Life Benchmark
Facilities	Maintenance Facility	Maintenance Facility	6104 Texoma Pkwy Sherman, TX	16	\$200,000.00	50	No
Facilities	Wash Bay	Wash Bay	6104 Texoma Pkwy Sherman, TX	12	\$85,000.00	25	No
Facilities	Land	Land	6104 Texoma Pkwy Sherman, TX	28	\$150,000.00	99	No

Equipment Condition Table

Asset Category	Asset Class	Asset Name	ID/Serial No.	Age (Yrs)	Replacement Cost/Value	Useful Life Benchmark (Yrs)	Past Useful Life Benchmark
Equipment	Vehicle	S3	1FTFX1CF0FA27652	9	\$30,000.00	5	Yes
Equipment	Vehicle	S4	1GC4CVCG7KF171780	4	\$48,000.00	5	No
Equipment	Vehicle	S5	1FDRF3G62LEE27054	3	\$44,000.00	5	No

Equipment	Vehicle	C1	2GNALDEK3E6121494	9	\$32,000.00	5	Yes
Equipment	Vehicle	C2	1G1125S39EU143136	9	\$34,000.00	5	Yes
Equipment	Vehicle	C4	3GNAXKEV7LL311990	3	\$25,000.00	5	No
Equipment	Vehicle Lift	14225	CQK14I0025	8	\$11,000.00	8	Yes
Equipment	Vehicle Lift	14224	DAU14I0090	8	\$11,000.00	8	Yes
Equipment	Alignment Rack	14223	JYB1634	8	\$73,000.00	8	Yes
Equipment	Hydraulic Lift System	14283	211H-601201	9	\$30,000.00	8	Yes

Section 4 - Management Approach

Decision Support

TAPS performs annual inventory of assets and keeps excel spreadsheets to track use and condition. For this TAM plan, the FTA-developed excel template for TAM Plans for Small Providers was used to guide parts of the analysis.

Process/Tool	Brief Description
Annual inventory	Annual inventory allows staff to determine annual use and condition of assets. Staff can then compare annual usage to ensure that the fleet replacement plan is in line with projections.
Revenue Vehicle Fluid sampling analysis	This is critical in identifying issues as a vehicle ages and can also reinforce the need to replace a vehicle based on results over time.
Regular inspection of Facilities and Equipment	This allows staff to monitor items over time to ensure that mission critical components/assets are maintained. It also allows staff to detect those assets that may need to be replaced so that the agency can plan accordingly.

Investment Prioritization

Investment prioritization is made based on funding available. The agency seeks to set short term, mid-term, and long-range goals to ensure that assets are maintained in a state of good repair. The agency's short-term goal is to continue downsizing the fleet to be in line with current service levels. The agency does not foresee major growth or expansion. Based on funding available, the agency perceives that sufficient funding exists to replace fleet as it ages out through the end of FY 24.

Risk Management

Risk	Mitigation Strategy
Major Vehicle Breakdowns	Maintain increased vigilance focused on identifying issues in the PM (Preventative Maintenance) process to prevent major damage from occurring (i.e. early detection).
Loss or interruption of federal funds	Increase the amount of local funding/revenues to decrease dependence upon federal stream(s).

Maintenance Strategy

Asset Category/Class	Maintenance Activity	Frequency	Avg Duration (Hrs)	Cost
CUT-AWAY BUS	PM-A includes oil sample analysis	5,000 Miles	1.5 Hours	\$100
CUT-AWAY BUS	PM-B includes oil sample analysis	10,000 Miles	2 Hours	\$160
CUT-AWAY BUS	PM-C includes oil sample analysis	30,000 Miles	4 Hours	\$370
Facility	Routine Inspections conducted	Daily, Weekly, Monthly	1 -2 Hours	Included in Salaries

To mitigate unplanned maintenance needs, oil sample analyses are conducted to ensure early detection of major component breakdown. This causes a reduced cost to correct these unexpected maintenance needs. The agency is also working on creating a fund to use in such cases that would not adversely affect the agency's ability to cash flow such repairs.

Overhaul Strategy

Asset Category/Class	Overhaul Strategy
CUT-AWAY BUS	Major overhaul - rebuild of bus engine, drivetrain as needed based on performances and items detected from regular PM service. Fluid analysis is performed periodically to assist in early detection of major component problems.

Disposal Strategy

Revenue vehicles at the end of their useful life are disposed of via public auction or salvage.

Acquisition and Renewal Strategy

Asset Category/Class	Acquisition and Renewal Strategy
Revenue Vehicles	Assets are inventoried annually, and condition assessed. Agency has a fleet replacement based on projected asset usage.
Support Vehicles	Assets are inventoried annually, and condition assessed. Agency has a fleet replacement based on projected asset usage.
Facilities	Facilities are inspected monthly, weekly, and quarterly to identify areas that need maintenance. This assists agency in early detection of significant issues to ensure the agency can have time to locate funding source in event a major unforeseen issue arises.
Equipment	Equipment is inspected regularly and maintained to ensure safe and lasting use of equipment. Equipment is only used properly and for its intended purpose.

Section 5 - Work Plans & Schedules

Proposed Investments

Project Year	Project Name	Asset/Asset Class	Cost	Priority
FY 2024	Fleet update	Cutaway Bus and small buses	\$600,000.00	Medium
FY 2024	New Transit Facility	Facility	\$4,500,000.00	High

Capital Investment Activity Schedules

TAPS is in the process of making repairs/upgrades to the maintenance facility. Items that have been completed are new pavement in the front parking lot of the maintenance facility and a new fence to protect and secure revenue vehicle parking area.



Texoma Area Paratransit Systems

Procurement Policies & Procedures

REVISION DATE: NOVEMBER 2023

TAPS Public Transit PROCUREMENT POLICIES & PROCEDURES

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1. PURPOSE AND INTRODUCTION

1.1 OBJECTIVE

The purpose of this TAPS Public Transportation (TAPS) Procurement Policies & Procedures is to define the basic policies and procedures for the procurement and disposal of materials, equipment, buses, other vehicles, and facilities, and the procurement and administration of professional services and other services required by TAPS.

Procurement standards should follow the following:

- CFR §§200.318-327 General Procurement Standards through Contract Provisions and 49 U.S.C. Chapter 53.
- Other applicable parts of 2 CFR Part 200.
- The most recent edition and any revisions of FTA Circular 4220.1, "Third-Party Contracting Guidance."
- 43 TAC §31.44 "Procurement Requirements."
- All other applicable federal laws, state laws, regulations, and requirements that affect third-party procurements, in effect at any time during the term of the MGA.

The Procurement Policies & Procedures specifies policy and procedure for all TAPS employees involved in the procurement process. Generally, the TAPS Board of Directors' designee is the General Manager.

TAPS's policies and procedures are established to:

- maximize the value received for TAPS's expenditure of public funds,
- protect assets purchased with public funds and ensure their application in the TAPS's interest,
- provide a timely, efficient, and cost-effective flow of resources necessary to support TAPS's provision of service, and
- protect the integrity of TAPS' procurement process and protect the reputation of TAPS, their officers, and employees.

2.2 STEP-BY-STEP GUIDE

Step 1: Staff must determine the following: project scope; expected cost of the procurement; funding source; whether the procurement is budgeted or non-budgeted; and whether the procurement will be informal or formal

Step 2: For procurement type, staff should refer to the policies described herein. Any questions regarding the procurement process should be discussed with the TAPS Board of Directors or their designee to ensure that the proper procedures are followed.

Step 3: The TAPS Board of Directors or their designee is responsible for the administration of the procurement, which includes obtaining the required approval, before initiating the procurement process.

Step 4: Upon completion of the procurement process, a Purchase Order must be issued prior to the execution of any contract or initiation of work.

Step 5: For each type of procurement, staff has prepared a checklist of steps to follow that should be used and filed in the procurement file with other necessary documents discussed herein.

1.3 GENERAL PROCUREMENT POLICY

It is the policy of TAPS that the purchase of all goods and services be accomplished under the control of its TAPS Board of Directors or their designee to facilitate procurement of quality materials, equipment and services in an efficient and responsive manner. The TAPS Board of Directors or their designee is responsible for ensuring full and open competition and equitable treatment of all potential vendors and sources of goods and services. The TAPS Board of Directors or their designee is responsible for the planning, solicitation, award, administration, and documentation of contracts in which public funds are expended, through the application of sound procurement policies and procedures. TAPS's policies and procedures are designed to conform to applicable federal, state, and local regulations and guidelines which govern public procurements. In each procurement TAPS will employ the stricter of any federal, state, or local guideline which applies to the particular procurement. Most procurements for TAPS involve purchases to support daily operation of the transit system, which is supported in part by federal funds through grants from the Federal Transit Administration (FTA). The U.S. Department of Transportation Federal Transit Administration provides guidance for procurement in 49 Code of Federal Regulations Part 18, and in FTA Circulars 4220.1F and 5010.1C and Uniform Guidance 2 CFR 200. The underlying purchasing policy and procedure requirements for FTA's rules derive from the Federal Acquisition Regulation.

1.4 REVIEW AND UPDATE

The TAPS Board of Directors or their designee shall revise procedures and practices which conflict with applicable state statutes or federal purchasing requirements. The policies incorporated in Section 2 Policies of this Procurement Policies & Procedures can only be changed with the approval of the TAPS Board of Directors or their designee. The TAPS Board of Directors or their designee will annually review the Policies against any changes in federal, state, or local guidelines that may have occurred, or changes in internal procedures necessary or appropriate. Changes requiring TAPS approval in conformance to its policy shall be submitted to the Board of Directors for approval.

SECTION 2. GENERAL POLICIES

2.1 ETHICS

a. PURPOSE

Because it is imperative that officials and employees of TAPS Public Transportation maintain the highest possible standards of ethical conduct in their transaction of public business, such standards must be clearly defined and published. The following Code of Ethical Standards includes standards of the Federal Transit Administration.

b. RELATIONSHIPS

In all procurement matters relating to TAPS, no TAPS employee, official, or agent, including any member of an evaluation committee for a TAPS project, shall participate in the selection, award, or administration of a contract between TAPS and a private business if a conflict of interest, real or apparent, would be involved. Such a conflict would exist when an employee, officer, or agent of TAPS; any member of his/her immediate family; his or her partner; or an organization which employs, or is about to employ, any of the above; has a material financial or other interest in a firm selected for award of a contract.

c. GIFTS AND GRATUITIES

It is TAPS's policy that no official or employee of TAPS shall seek or accept, directly or indirectly, any gift, service, favor, employment, engagement, compensation or economic opportunity from a contractor, potential contractor, or subcontractor which would tend improperly to influence a reasonable person in his or her position to depart from the faithful and impartial discharge of his or her public duties.

No TAPS official or employee may use his or her position to secure or grant unwarranted privilege, preferences, exemptions, or advantages for himself or herself, any member of his or her immediate household, any business entity in which he or she has a financial interest, or any other person.

d. VIOLATIONS

Violation of TAPS's ethics policy by any employee shall subject the individual to disciplinary action up to and including discharge as determined by the TAPS Board of Directors or their designee. Violation of this policy by contractors or their agents may be considered a breach of contract and shall subject such contractor or agent to action up to and including cancellation of contract and suspension and debarment from contracting with TAPS. Violation of this policy by bidders or potential contractors may be considered to make such bidder or proposer ineligible to bid or render a bid or proposal non-responsive.

e. ORGANIZATIONAL CONFLICT OF INTEREST

A conflict of interest is a situation in which one's private interest (most often financial in nature) conflicts with or raises a reasonable question of conflict with their job-related duties/responsibilities. Importantly, if someone violates a conflict-of-interest law, they face civil and/or criminal charges resulting in monetary fines and/or jail time. It shall be TAPS's policy in soliciting and contracting for goods and services to prevent any real or apparent organizational conflicts of interest which could arise when the nature of work to be performed under a proposed contract would result in an unfair competitive advantage to the contractor in the award of future work. It shall not be a bid or proposal requirement that a prospective vendor or contractor have prior contracts with TAPS. This shall not be construed, however, to prevent or limit the use of two-step sealed bidding.

2.2 CENTRALIZED PURCHASING AUTHORITY

The responsibility for the procurement and disposal of all material, equipment, vehicles, property, and services for TAPS rests with the TAPS Board of Directors or their designee. The TAPS Board of Directors or their designee has independent authority to act for the TAPS Board, subject to TAPS Public Transportation policies, in purchases of materials, equipment or services up to the limits described in section 3. Certain authority and responsibility will be delegated by the TAPS Board of Directors or their designee to other Transdev employees but will always be subject to the TAPS Board of Directors or their designee's review. No other employee

may commit funds to potential or existing suppliers or vendors on TAPS's behalf.

The TAPS Board of Directors or their designee shall have responsibility to assure full and open competition, fair treatment of all suppliers, and good value to TAPS in all procurements it makes. The TAPS Board of Directors or their designee will assure effective control of the solicitation, negotiation, award, and contract administration of each procurement made. The TAPS Board of Directors or their designee shall determine the method of procurement (e.g., RFB, RFP, non-competitive negotiation, etc.), the type of contract (e.g., firm fixed-price, cost reimbursement, etc.), and the terms and conditions to be included in each contract.

The TAPS Board of Directors or their designee is responsible to ensure that no contract will be entered into unless all requirements of law, regulations, and all applicable procedures, including proper clearances and approvals, have been met and that sufficient funds are available for the obligation. Following contract award, the TAPS Board of Directors or their designee or his/her designee will monitor contract compliance, enforce contract provisions, issue timely performance and payment approvals, modify the contract as necessary, and close out the contract when its performance is completed

The TAPS Board of Directors may designate an employee who is made specifically responsible for a single project or several projects. The designated employee shall assist to define program requirements and incorporate those requirements in a statement of work, indicate the relevant evaluation factors and the weight they are assigned in evaluation, and develop initial cost estimates for the requirement to enable comparison with the proposals from contractors. During the solicitation, the designated employee will be involved in the evaluation of responses to the solicitation. In competitively negotiated procurements, the designated employee will participate in the evaluation panel.

Following contract award, the designated employee may have primary responsibility for monitoring contractor compliance with contract requirements, keeping the TAPS Board of Directors informed of progress and problems, evaluating technical changes or modifications proposed by the contractor and recommending appropriate action to the TAPS Board of Directors or their designee.

The designated employee will generally have independent authority to manage the solicitation process for simple procurements made under small purchase provisions, see section 5.

All purchases of goods and services shall be initiated through use of a purchase requisition or purchase order, except purchases under \$100 or other noted herein.

Early involvement of all employees in planning for procurements is required in order that full and open competition can be maximized. This early involvement will range from 30 to 90 days before contract initiation for annual bids for routine materials procurements, to one year or more for major capital purchases.

Pending the award of a contract in any negotiated procurement, the designated employee may consult with vendors concerning details of their products; however, any discussion of prices, quantities, or other bidding, proposal, or contractual matters with vendors must involve the TAPS Board of Directors or their designee to assure proper procedures are followed.

All correspondence with a supplier regarding a matter of its contract with TAPS, whether relating to the scope of work, specifications, quality of work, delivery, payment, etc will be done by the TAPS Board of Directors or their designee. The TAPS Board of Directors or their designee shall periodically review the quantity, kind, and quality of material or services requisitioned, to avoid purchase of unnecessary or duplicate items, or items of questionable value to TAPS. The TAPS Board of Directors or their designee shall also consider consolidating or breaking out procurements to obtain economical purchases.

The TAPS Board of Directors or their designee may consider and pursue, in the interest of economy and efficiency, the use of State and local intergovernmental agreements for procurements, agreements for the use of common goods and services, or the use of federal or State excess and surplus property, when it is in the interest of TAPS to do so and complies with state and federal requirements and guidelines.

Awards shall be made only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. To that end, TAPS will consider such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources in determining whether a potential contractor is responsible.

The TAPS Board of Directors or their designee shall assure that records are maintained to detail the significant history of a procurement including,

but not limited to rationale for method of procurement, selection of contract type, selection or rejection of contractors, basis for contract price, contract amendments or change orders, and contract close-out.

The TAPS Board of Directors or their designee shall be responsible for the settlement of all contractual and administrative issues arising out of procurements, including source evaluation, protests, disputes, and claims. In dealing with protests, the TAPS Board of Directors or their designee shall assure TAPS's written protest procedure (see section XI) which follows FTA Circular 4220.1F.

TAPS shall conduct federally funded procurements in a manner that prohibits statutory or administrative in-State or geographical preferences in evaluation of bids or proposals, except where federal statutes expressly mandate geographic preference.

2.3 Approval Levels for Purchases

The TAPS Board of Directors will be notified and must approve all purchases.

a. Emergency Purchases

Approvals as described above shall be secured before committing any TAPS funds, except in cases of emergency.

An emergency shall be considered a real and present threat to TAPS property, employee welfare, or the provision of transit service which cannot be reasonably alleviated without the purchase in question. In all cases, TAPS Board of Directors or their designee will be involved.

During normal business hours the requirement will be addressed to the TAPS Board of Directors or their designee, who will assure necessary pricing and issue a purchase order.

After normal business hours, the TAPS Board of Directors or their designee or his/her designee will determine whether the matter may be resolved during the next business day. If not, an attempt will be made to secure price quotations from two or more reputable sources, and a purchase made. A requisition will be prepared the next business day and fully documented as to the nature of the emergency, and approval signatures will be obtained.

Emergency purchases exceeding the threshold requirement for advertising and/or competitive bidding will require prior approval of the TAPS Board of Directors or their designee before a commitment to purchase is made. In such cases, quotes will be invited from two or more persons or firms known to deal in the materials or services required. The TAPS Board of Directors or their designee will report such emergency action to the TAPS Board Members as soon as is possible to do so.

2.4 Disadvantaged Business Enterprise Policy

It is the policy of TAPS to actively encourage and assist Disadvantaged Business Enterprises (DBE) to participate competitively in TAPS procurement actions. A designated employee is appointed by the Board of Directors or his/her designee and reports directly to the TAPS Board of Directors or their designee on all matters pertaining to the DBE program. The designated employee is responsible for DBE program coordination and enforcement.

Please refer to the TAPS DBE Plan for additional detail regarding this topic.

2.5 Audits/Inventory of Assets

a. Real Property Acquisition and Management

Unless indicated otherwise, "property" refers to all real property, including improvements, and equipment. TAPS shall comply with Property Standards, as defined in 2 CFR §200.310 "Insurance Coverage," §200.311 "Real Property," §200.312 "Federally-owned and exempt property," §200.313 "Equipment," §200.314 "Supplies," §200.315 "Intangible Property), and §200.316 "Property Trust Relationship." TAPS will also comply with the 43 TAC Chapter 31, Subchapter E "Property Management Standards," including §31.50 "Recordkeeping and Inventory Requirements," §31.51 "Asset Management," §31.53 "Maintenance Requirements," §31.55 "Title," and §31.57 "Disposition."

TAPS shall follow the requirements for acquisition and management of real property specified in 2 CFR 200. Concurrent with the biennial equipment certification, TAPS will review all real property acquired with FTA assistance and prepare a Certification whether FTA-funded property continues to be needed for project purposes. These certifications no longer require submission to the FTA but must be kept on file. If excess real property exists, an excess real property utilization plan or plan for disposal shall be prepared and submitted for FTA approval.

b. Equipment Management Standards

TAPS shall follow the requirements for management of equipment purchased with Federal Transit Administration funds specified in 2 CFR 200. Once every year, TAPS will conduct a physical inventory and account for all equipment and other capital assets. The property record maintained for each item shall include:

- a) description,
- b) identification number,
- c) grant number and percent federal participation,
- d) purchase date,
- e) purchase cost,
- f) condition and use/location,
- g) date of disposal, if disposed, and
- h) sale price and method for determining fair market value.

In connection with the physical inventory of assets, a Certification will be prepared regarding the existence, current use, and continued need for FTA-funded equipment, and the Certification will be retained in TAPS' files. For those items identified as surplus, a plan for disposal shall be made.

c. Parts and Supplies Inventory

TAPS will conduct an annual inventory of parts and supplies (or other method such as cycle counting) to reconcile items in stock versus record of those on hand. The Maintenance Manager shall be responsible for conducting the annual inventory of non-capital items and preparing a variance report identifying discrepancies and their value.

Current parts and supplies inventory follows Transdev guidelines and recorded through Transdev.

2.6 Disposition of Surplus Equipment and Supplies/Scrap

a. Identification of Surplus/Obsolete Materials, Supplies, Equipment and Scrap

The identification of surplus equipment, material, or scrap shall be the responsibility of the Maintenance Staff and Manager.

Equipment shall be surplus when it becomes obsolete to TAPS because it has been replaced by newer equipment or because the equipment no longer supports TAPS' mission. Equipment shall be scrapped only when it is non-functional and non-repairable and has little or no value unless functional.

Parts are surplus when the part is no longer applicable to TAPS' fleet or when stock on hand exceeds the maximum established by the usage history of the item for a period of over one (1) year. Stock levels and order levels will be reviewed for all stock items at least once annually by the Maintenance Manager.

All scrap metal and other scrap having recovery value shall be sold for the benefit of the TAPS.

b. Disposal of Surplus

It is the policy of the TAPS to dispose of surplus and scrap to ensure the highest possible return consistent with costs of disposal, while conforming to requirements of FTA Circulars 5010.1C and 4220.1F. When considering disposal of personal property, TAPS will either offer it for sale by advertised public bid or by public auction.

Pursuant to FTA Circular 5010.1C, when selling equipment exceeding its useful life with a fair market value over \$5,000, or supplies sold for over \$5,000 in aggregate, TAPS shall reimburse FTA by the same percentage of net sales proceeds as the percentage of federal interest in the original grant for the equipment or supplies. TAPS will secure prior FTA concurrence in selling equipment before the end of its useful life and shall reimburse FTA for its share of the unamortized value of the remaining service life based on straight line depreciation, unless the unamortized value is \$5,000 or less.

Surplus materials or equipment, which cannot be returned or sold, shall not be sold as scrap while such material or equipment is still applicable to TAPS vehicles or operation. The disposition of surplus materials, supplies, and scrap must be authorized and approved by the TAPS Board of Directors or their designee prior to disposition. All sales shall be by cashier's check or cash.

c. Disposal of Scrap

Materials, parts, or equipment identified as scrap and having recovery value shall be sold to the highest of the two scrap dealers

willing to make quotations. The disposition of scrap must be approved by the TAPS Board of Directors or their designee prior to disposition. All sales shall be by cashier's check or cash unless otherwise approved by the TAPS Board of Directors or their designee.

2.7 Approved Equals/Brand Name of Equal

TAPS often uses a brand name to describe a specific product or feature. When using brand names, a method must be provided for vendors to use a difference brand that may provide the same product or service.

A requirement for a specific brand name is not permitted unless accompanied by the clause outlined in section 7.3.

The following statement must be included in any procurement when brand names are used or referenced.

Whenever a specific trade or product name is used within this specification, the following statement applies: "...or approved equal with essentially comparable standards of quality, design and performance."

All requests for approved equals must be approved by TAPS prior to the bid opening. All requests for approved equals must be supported with detailed technical information.

The use of a specific brand name over another brand name may not be used as grounds for awarding or not awarding a contract.

2.8 Time & Material Contracts

Time & Material contracts are not permitted at TAPS

2.9 Advance Payment

Advance payment is not permitted by TAPS

2.10 Revenue Contracts

- a. Competition** - The competitive process usually consists of a formal bid or proposal process, but it does not always have to. TAPS may use its own judgment about how to meet the intent of

the competition requirement on a case by case basis. Documentation must record how the competition requirements were met.

- b. Disadvantaged Business Enterprises** - DBEs should have the maximum opportunity to participate in both contracts and subcontracts that use any federal funds. TAPS is responsible for taking all necessary and reasonable steps to ensure that DBEs have maximum opportunity to compete for revenue contracts since these contracts are considered business opportunities.
- c. Flow-down Requirements** - Generally, if federal funds are not used to generate revenues, then there are no requirements to include federal clauses in the revenue contract itself.
- d. Unsolicited Proposals** - These may come forth when companies see an opportunity to use TAPS (an FTA-funded activity) to enhance their business interest. It may appear from such proposals that no other company could offer the same product or service. However, this does not justify a sole source contract. If the idea or activity is of interest to TAPS, the concept should be evaluated on its own merit and revenue producing potential. If the decision is to implement it, then a competitive process shall be used to select the contractor, unless TAPS determines that the proposed concept itself is proprietary.

e. Examples of Best Practices

It is important to always keep in mind the requirement for competition.

The New York City Transit Authority (NYCTA) has experience in many of the areas of revenue generation:

Advertising - buses, trains, stations and other property (billboards), direct advertising on back of MetroCard

Lease/rental of MTA-owned property - concessions, newsstands, retail space, subleasing of office space

The NYCTA procurement office does not handle the revenue generation contracts. Various departments of the transit agency are responsible for the revenue contracts, like the Advertising Department and Real Estate Department. These Departments are

aware of the federal requirements and follow them to obtain third-party contractors.

NYCTA was approached recently by a company, which submitted an unsolicited proposal, who wanted to install an electronic information system on the subway cars. The company wanted to program the system so that riders would know what was overhead, e.g. Wall Street, theater district. New York City decided to investigate the concept first to determine if it was something that they wanted to do to enhance the subway system. Deciding that they liked the idea, they then prepared an RFP and solicited vendors on a competitive basis.

Metropolitan Atlanta Rapid Transit Authority (MARTA) received an unsolicited proposal from a company about use of subway right-of-way for linking Atlanta with fiber optic cable using MARTA's system-wide conduits. MARTA determined that they had unused conduits and could lease space in them to various telecommunication companies. They contacted the regional FTA office and received their approval for a non-exclusive RFP to seek competitive proposals for twenty-year leases. This has produced successful revenue contracts.

2.11 Period of Limitation for Rolling Stock

In accordance with 49 U.S.C. Section 5326(b)(1), TAPS may procure rolling stock using financial assistance appropriated for 49 U.S.C. Chapter 53 using a contract with an option, not to exceed 5 years after the date of the original contract, to purchase additional rolling stock or replacement.

2.12 Cost Principles

When procuring any item with Federal funds TAPS shall review each procurement for relevant information pertaining to the cost principles as defined Office of Management and Budget (OMB) 2 CFR Part 200, Subpart E – Cost Principles, agency program regulations, and the terms of the grant agreement.

Any relevant requirements shall be documented by TAPS during the pre-procurement process.

2.13 Arbitrary Action

Arbitrary action is defined as a decision one has made without regard for the facts and circumstances presented, and it connotes a disregard of the

evidence. Any arbitrary action in the procurement process is considered to be restrictive of competition and therefore prohibited by TAPS. Prior to the award of any contract or purchase order, the authorized representative of TAPS will review the Procurement documentation and make a determination that no arbitrary action has occurred. The signoff or approval of the procurement will constitute the completion of this task.

2.14 Lease Versus Purchase

To obtain the best value a review of lease versus purchase alternative for acquiring property should be completed and if necessary, obtain an analysis to determine the more economical alternative. TAPS may use FTA capital assistance to finance the costs of leasing eligible property if leasing is more cost effective than full ownership. FTA approval must be obtained prior to entering into a lease agreement.

SECTION 3. RESPONSIBILITIES

3.1 General

The authority to award contracts rests with the TAPS Board Members. This authority is delegated, in part, to the TAPS Board of Directors or their designee and/or Board Chair, who oversee all agency activities and may delegate certain day-to-day purchasing activity to the Operations Manager or others. The TAPS Board of Directors or their designee may delegate certain authority to designated employees made responsible for specific projects carried out by their respective departments. These designated employees are generally responsible to initiate the procurements for their departments and to work closely with the TAPS Board of Directors or their designee in award and administration of contracts.

The responsibilities of persons involved in the procurement process are described in following paragraphs.

3.2 TAPS Board of Directors

- a) Sole contracting authority.
- b) Establishes agency operating budget and capital plan and budget based on recommendations of Chief Executive Officer and staff.
- c) Approves all purchases of materials, supplies, equipment, vehicles and services
- d) Authorizes TAPS Board of Directors or their designee or his/her designee to dispose of surplus materials, supplies, equipment and property, subject to its policies.

3.3 TAPS Board of Directors or their designee of Transdev

- a) Approves disposal of surplus materials, supplies, and equipment.
- b) Approves any changes to internal purchasing procedures and assures compliance with TAPS purchasing policies
- c) oversees DBE program

- d) Assures that FTA Circular 4716.1A and other federal, State and local regulations are adhered to by TAPS.
- e) Solicits and encourages the addition of qualified DBE vendors to TAPS's bidders lists; assures certification and recertification is processed in a timely manner; offers technical assistance to DBE's as appropriate; assists potential prime contractors to identify potential DBE subcontractors for contracting opportunities.
- f) Prepares all required internal and external DBE utilization reports; audits procurements as necessary to assure DBE requirements are met.

3.4 Attorney

- (a) May be used to review Invitations for Bid (IFB) and Requests for Proposal (RFP) for proper provisions and conditions and proper legal form prior to solicitation.
- (b) May be used to review any proposed contracts or any other contracts to be submitted for TAPS approval, for proper legal form.
- (c) Assists as requested by TAPS Board of Directors or their designee and Transdev staff in matters of contract solicitation, award, or administration including protests and disputes with vendors.

SECTION 4. ACQUISITION PLANNING

4.1 General

TAPS recognizes that advance procurement planning is a significant factor in providing and enabling full and open competition. Such planning, for large or complex procurements, will involve the efforts of all personnel responsible for a procurement far enough in advance to assure adequate time to solicit maximum participation by prospective vendors in meeting the requirement. Generally, planning for large or complex non-inventory procurements will begin with the annual budgeting and capital planning process. However, very complex procurements may require advance procurement planning to begin before the annual budget cycle in order to properly define a project scope and budget.

4.2 Planning Major Procurements

In order to provide for a smooth flow of major procurement work, the TAPS Board of Directors or their designee will annually convene one or more staff meetings after annual budget approval for the purpose of advance procurement planning for the coming year. The expected result of such meeting(s) will be agreement as to responsibilities for and the general timing of procurement effort for major projects in order that consistency of procurement activity is achieved, and timely solicitations are made. Minutes of these meetings will be made and retained.

The most appropriate method of procurement for each purchase will be determined by the TAPS Board of Directors or their designee in consultation with the Board. Purchases will be made by the following methods:

- a) Micro purchase
- b) Small Purchase
- c) Emergency purchase
- d) Request for Bids (RFB),
- e) Requests for Proposals (RFP)
- f) Non-competitive procurements.

SECTION 5. MICRO & SMALL PURCHASES

Note: TAPS may purchase items off of the State contract at every level.

5.1 Micro Purchases General

Section 9.a of [FTA Circular 4220.1F](#) authorizes the use of micro-purchases as a method of procurement, when appropriate. If used, the following apply:

- a) Micro-purchases are defined as those purchases under \$3,000.
- b) Micro-purchases may be made without obtaining competitive quotations if the grantee determines that the price to be paid is fair and reasonable.
- c) Micro-purchases are exempt from the Buy America requirements.
- d) Micro-purchases should be equitably distributed among qualified suppliers in the local area and purchases shall not be split to avoid the requirements for competition above the \$3,000 micro-purchase threshold.

- e) The requirements of the Davis-Bacon Act apply to construction contracts between \$2,000 and \$3,000. Other than the Davis-Bacon Act clauses for construction contracts between \$2,000 and \$3,000, no other Federal clauses are required.
- f) Minimal documentation is required: (a) a determination that the price is fair and reasonable and (b) how this determination was derived.

5.2 Small Purchases General

A significant portion of TAPS purchasing activity involves purchases of materials or services under the threshold for formal advertising and bidding, generally termed "small purchases". Small purchase procedures are covered in this section.

A Purchase Requisition is required and the necessary approvals secured prior to the commitment of TAPS funds. The only exceptions to this rule are:

- a) Petty cash purchases within limits,
- b) Emergency purchases coordinated with the TAPS Board of Directors or their designee, and
- c) Direct pay items under existing contracts or with proper prior approvals or authority for expenditure.

5.3 Petty Cash Purchases

The purchase of small-dollar value non-inventory items, \$250.00 or less may be accomplished using petty cash, only with prior approval of the **General** Manager. The petty cash account is intended to satisfy immediate small-dollar needs. All petty cash expenditures must be supported by appropriately detailed receipts for reimbursement. TAPS is tax exempt and no sales tax should be paid.

5.4 Small Purchase Procedures

a. General

While Federal Transit Administration (FTA) regulations contained in FTA Circular 4220.1F, and the Federal Acquisition Regulation, define small purchases as those relatively simple and informal

procurement methods for securing supplies, services, or property that do not cost more than \$250,000 in the aggregate, TxDOT regulations lower this limit to \$50,000. Circular 4220.1F requires that price or rate quotations will be obtained from an adequate number of qualified sources when small purchase procedures are used.

b. Competition Guidelines

TAPS's competition guidelines for purchases which are below \$3,000 permit purchase without quotation if, in the best judgment of the purchaser, the prices furnished are reasonable and comparable to prices for the same or similar supplies or materials which have been actively competed.

Purchases above \$3,000 but below \$50,000 will require that informal requests for quotation be solicited from at least three vendors, if available.

Purchases over \$50,000 but less than \$250,000 will require written bids (or proposals). Small purchases are not automatically excluded from consideration for formal bidding if cost-savings or other factors make bidding advisable.

For all types of purchases less than the statutory threshold for formal bids, competition guidelines will be relieved when the purchase is known to be "sole source" or when there are less than three potential sources available or willing to quote. In such cases, FTA-required procedures for sole-source acquisition and documentation (see Section 8.0, Non-Competitive Negotiation) will be followed and all efforts to identify and solicit competitive quotations from an adequate number of vendors will be documented.

c. Small Purchase Documentation

When oral quotations are solicited or obtained, an informal record of notation may be made on or attached to the requisition showing names of suppliers contacted, prices and other terms and conditions quoted by each. Written records of solicitation may include actual written or faxed quotations received or abstracts showing suppliers contacted and responding, price and delivery terms quoted, or references to current printed price lists of a vendor.

5.5 Emergency Purchase

Emergency purchases are separately covered under Section 3 of TAPS Purchasing Policies and Procedures. Emergency procedures will not be used to circumvent established policies and procedures elsewhere described herein. Persons initiating emergency purchases are responsible for all documentation required to the point the procurement is taken over by the Chief Executive Officer.

In the event of an emergency purchase over the threshold for formal bids, the TAPS must be informed at the earliest opportunity.

5.6 Check Request/Direct Pay Items

Certain expenses are incurred without the issuance of a purchase requisition or purchase order supporting each payment. Such expenses are typically the following types:

- a) periodic vendor payments under established vendor contracts or leases
- b) utility and telephone bills
- c) licenses and permits
- d) organizational membership dues
- e) postage
- f) investigative expenses
- g) settlement of claims and litigation
- h) travel expenses

For some of these payments, TAPS will receive a bill or invoice and for others TAPS may bear the responsibility for meeting a scheduled payment.

SECTION 6. FORMAL ADVERTISING/INVITATIONS FOR BID (IFB)

6.1 General - When TAPS requirements for an item of material exceeds \$50,000, or a simple service contract shall be over \$50,000, competitive bidding is required.

In addition to the above required IFB solicitations, TAPS may determine in certain circumstances that issuing an IFB for a purchase requirement

under the threshold would be appropriate in order to secure a favorable price or other benefit to TAPS.

6.2 Conditions Determining When Formal Advertising is Appropriate

The following conditions should be present for an IFB to be considered:

- (a) A complete, adequate and realistic specification or purchase description can be made available. Specifications may include one or more of the following conditions:
 - (1) That bids will be received and contracts let, separately, for each line or class of materials,
 - (2) That bids will be received and contracts let for purchase or lease of an (estimated but) unspecified number of items at a fixed price per unit, or
 - (3) That bids will be evaluated on the basis of such factors as reliability, productivity, and the cost of maintenance and services (i.e., life-cycle cost).
- (b) Reasonable certainty exists that two or more bidders are able and willing to compete effectively for the bid; and
- (c) The purchase lends itself to a firm fixed-price contract and the selection of the successful bidder can be made principally on the basis of price.

6.3 Public Advertising - Invitations for Bid for purchases where the estimated aggregate amount is expected to exceed \$50,000 will be publicly advertised at least once in either the largest local newspaper of general circulation and on the TAPS website, the day that the solicitation is released. Documentation of the placement of advertisement on the websites shall be included with the procurement documents. As appropriate to the purchase, publication may also be placed in the construction or equipment trade journals, or transit trade journals, etc. to foster competition.

TAPS will maintain bidders lists for routine types of purchases, containing current and prospective vendors. Prospective bidders on TAPS's bidders list or identified by other sources may also be contacted directly to solicit interest. TAPS does not maintain or permit use of prequalification lists.

All IFBs for purchase of supplies, materials, equipment and contractual services in amounts or estimated amounts in excess of \$50,000 shall be submitted to the Board of Directors for approval.

6.4 Solicitation: Preparation of IFB

An "IFB" is the complete assembly of related documents, either attached or incorporated by reference, furnished prospective bidders. It is based on a clear and accurate description of the material, equipment or service to be purchased not containing features that unduly restrict full and open competition. IFB's should contain the following information if applicable to the purchase:

- (a) IFB (sequence) number,
- (b) Name and address of TAPS,
- (c) Date of issue,
- (d) Date, hour and place of bid opening,
- (e) Description of material, equipment, or services to be furnished under each item, in sufficient detail to promote competition,
- (f) Time of delivery or other performance requirements,
- (g) Permission, if appropriate, to submit bids of alternate material or design (in addition to bid called for),
- (h) Statement that "Bids must set forth full, accurate, and complete information as required by the IFB",
- (i) Bid guarantee, performance and payment bond requirements,
- (j) A minimum bid acceptance period required of the bidder,
- (k) Any special technical specifications,
- (l) Any special provisions relating to progress payments, patents, liquidated damages, etc.,
- (m) Any contract provisions required by federal, State, or local law,

- (n) All factors to be considered in evaluation of bids, such as shipping costs, taxes and surcharges, etc., and how they will be considered,
- (o) How to obtain copies of documents incorporated by reference,
- (p) Instructions regarding how late bids will be handled.

6.5 Solicitation Guidelines

- a. Specifications - Specifications and purchase descriptions will provide accurate descriptions of the technical requirements for the material, equipment or service and will include the procedure for determining whether the requirement has been met. When possible, TAPS will state performance specifications defining the expected performance standards the end product is expected to achieve.

Purchase descriptions may refer to a "brand name or equal" product when it is not feasible to provide a more detailed description. All known acceptable brand name products will be listed. Potential bidders will be given opportunity to offer products other than those specifically referenced by brand name if those other products can be shown to meet TAPS needs in the same manner.

- b. Bidding Time - Adequate time will be given between the issuing of bid notice and the time set for receipt of bids to permit prospective contractors to prepare bids. Generally, no less than 20 days will be allowed for standard commercial items and no less than 30 days when purchasing other than standard commercial items, or purchasing services. Complex procurements for certain items of equipment or construction will require significantly longer bidding time.
- c. Distribution of IFB's - IFB's over \$50,000 will be publicly advertised in accordance with Section 6.3. At first publication, they will also be mailed to known prospective vendors. Records of IFB's and bids will be maintained for a reasonable period in order that they may be consulted in preparing a source list for similar IFB's.
- d. Amendment of IFB - Any change or correction necessary in bid quantities, specifications, delivery schedules, opening date, etc., which is required after issuing IFB's but before bid opening, will be

made by issuing an amendment. Any new information given to one prospective bidder will be furnished to all others in the form of an amendment. Consideration will be given to the period of time remaining to opening and the period will be extended in such amendment, if necessary. Notice of amendment will be furnished to each person furnished an IFB.

- e. Responsiveness of Bids - A bid must comply in all material respects with the IFB, including the method and timeliness of submission. Telegraphic or facsimile bids will not be considered under the competitive sealed bid procedure, unless specifically permitted in the IFB. Bidders are expected to use the TAPS bid form, and in failing to do so may be considered non-responsive. Should a bidder submit a bid on its own bid form or a letter, it may only be considered if the bidder specifically states it accepts all terms and conditions of the IFB, and if the award would result in a binding contract not varying from the IFB.
- f. Modification/Withdrawal of Bids - Bids may be modified or withdrawn by written, telegraphic, or facsimile notice or in person if submitted to and received by the purchasing professional not later than twenty-four (24) hours before the time set for bid opening.
- g. Time and Place of Bid Submission - The IFB, and public advertisement if advertised, will set forth the time, date, and place for opening of bids. A bidder will not be required to (but may) submit a bid before the time specified for receipt of bids. Bid specifications will set forth the manner in which sealed bids are to be marked and identified as sealed bids. When received by TAPS, sealed bids will be date stamped "Received" and the time of receipt noted.

Bids will be opened at the time and place designated in the notice. To be considered responsive, bids must be submitted not later than the exact time specified.

6.6 Award of Bids under IFB Procedures

- a. Cancellation After Opening - Award will be made to the responsible bidder who submits the lowest responsive bid unless all bids contain unreasonable prices, there is evidence of collusion or bad faith, or competition was not adequate to ensure a reasonable price. Bids will not be cancelled and re-advertised due solely to increased requirements for items being purchased.

- b. Rejection of Individual Bids - Any bid failing to conform to the essential requirements of the IFB, such that it materially affects price, quantity, quality, or delivery of the items offered, or in which the bidder imposes conditions modifying the requirements of the IFB or limiting its liability to TAPS in a way that gives the bidder an advantage over others, will be rejected as non-responsive. Minor informalities, errors that don't go to the substance of a bid, may be waived. A low bidder may be requested to delete certain conditions from its bid, provided they don't go to the substance of the bid. If the bidder fails to furnish a bid guarantee required as a condition of the bid, the bid must be rejected.
- c. Rejection of All Bids - When it is determined to reject all bids, all bidders will be notified that all bids were rejected stating the reasons for rejection.
- d. Delay of Award - If after bid opening administrative problems delay potential award of the bid beyond the bid acceptance period, and all bids are not to be rejected, bidders will be requested in writing, prior to the expiration of their bids, to extend the bid acceptance period by a specified amount of time. Written confirmation must be received if their bid is to remain in consideration.
- e. Award - Award of a bid will be made by written notice within the time period specified for acceptance (or extension). Award will be made to the responsible bidder whose bid, conforming to the IFB, will be most advantageous to TAPS, price and other factors affecting price considered. Award will not be made until all required approvals to contract are obtained.

Selection of a contractor must be supported and documented, justifying why the contractor was selected. Refer to all of section 6.5 for guidelines for selection and justification.

- f. Responsible Bidder - The following factors will be considered in determining responsibility of a bidder:
 - (a) possession of and limit of any required license
 - (b) financial responsibility,
 - (c) experience, and
 - (d) ability of bidder to complete performance.

- g. Responsive Bidder - The following factors will be considered in determining the responsiveness of a bidder:
- (a) whether the bid conforms in all material respects with the specifications,
 - (b) whether the bid complies specifically with the invitation to bid and instructions to bidders, and
 - (c) whether the bidder complied with all applicable statutes or regulations pertaining to the award of a public contract.
- h. Price Analysis - **Some form of price analysis is required for procurement transactions over \$50,000.** In addition, cost analysis is required when it is necessary to examine individual cost elements, such as labor hours or materials prices, to determine the reasonableness of price. In most cases, when competition exists under an IFB, price analysis will be used. Price analysis alone is appropriate when the price will be based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or where prices are set by law or regulation. The purchaser must document, for the contract file, that the price is fair and reasonable and give the basis for that conclusion.

Price analysis is the process of examining and evaluating a proposed price, to conclude the price is fair and reasonable, without evaluating its separate cost elements and proposed profit. Price analysis should include at least two of the following approaches:

- (a) Comparison of competitive price quotations,
- (b) Comparison of prior quotations/bids and contract prices with current quotations/bids for the same or similar items,
- (c) Use of yardsticks such as dollars per pound, per horsepower, or other units to identify inconsistencies,
- (d) Comparison of published price lists or prices issued on a competitive basis, or published market prices of commodities, together with discount or rebate schedules,

- (e) Comparison of proposed prices with independent cost estimates prepared before bid.

Price analysis is based on data that is obtained from sources other than the prospective contractor. Prices proposed by competitors are the best data because they reflect current economic conditions and are based on identical specifications. If using prior pricing information, the following factors must be considered:

- (a) The prices must be adjusted for changes in economic conditions between the times of the two procurements;
- (b) Adjustments must be made for differences in quantity;
- (c) Consideration must be given to inclusion of nonrecurring costs in prices. To make a fair comparison, nonrecurring costs should be removed from both prices.

- i. Single Bids - TAPS may award a contract to a single bidder provided that an analysis can be completed which documents the price is fair and reasonable. Price analysis will only be used when price reasonableness can be established based on catalog or market price of a commercial product sold in quantity or set by law or regulation. A cost analysis is required in all other cases of single bid evaluation. Cost analysis is covered in Section 7.6.6.

FTA Circular 4220.1F specifies that single bids must be considered as non-competitive negotiations and negotiated procurement procedures must be followed. Negotiated procurements are covered under Section 7.7.

FTA Circular 4220.1F, Chapter III, requires recipient agencies who have not "self-certified" to submit to FTA for pre-award review any proposed award for capital purchases exceeding \$250,000 which results from a single bid. Documentation requirements outlined in 4220, Chapter III, paragraph 4 will be followed. TAPS is not self-certified.

6.7 Bonding Requirements

- a. General - A bid bond, performance bond, payment bond or any combination thereof, or sufficient other surety, in an amount determined necessary by TAPS, may be required of each bidder or contractor on a particular contract. The purpose of such bonds or

other surety will be to insure proper performance of the contract, and save, indemnify and keep harmless TAPS against all loss, damages, claims, liabilities, judgments, costs and expenses which may accrue against it in consequence of the awarding of the contract.

Excessive or unnecessary surety requirements can restrict and inhibit competition. Therefore, TAPS shall carefully consider the nature of the performance and the need for future protection. TAPS will consider the risks if a successful offeror fails to enter into a formal contract or to perform under a contract, based on the type of supply or service to be performed, the dollar amount of the contract, and the delivery time requirements. Generally, no surety should be required for any procurement made under the small purchase limitation or for standard commercial items that are formally solicited. Performance and payment surety requirements are generally only applied to construction contracts.

In addition to bonds furnished by a surety company licensed in the State, TAPS may also accept as surety an irrevocable letter of credit not to exceed \$100,000, a cashier's check, certified check, bank money order or bank draft issued by a New Hampshire bank, or certificates of deposit or money market certificates issued by any New Hampshire bank or savings and loan association.

The Federal Transit Administration (FTA Circular 4220.1F) requires bid, performance and payment bonds for construction or facilities improvement contracts over \$100,000. Minimum requirements include a bid guarantee of five percent (5%) in the form of a bid bond, certified check or other negotiable instrument accompanying the bid, a performance bond of one hundred percent (100%) of the contract amount, and a payment bond assuring payment of all persons furnishing labor and material in furnishing the work of one hundred percent (100%) of the contract amount.

- b. Bid Bonds - Bid bonds shall not be required for any purchase under the small purchase limitation of \$5,000.

Except where bid guarantee is required by law or regulation, the TAPS Board of Directors or their designee shall assess the need for such protection in view of the nature of material, equipment or service to be purchased, the expected level of competition, and the extent of urgency in securing it. As a general rule, a bid guarantee

will not be required for standard commercial items where adequate competition is expected to exist.

Bid guarantees shall be required for construction or facilities improvement contracts over \$100,000. The bid guarantee amount shall be ten percent (10%) of the contract amount when bid security is required.

- c. Performance and Payment Bonds - The requirement for a performance bond shall be determined by the TAPS Board of Directors or their designee in view of the nature of purchase, its scope, and potential impact to TAPS of the contractor's failure to perform. When required, performance bonds shall be not less than 5 percent (5%) of the contract amount. Performance bonds for purchases of standard commercial items generally will not be required.

Performance and payment bonds in the amount of one hundred percent (100%) of the contract amount shall be required for TAPS public construction or facilities improvement contracts over \$100,000.

- d. Handling and Documentation - When negotiable instruments are submitted as bid guarantee, the bid guarantees of unsuccessful bidders will be returned to the bidders immediately upon award of bid (or rejection or expiration of bid). Bid guarantees of successful bidders will be retained until successful completion of the purchase.

Should the TAPS Board of Directors or their designee determine a need for bid guarantee, performance bond, or payment bond where not required by law or regulation, documentation justifying the need for and the amount of guarantee or bond will be included in the contract file.

SECTION 7. COMPETITIVE NEGOTIATION/REQUESTS FOR PROPOSALS (RFP)

7.1 General

When TAPS requirements for professional or personal services contracts over \$50,000 exist, competitive proposals and negotiation will be used, except where the service to be performed can be described in an IFB and qualitative evaluation is unnecessary. The competitive proposal process may also be appropriate for certain other procurements in which it is infeasible to fully detail a specification suitable to the IFB process. Proposals are formally advertised and a fixed-fee or cost-reimbursement

type contract is negotiated and awarded to the responsible proposer whose proposal is most advantageous to TAPS with price and other factors considered. In competitive negotiation, negotiation is undertaken with all offerors who are in competitive range.

In addition to the above-required formally advertised RFP solicitations, TAPS may determine in certain circumstances that issuing an RFP for an amount below the over \$50,000 threshold would be appropriate to secure favorable competition or price to TAPS.

Depending on contract type, TAPS Board of Directors may form a committee. This committee may consist of other board members and/or transit operations management.

7.2 Conditions Determining When Competitive Negotiation is Appropriate

The following conditions should be present for an RFP to be considered:

- (a) A complete, adequate and realistic specification or purchase description is infeasible, or a more general description is appropriate to assure full and open competition;
- (b) Factors other than price, or price-related, will be evaluated and weighed, with price, for award (except architect/engineering contracts prohibiting price consideration in evaluation);
- (c) Oral/written discussions may be needed with offerors;
- (d) Reasonable certainty that two or more proposers are able and willing to compete with proposals; and
- (e) It is appropriate if a cost-reimbursement contract must be used instead of a fixed-fee contract.

7.3 Public Advertising

Requests for Proposal for purchases over \$50,000 will be publicly advertised in the largest local newspaper of general circulation and on the TAPS website at least 10 business days prior to the due date for receipt of proposals. As appropriate to the purchase, publication may also be placed in trade journals or other media to foster maximum opportunity for competition.

TAPS will also maintain and establish lists of prospective proposers and may directly contact prospective contractors to solicit interest in the project.

7.4 Solicitation: Preparation of RFP

A Request for Proposal (RFP) is the complete assembly of related documents, either attached to or incorporated by reference, furnished prospective proposers. RFP's should include the following information if applicable to purchase:

- (a) RFP (sequence) number,
- (b) Name and address of TAPS,
- (c) Date of issue,
- (d) Date, hour, and place for receipt of proposals,
- (e) As complete a description of TAPS's needs as possible, set forth clearly to promote understanding of those needs by an adequate number of qualified sources to promote reasonable competition,
- (f) Request for technical and cost proposals (ceiling price or budget will not be disclosed),
- (g) List of evaluation factors/criteria in descending order of importance as indicated by relative weights applied to each factor,
- (h) Statement that TAPS reserves the right to select and award based on original proposals without discussion or negotiation with offerors, or with negotiation,
- (i) Proposal guarantee, performance and payment bond requirements, if any,
- (j) Minimum proposal acceptance period required of proposer,
- (k) Special contract provisions and contract provisions required by federal, State, and local law, and
- (l) How to obtain copies of documents incorporated by reference.

7.5 Solicitation Guidelines

- a. Departmental Responsibilities - The TAPS Board of Directors or their designee or the designated employee responsible for the procurement, will prepare the following:
 - (a) Specification, scope of work, statement of desired services, in as much detail as possible
 - (b) Suggested evaluation factors, in rank order of importance, and weights.
 - (c) Suggested evaluation team members
 - (d) A detailed independent estimate of costs for the required services.
- b. Independent Estimate of Costs (ICE) - An independent estimate of costs is required to be prepared prior to all negotiated procurements. An ICE is an independent assessment of what would be expected to pay for goods or services, based on reliable sources, such as paid historical prices, industry standard, or market surveys. The independent estimate will be retained in the contract file and will be used as a basis to establish the competitive range for the resulting negotiations. The independent estimate will be provided to the TAPS Board of Directors or their designee or designated employee before proposals are received.
- c. Distribution of RFP - Public advertising as described in Section 7.3 will be conducted for all RFP solicitations over \$50,000. The TAPS Board of Directors or their designee will furnish RFP solicitations to (at least three, if possible) known qualified firms or persons who may propose, no earlier than the first date of publication.
- d. Discussion with Proposers - During the solicitation process and through evaluation and award, the TAPS Board of Directors or their designee shall be the primary contact with all proposers, unless such authority is delegated to the designated employee. Care will be given to avoid providing any information to an offeror that would give them competitive advantage. Only the TAPS Board of Directors or their designee shall discuss issues of expected cost with prospective proposers, and no ceiling or budget price will be furnished.

7.6 Evaluation of RFP Submissions

- a. Evaluation Committee - The TAPS Board of Directors or their designee or designated employee, shall establish written evaluation criteria and weighing of criteria that shall become part of the solicitation. An evaluation committee shall be designated by the TAPS Board of Directors or their designee prior to opening of the RFP. The size and make-up of the committee will be dependent upon the nature and scope of the procurement. It may consist of the requesting designated employee or department head, other senior managers, a Board Member, and/or community representatives from outside the company with expertise in the subject of the procurement. The evaluation committee may also continue to serve in conducting negotiations with a proposer and in a project coordinating capacity after award, as determined by the TAPS Board of Directors or their designee.

- b. Selection of Offerors - Written or oral discussion may be conducted with all responsible offerors who submitted proposals within a competitive range, price and other factors considered. Exceptions to this requirement are:
 - (a) Purchases under \$50,000,
 - (b) Purchases where rates or prices are fixed by law or regulation, and
 - (c) Purchases in which it can be clearly demonstrated that acceptance of the most favorable initial proposal without discussion would result in a fair and reasonable initial price, and only if TAPS reserved the right to do so in the solicitation.

In instances where a proposal is deemed to be most favorable, but that proposal involves a material departure from the requirements stated in the RFP, all offerors shall be given the opportunity to submit new proposals on a basis comparable to that proposed.

- c. Proposal Openings - At the time and date set for proposal openings, proposals will be opened and the name of each proposer read. Price proposals will not be read aloud or otherwise disclosed to anyone other than the evaluation committee upon its first meeting. To protect the integrity of the RFP process, in most instances, no additional information regarding the contents of a

proposal will be released or made available to other proposers or the public until award by the TAPS and conclusion of any protests.

- d. Conduct of Evaluation - In conducting a technical and cost evaluation of proposals, the evaluator or evaluation committee will consider only those factors set forth in the solicitation as evaluation factors; no other evaluation factors may be used. Findings related to evaluation factors should be concrete and specifically related to those factors.

Responsibility factors may be included in evaluation. However, responsibility factors will only be evaluated to establish a proposer's eligibility or ineligibility for award; there will be no weighing of responsibility factors other than to establish a proposer eligible or ineligible for award (i.e., one responsible vendor can be no "more responsible" than another, only more responsive).

Evaluation criteria will vary with each RFP, but might include a range of weights given to such factors as:

- (a) Quality of similar work known to have been performed,
- (b) Depth of experience in the field,
- (c) Competence of technical personnel,
- (d) Quality of the responses to the RFP,
- (e) Ability to meet contract schedules, and
- (f) Best estimate of total cost.

- e. Architect/Engineer Contracts - FTA Circular 4220.1F, Chapter I, paragraph 5(c) incorporates requirements of P.L. 92-582, known as the "Brooks Act", which requires selection of architect and engineering firms based upon their technical qualifications. Price cannot be considered as an evaluation factor in determining the most qualified offeror. The most qualified competitor is selected for award of a contract, subject to negotiation of a fair and reasonable contract price. Negotiation is conducted only with the most qualified offeror, rather than all qualified offerors. These rules apply to related services including construction management, feasibility studies, preliminary engineering, design, mapping and similar services commonly performed by architect or engineering firms. These services are the only services that may be procured in such a manner by TAPS.

- f. Cost Analysis - In a competitive negotiation, price analysis will generally only be used where price reasonableness can be

established on the basis of a catalog or market price of a commercial product sold in substantial quantities or where prices are fixed by law or regulation. In all other cases of competitive negotiation, or non-competitive negotiations including single bid, option, contract modification, or change order, cost analysis will be performed if price reasonableness cannot be established. Cost analysis is appropriate to professional service, personal service, and architect/engineer contracts when the offeror is required to submit the elements of his estimated cost.

A cost analysis is the review and evaluation of the separate cost elements and proposed profit of an offeror's or contractor's cost and pricing data. Performance of the contract should cost, assuming reasonable economy and efficiency, and whether costs are proper, allowable, and allocable.

Cost analysis is different from price analysis because it focuses on the reasonableness of the estimated costs of performance, not the reasonableness of the price. It is necessary to review each element of cost to determine whether the contractor's estimate contains an accurate and reasonable prediction of the costs that will be incurred during performance. The contract price is determined by adding a rate of profit that is determined to be fair.

Major elements of cost analysis are as follows:

- (1) Verification of cost or pricing data and evaluation of cost elements, including the following:
 - (a) Necessity for and reasonableness of proposed costs, including allowances for contingencies;
 - (b) Projection of offeror's cost trends on basis of current and historical cost and pricing data;
 - (c) Technical appraisal of estimate labor, material tooling, and facilities requirements and reasonableness of scrap and spoilage factors; and
 - (d) Application of audited or negotiated indirect cost rates, labor rates, etc.

- (2) Evaluating the effect of the offeror's current practices on future costs, to ensure the effects of inefficient or uneconomic past practices are not projected into the future.
- (3) Comparison of cost proposed by the offeror for individual cost elements with the following:
 - (a) Actual costs previously incurred by the same offeror;
 - (b) Previous cost estimates from the offeror or other offerors for the same or similar items;
 - (c) Other cost estimates received in response to TAPS's requests;
 - (d) Independent cost estimates by TAPS technical personnel; and
 - (e) Forecasts or planned expenditures.
- (4) Verification that the offeror's cost submissions are in accordance with federal cost principles and procedures.
- (5) Review to determine whether any cost or pricing data necessary to make the contractor's proposal accurate, complete, and current have not been either submitted or identified in writing by the contractor.
- (6) Analysis of the results of any make-or-buy analysis in evaluating subcontract costs.

Cost analysis will be performed by the TAPS Board of Directors or their designee or designated employee prior to initiating any negotiation with offerors and will be used as a basis for negotiation of a fair and reasonable price. A memorandum will be prepared for the contract file reflecting how the cost analysis was conducted, the factors considered, including profit, and the judgments made.

7.7 Negotiations

- a. General - The TAPS Board of Directors or their designee shall be responsible for negotiation of all competitively negotiated or non-competitively negotiated contracts over \$50,000.

With the exception of architect/engineering contracts, all qualified offerors whose proposals are in competitive range will be included in the negotiation process.

All proposers selected to participate in negotiations shall be advised of deficiencies in their proposals and offered reasonable opportunity to correct or resolve the deficiencies and to submit such price or cost, technical, or other revisions to their proposals that may result from the discussions. A deficiency is defined as that part of a proposal that would not meet TAPS's requirements.

During separate discussions with offerors, TAPS shall not disclose the strengths or weaknesses of competing proposers or disclose any information regarding one proposer that would enable another proposer to improve his/her proposal as a result thereof.

- b. Negotiation of Profit A fair and reasonable contract provision for profit or fee will not be a simple percentage of the cost estimate or selling price but must be stated in the contract as a dollar amount. Profit is influenced by such things as the amount of subcontracting, travel, subsistence, and material, and as these items increase in relation to direct labor, the percent of profit should decrease. The amount of profit on a non-research and development contract is limited to ten percent (10%) maximum. The following factors will be considered in determining profit in all negotiated contracts. Cost plus contracts are not allowable per 2CFR 200.323(d).
 - c. Effect of Competition - When competition is adequate and market-place pressures on price are evident, TAPS will not ordinarily need to consider profit in detail. When competition is lacking, profit will need to be carefully considered.
 - d. Degree of Risk - The degree of risk assumed by the contractor will influence profit; when elements of risk are shifted to TAPS through provisions of cost-reimbursement or price escalation, profit should be less.
 - e. Nature of Work - Difficulty or complexity of the work, unusual demands of the contract (i.e., new technology, approaches), and whether contractor must use highly skilled professionals will influence profit.

- f. Extent of TAPS Assistance - To the extent the contractor utilizes TAPS's facilities, equipment, financial resources or other assistance, profit will be reduced.
- g. Extent of Contractor's Investment - The extent of contractor investment, both equity and borrowed capital, will influence acceptable profit.
- h. Character of Contractor's Business - When turnover of contractor's working capital is characteristically low, profit on individual contracts is generally higher than in industries where turnover is higher.
- i. Contractor's Performance - Consistent excellent past performance merits consideration in higher fee, record of quality control, cost control, meeting delivery schedules, creative ability merits consideration.
- j. Subcontracting - Subcontracting should be segregated for separate profit or fee evaluation. When subcontractors perform a substantial portion of the work, the prime contractor's profit should be lower. Subcontractors should be entitled to a fair and reasonable profit; contractors and subcontractors cannot both receive full profit for the same work.
- k. Unrealistic Estimates - If records reveal a contractor's actual costs are consistently lower than estimated costs and the contractor will not provide what is considered to be a realistic estimate of costs, a lower profit or fee is appropriate.
- l. Negotiation Memorandum - Each negotiation regarding a procurement must be documented and included in the contract file. A Negotiation Memorandum will generally include:
- m. Background - covering the requirement, its purpose, special characteristics; statement of when and where negotiations were conducted, principal participants, and result; record of any unusual aspects such as changes in requirements, progress payments, major subcontracts.

- n. Justification for Type of Contract - summary justification for the type of contract chosen to be used (i.e., fixed fee, cost reimbursement plus fixed fee, time and materials, labor hour, etc.).
- o. Technical Evaluation of Cost Elements - an analysis of reasonableness of contractor's estimates of work to be performed under the proposal.
- p. Cost or Price Analysis - summary of cost or price analysis performed.
- q. Pre-negotiation Position - statement of pre-negotiation position on cost elements, profit, price, delivery schedule, etc. (independent cost analysis may be used).
- r. Procurement History - including procurement authority, whether it is new or sole source, change order or modification, number of RFPs issued, number of proposals received, discussion of proposals received.
- s. Negotiation of Costs - how final cost elements were determined, including profit.
- t. Signature, Title, Date

7.8 Award

- a. General - Unless all proposals are rejected, award will be made to the lowest or best proposer based on the evaluation criteria established in the RFP. Award will not be made until all required signature approvals have been obtained.

In the event the Board should disagree with the recommendation of the evaluation committee or staff, the Board Members not bound by their recommendations in the making of an award. However, the decision of the Board Members must be consistent with the written evaluation criteria and requirements as set forth in the solicitation, and it cannot consider other factors than those. If awarded to other than the recommended proposer, contract file documentation must be provided by counsel justifying the basis for award.

- b. Award of Contract - Upon award of a contract, the TAPS Board of Directors or their designee will return any negotiable bid guarantees to unsuccessful proposers. Bid guarantee furnished by the successful proposer will be retained in the contract file. The TAPS Board of Directors or their designee or designated employee will notify unsuccessful proposers in writing. If not already incorporated in the solicitation document and including signatures of the proposer, a contract will be prepared in duplicate and mailed to the contractor for signature. When returned with any necessary performance bond, certificates of insurance, etc., it will be furnished to the TAPS Board of Directors or their designee for appropriate signature. One copy will be retained in the contract file and the second returned to the contractor.

SECTION 8. NON-COMPETITIVE NEGOTIATION

8.1 General

Non-competitive negotiation, or sole source, procurement is accomplished through solicitation or acceptance of a proposal from only one source or when, after solicitation of a number of sources, competition is determined inadequate. A contract amendment or change order not within the original scope of a contract is considered a non-competitive procurement, as is exercise of an option clause in a contract.

8.2 Limitations

Purchase by non-competitive negotiation will be used only when the award of a contract is infeasible under small purchase procedures, sealed bids (formal advertising), or competitive proposal methods, and at least one of the following circumstances exists:

- (a) The item is only available from a single source,
- (b) There is unusual or compelling urgency or an emergency not permitting delay from competitive processes,
- (c) After solicitation of a number of sources, competition is determined inadequate, OR
- (d) Pursuant to Urban Mass Transportation Act Section 9(j) the item is an associated capital maintenance item that is procured directly from the original manufacturer or supplier as the only available source for such an item.

8.3 Processing Non-Competitive Procurements

The TAPS Board of Directors or their designee, or designated employee responsible for a purchase, is responsible for providing accurate and complete information necessary to support the recommendation for a non-competitive procurement.

The TAPS Board of Directors or their designee will assure that, before initiating a non-competitive purchase:

- (a) Written justification is documented in the contract file,
- (b) It is certified as accurate and complete by the TAPS Board of Directors or their designee or other responsible official,
- (c) Appropriate approvals are secured consonant with required signature authority levels,
- (d) Cost analysis or price analysis, as covered in Section 7.6.6, is required and must be documented in the contract file, AND
- (e) Non-competitive or sole-source capital procurements over \$100,000 must be submitted to FTA for prior approval pursuant to FTA Circular 4220.1F, Chapter III.

Negotiated procurement procedures as outlined in Section 7.0, Competitive Negotiation, must be followed for non-competitive procurements.

8.4 Contract Options

- a. General - An option is a unilateral right in a contract by which, for a specified time, TAPS may elect to purchase additional materials or services called for by the contract or may elect to extend the term of the contract. When used properly, options can enhance the flexibility of procurement by TAPS. The TAPS Board of Directors or their designee must address several considerations to determine the best interest of TAPS before electing to include an option clause in a solicitation and contract award, including:
 - (a) How long the option period should be,
 - (b) What an appropriate option quantity should be, in relation to the base quantity, and

- (c) How option prices should be evaluated in the selection process for award.

Options generally will not be used when the any of the following circumstances exist:

- (a) The option represents known firm requirements for which funds are available,
- (b) The foreseeable requirements involve the production and delivery of minimum economic quantities (permitting recovery of start-up costs and delivery of requirements at a reasonable price) and delivery requirements far enough into the future to permit competitive acquisition in a single order,
- (c) The materials or services are readily available on the open market,
- (d) The contractor may incur undue risks in quoting an option (i.e., price or availability of necessary materials or labor is not reasonably foreseeable) or market prices are likely to change substantially in the future, or
- (e) An indefinite quantity or requirements contract is appropriate (except that such contracts may be extended with use of an option clause).

- b. Use of Options - In using options, TAPS will follow the requirements of FTA Circular 4220.1F as follows:
- c. Option Quantities - The contract shall limit option quantities for additional equipment, materials and services to not more than fifty percent (50%) of the initial quantity of the same contract line item.
- d. Option Period - The total of the basic contract and option periods shall not exceed five years in any contract.
- e. Option Price - The contract shall specify the price for the products or services for the specified option period.
- f. FTA Approval - Prior to issuing a solicitation, TAPS will obtain FTA approval for the inclusion of any option provision in excess of the amounts or periods set forth above. The request to FTA will set forth

the need for the option and why it is in the best interest of TAPS and the FTA.

- i. Solicitation Guidelines for Options - The following guidelines will be incorporated in specifications when making solicitations in which option clauses will be used:
 - (a) TAPS will state that the evaluation of options will not obligate TAPS to exercise the option.
 - (b) TAPS will state the bid or proposal may be rejected if it is materially unbalanced as to prices for the base requirement and option quantities.
 - (c) TAPS will state that the total proposal or bid price including the base requirement plus the option prices will be evaluated as part of the award decision. However, when calling for options, TAPS may elect to evaluate all proposals without options and award a contract without options.
 - (d) TAPS will indicate how the option will be exercised, including the time frame for exercise of the option. In order to exercise the option after contract award, it must have been evaluated as part of the initial competition.

- j. Exercise of Contract Options - TAPS will exercise an option only after making a written determination, signed by the appropriate official and placed in the contract file, that the exercise of the option is the most advantageous method of filling TAPS's need, price and other factors considered. The following methods may be used to make such a determination:
 - (a) A new solicitation may be made and the option awarded if the new solicitation fails to produce a more favorable price or offer. This method will not be used when it is reasonably certain the option price or offer is the best available;
 - (b) An analysis of prices or examination of the market indicates that the option price is better than the prices available on the market or that the option is a more advantageous offer;
or
 - (c) The time between the award of the contract and the exercise of the option is so short that it indicates the option

price is the lowest obtainable or it is the most advantageous offer.

In determining whether to exercise an option, TAPS will take into account its need for continuity of operations and potential costs of disrupting operations. Options will only be exercised in accordance with the conditions of this section, the terms of the option and within the option period specified in the solicitation.

SECTION 9. FTA-SUPPORTED CONSTRUCTION CONTRACTS

9.1 General

Under federal laws and regulations and FTA grant contracts, certain special solicitation and contract requirements apply to construction contracts which are not necessarily applicable to non-construction contracts. These special requirements include mandatory requirements for bid bonds, performance bonds and payment bonds for construction contracts above \$100,000 (see Section 6.7, Bonding Requirements), minimum insurance requirements, liquidated damages provisions in contracts, Anti-Kickback provisions and labor provisions applicable to all construction contracts under the Davis-Bacon Act.

The New Hampshire Code, also, has specific provisions pertaining to public construction or "public works".

Construction contract solicitation and administration requirements will not be covered in detail in this Manual. Solicitations and contracts for construction or "public work" activity will require careful review by counsel to assure completeness.

9.2 Federal Labor Requirements

- a. Davis-Bacon Act - TAPS is subject to the requirements of the Davis-Bacon Act, under which the advertised specifications for every TAPS contract over \$2,000 for construction, alteration and/or repair, including painting and decorating, of public buildings or public works which requires or involves the employment of laborers and/or mechanics must contain a provision stating the minimum wages to be paid them based on determinations by the Secretary of Labor of local prevailing wage rates for comparable work. The rates must be posted at the site, and the wages must be paid in full no less often than weekly.

A copy of the determination of the Secretary of Labor must be included in each solicitation and the award of any contract must be conditioned upon the contractor accepting the terms of it. As an FTA grantee, TAPS must report all reported or suspected violations to the FTA.

- b. Copeland Anti-Kickback Act - TAPS is subject to the requirements of the Copeland Anti-Kickback Act (18 U.S.C. 874) as supplemented by Department of Labor regulations (29 CFR Part 3) applicable to all contracts or subcontracts for construction or repair. This Act provides that each contractor or subcontractor shall 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/she is otherwise entitled. TAPS is required to report any suspected or reported violations to the FTA.

- c. Contract Work Hours and Safety Standards Act - All contracts issued for construction in excess of \$2,000 by TAPS or its subcontractors (and all contracts over \$2,500 which involve the employment of mechanics or laborers) shall include a provision for compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327 - 330) as supplemented by Department of Labor regulations (29 CFR Part 5). Under Section 103 of the Act, each contractor will be required to compute the wages of every mechanic and laborer on the basis of a standard workday of eight (8) hours and a standard workweek of forty (40) hours. Work in excess of the standard work day or work week is permissible provided that the worker is compensated at a rate of not less than 1-1/2 times the basic rate of pay for all hours worked in excess of 8 hours in a calendar day or 40 hours in the work week.

Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions that are unsanitary, hazardous, or dangerous to his/her health and safety as determined under construction, safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or to contracts for transportation or transmission of intelligence.

SECTION 10. CONTRACT ADMINISTRATION

10.1 Board of Directors Post-Award Responsibilities

Contract Administration is defined as a system that ensures contractors perform in accordance with the terms, conditions and specifications contained in their contracts or purchase orders.

The TAPS Board of Directors or their designee's post-award contract administration responsibilities include the following responsibilities (these may be delegated to other designated employees):

- a. Monitoring for Contract Compliance - The TAPS Board of Directors or their designee is responsible for monitoring contract compliance and reporting it to the Board. If relying on the designated employee for contract compliance monitoring, the TAPS Board of Directors or their designee must assure that the designated employee gives timely notice of contract compliance problems.
- b. Enforcing Contract Provisions - It is the TAPS Board of Directors or their designee's responsibility to enforce the contract as written or amended. If not enforced, a loss of time or product quality may be incurred.
- c. Issuing Timely Performance and Payment Approvals - The TAPS Board of Directors or their designee is the person with authority to approve contract performance so that progress payments or other authorized expenditures of funds to the contractor are made. Timely approvals enable the work to proceed on a timely basis.
- d. Modifying the Contract as Necessary - As the contract work proceeds, modifications or changes may become necessary. After technical considerations are resolved (by designated employee), it is the TAPS Board of Directors or their designee who has authority to initiate contract changes on behalf of TAPS.
- e. Closing Out the Contract - When the contract performance is completed, it is the TAPS Board of Directors or their designee's responsibility to close out the contract. Timely close-out enables comparison of performance to be checked against contract requirements while information is fresh and maximizes TAPS's ability to correct any deficiencies of performance against contract requirements.

10.2 Project Management

For major projects, the TAPS Board of Directors or their designee may designate an employee for every project in excess of over \$50,000 (this excludes purchase of standard items of material exceeding \$50,000). It is the designated employee's responsibility to follow the contractor through the work process, providing technical direction to the contractor regarding the Scope of Work (which defines specific tasks, milestones and review procedures for the specific project). When authorized by the TAPS Board of Directors or their designee, the designated employee will respond to correspondence on technical matters from the contractor, either orally or in writing, and shall furnish the TAPS Board of Directors or their designee with a copy of or memorandum reflecting all correspondence with the contractor. The designated employee shall review the progress of all the work on a periodic basis and initiate any required reviews by the TAPS Board of Directors or their designee.

The contractor may be required to document the amount of time and money spent on work on a periodic basis as specified by the contract. It is the designated employee's responsibility to review the contractors' documentation and invoices in relation to the milestones, work expended, and budget, and to advise the TAPS Board of Directors or their designee whether the contractor is in compliance with the contract.

10.3 Contract Amendments and Change Orders

Change orders are amendments to a contract and may be required to adjust a contract quantity or performance period due to unanticipated conditions. Change orders are considered non-competitive procurements and are subject to the same requirements as noted in Section 8.0. The TAPS Board of Directors or their designee shall determine whether the proposed change order contains a change in scope that may be grounds for bidding the extra work. All change orders are subject to the TAPS Board of Directors or their designee's review and approval. If a change order, or the cumulative effect of all change orders, is to increase the original contract amount by over ten percent (10%) of the original contract amount approved by the TAPS, the TAPS Board of Directors or their designee shall submit it to the TAPS Board for prior approval before the change is made. Change orders are subject to the availability of funds.

A cost analysis must be performed and filed in the contract file in connection with any change order, unless price reasonableness can be established based on catalog or market price of a commercial product or on the basis of prices set by law or regulation.

10.4 Contract Requirements

Contracts established by TAPS should set forth each party's responsibilities and rights clearly and completely in order to minimize the potential for conflict, and should set forth the directions for resolutions of disputes, if any. Contracts should include the following elements, as appropriate to the specific purchase:

- (a) Statement of Work/Scope of Work
 - (1) Contract Objectives
 - (2) Contract Scope
 - (3) Specifications/Purchase Descriptions
 - (4) Progress Report Requirements (consultant/professional services contracts and any contract containing progress payment provisions)
- (b) Delivery Schedule
- (c) Contract Period
- (d) Pricing Schedule (should include description of each line item, quantity, unit of measure, unit price and total price for each item)
- (e) Payment Schedule (including special terms such as progress payments and authorities to withhold payments)
- (f) Inspection Provisions and Acceptance Criteria
- (g) FOB Point and Delivery Instructions
- (h) Other Requirements (if appropriate):
 - (1) Identification of key personnel and facilities
 - (2) Extent of subcontracting and consulting
 - (3) Provision for changes by TAPS within general scope of the contract

- (4) Provision for termination for default by TAPS for its convenience and, where appropriate, suspension of the contractor's work under the contract
- (5) Provisions for resolution of protests (required in solicitation), contract claims and disputes
- (6) Sanctions or remedies, such as liquidated damages or performance bonds, for contractor's non-performance
- (7) Notice of any FTA or other federal requirements applicable to the contract.

10.5 Other Provisions

- a. Liquidated Damages Provisions - The TAPS Board of Directors or their designee shall determine whether or not the use of a liquidated damages provision is appropriate for each specific procurement. The amount of liquidated damages set forth must be reasonable to compensate TAPS for possible damages and not be so large as to be construed as a penalty. TAPS will not include such provisions in contracts unless:
 - (a) The time of delivery is of such importance that TAPS can reasonably expect to suffer damage if the delivery is delinquent,
 - (b) TAPS determines the delivery schedule is reasonable at the time of contract award, and
 - (c) Damages would be difficult or impossible to establish.

If the TAPS Board of Directors or their designee determines that a liquidated damages provision is necessary in a contract, he/she shall document the derivation of the rate of assessment and assure it is reasonable, proper, and not arbitrary.

- b. Progress Payment Provisions - The following standards relate to TAPS's use of progress payment provisions:
 - (a) Progress payments may be appropriate if:
 - (1) the contractor won't be able to bill the first delivery of products, or other performance

milestones, for a substantial time after work must begin, and

- (2) the contractor will make expenditures for contract performance during the period prior to delivery having significant impact on its working capital.
 - (b) Progress payments may be appropriate for small or DBE businesses if the contractor demonstrates actual financial need or unavailability of private financing.
 - (c) When progress payments are used in equipment manufacturing contracts, TAPS will obtain title to property (i.e., materials, work in progress, and finished goods) for which progress payments are made. Such title must be free of all encumbrances, or TAPS will secure a priority lien pursuant to Article 9 of the Uniform Commercial Code and applicable state law and local ordinances.
- c. Insurance Provisions - The TAPS Board of Directors or their designee should determine when insurance is required and include in any solicitation and contract document a clause informing contractors of the minimum coverage requirements required by federal or State statutes. When FTA grant funds are used the minimum requirements shall be as follows:
- (a) Workers Compensation and Employers Liability - \$100,000,
 - (b) General Liability - \$500,000 per occurrence,
 - (c) Property Liability as required by TAPS in special circumstances,
 - (d) Auto Liability for Personal Injury and Property Damage - \$200,000 per person and \$500,000 per occurrence for personal injury and \$20,000 for property damage.

Insurance specifications shall provide that an insurance certificate be provided prior to contract work beginning and that, no less than 60 days prior to expiration of the insurance policy date, the

contractor shall give notice to TAPS of his/her intent to provide a new certificate. The Chief Executive Officer or Procurement officer shall assure a current certificate is on file at all times during performance of the contract.

- d. Contract Termination Provisions - As required by FTA Circular 4220.1F, all contracts over \$10,000 shall contain provisions for Audit/Inspection of Records, Remedies/Sanctions for Breach of Contract, and Contract Termination Provisions.

The performance of work under a contract containing such provisions may be terminated in part or in whole when the TAPS Board of Directors or their designee, in consultation with counsel as necessary, determines that such termination is in the best interests of TAPS. Contracts may be terminated for convenience (i.e., a reduced need or otherwise in the best interests of TAPS) or for default (i.e., the contractor has failed to perform under the contract requirements). Contractors will not be granted the right of termination.

When the decision to terminate is made, a "Notice of Termination" shall be sent by the TAPS Board of Directors or their designee to the contractor by Certified Mail, with a return receipt requested. The Notice of Termination shall specify the reason for termination, the extent to which the performance of work is terminated (i.e., in whole or in part), and the day upon which such termination becomes effective. Settlement of claims shall be made as soon as possible after the issuance of a Notice of Termination/Default to protect the interests of and minimize the liability of TAPS. When settlement cannot be made, TAPS shall reserve the right to issue a determination of the amount due consistent with the termination clause and applicable cost principles, subject to appeal under the disputes provisions of the contract.

TAPS will consider a no-cost settlement instead of issuing a termination notice when it is known the contractor will accept one, TAPS's property was not furnished, and there are no outstanding payments, debts due TAPS, or other contractor obligations to TAPS.

- e. Buy America Provisions - Section 165 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. 1601), Section 337 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, and 49 CFR Parts 660 and 661 impose Buy America provisions on the procurement of foreign products and materials.

All TAPS procurements are subject to the Buy America regulation, which requires that all steel and manufactured products (and cement in construction) have 100% U.S. content and be manufactured in the United States for purchases between FY16 & FY17, sixty-five percent (65%) for purchases between FY18 & FY19 and seventy percent (70%) for purchases FY20 and beyond. There are special provisions relating to purchase of buses and communications equipment which require sixty percent (60%) U.S. content and final assembly in the United States. In purchasing buses, TAPS is required (49 CFR Part 663) to conduct a pre-award and post-delivery audit of the manufacturer's Buy America certification.

All vendors are required to certify that they can or cannot comply with the Buy America requirements of Section 165(a). When a vendor cannot so certify, Part 661.7 of the regulation provides guidance under which TAPS may submit a request for waiver of the Buy America requirements to the FTA Administrator.

Buy America Certification forms will be included with each IFB or RFP solicitation and will be required to be executed and submitted with a bid or proposal. Purchases made using small purchase procedures are most often made under a purchase order, in order to set up the account payable. TAPS's purchase order states conditions of purchase, including Buy America requirements. It is a condition of TAPS's purchase order that when accepting the order, the vendor certifies that Buy America requirements are met by signing and returning the certification printed on the purchase order. In those few instances where a purchase order is not used, a certification form will be furnished to the vendor for execution. Once a certification is received from a vendor for a particular item, it is not necessary to require receipt of a certification for each subsequent purchase provided there is a certification on file for that item.

f. Federal Provisions and Required Contract Clauses

When FTA operating or capital funds are used in a purchase, certain solicitation provisions and required contract clauses must be incorporated in TAPS's solicitation and award. These requirements are stated in the TAPS's FTA grant contract (Part II), FTA Circulars, and in the various regulations themselves. Some provisions and clauses apply only over certain contract dollar thresholds, and some

apply separately to construction and non-construction contracts, contracts for bus purchases, and so forth. Appendix 1 includes those provisions and required clauses generally applying to non-construction contracts. Part II of the TAPS's FTA grant contract and procedures in Section 9.0 of this Manual will be referenced in preparing for an FTA-funded construction contract

When including "boilerplate" provisions and contract clauses in an IFB or RFP, the TAPS Board of Directors or their designee will separately reference in bid instructions those provisions and/or clauses which are not applicable to the procurement, and will cross out and initial those inapplicable sections of the "boilerplate" document which is included in the solicitation. TAPS will include clauses requiring notification of any legal matter that may affect the federal government in third-party agreements exceeding \$50,000.

10.6 Contract File Documentation

TAPS will comply with the requirements of Circular 4220.1F, Chapter I, Para. 3 (i) requiring maintenance of records sufficient to detail the significant history of a procurement. Contract files will be organized so as to allow a reviewer to reconstruct and understand the history of the contract in the absence of the contract administrator, and will provide complete background supporting the actions taken.

The extent of file documentation will vary with the complexity of purchase. At a minimum, small procurements made under purchase order procedures will include the following file documentation:

- (1) Purchase requisition including independent cost estimate;
- (2) List of sources solicited and abstract of offers received, including form of quotations received (book, telephone, fax, written, etc);
- (3) Buy-America certificate and any other required submissions;
- (4) Award and receiving documents.

Contract files for more complex procurements will contain some or all of the following, as appropriate to the procurement:

- (1) Purchase requisition, acquisition planning information, and other pre-solicitation documents;

- (2) Evidence of availability of funds;
- (3) Rationale for method of procurement;
- (4) List of sources solicited;
- (5) Independent cost estimate;
- (6) Scope of work or technical specifications;
- (7) Copies of published notices;
- (8) Copies of solicitation and all amendments;
- (9) An abstract of offers or quotes;
- (10) Contractor's certifications including a Buy America certification supporting every equipment, material or supply contract;
- (11) Source selection documentation, if applicable;
- (12) TAPS Board of Directors or their designee's determination of contractor responsibility;
- (13) Records of contractor's compliance with labor policies, including EEO policies, as required by the contract;
- (14) Determination that price is fair and reasonable including price analysis or cost analysis, with source materials of price analysis data or vendor certificates of current cost data;
- (15) Required internal approvals;
- (16) Notice of award;
- (17) Notice to unsuccessful quotes or offerors;
- (18) Bid, performance, payment or other bond documents and notices to sureties;
- (19) Notice to proceed, stop orders, and any overtime premium approvals granted at time of award;

- (20) Approvals or disapprovals for requests for waivers of deviations from contract documents;
- (21) Documentation regarding timely close-out or any early termination actions for which the TAPS Board of Directors or their designee is responsible.

SECTION 11. PROTEST PROCEDURES

11.1 General

Protests may be made by prospective contractors, vendors or proposers whose direct economic interest would be affected by award of a contract or by failure to award a contract. TAPS will consider all protests requested in a timely manner regarding the award of a contract, whether submitted before or after an award.

All protests are to be submitted in writing to:

TAPS Public Transportation
6104 Texoma Parkway
Sherman, TX 75090

Protest submissions should be concise, logically arranged, and clearly state the grounds for protest. A protest must include at least the following information:

- (a) Name, address, and telephone number of protestor,
- (b) Identification of contract solicitation number,
- (c) A detailed statement of the legal and factual grounds of the protest, including copies of relevant documents, and
- (d) A statement as to what relief is requested.

Protests must be submitted to TAPS in accordance with these procedures and time requirements, must be complete and contain all issues that the protestor believes relevant.

In the procedures outlined below, the TAPS Board of Directors or their designee is considered to be the Contracting Officer.

11.2 Protests Before Bid Opening

Protests alleging restrictive specifications or improprieties which are

apparent prior to bid opening or receipt of proposals must be submitted in writing to the Contracting Officer at the address above and must be received at least seven (7) days prior to bid opening or closing date for receipt of bids or proposals. If the written protest is not received by the time specified, bids or proposals may be received and award made in the normal manner unless the Contracting Officer determines that remedial action is required. Oral protests not followed up by a written protest will be disregarded. The Contracting Officer may request additional information from the appealing party and information or response from other bidders, which shall be submitted to the Contracting Officer not less than ten (10) days after the date of TAPS's request. So far as practicable, appeals will be decided based on the written appeal, information and written response submitted by the appealing party and other bidders. In failure of any party to timely respond to a request for information, it may be deemed by TAPS that such party does not desire to participate in the proceeding, does not contest the matter, or does not desire to submit a response, and in such a case, the protest will proceed and will not be delayed due to the lack of a response. Upon receipt and review of written submissions and any independent evaluation deemed appropriate by TAPS, the Contracting Officer shall either:

- a) Render a final decision, or
- b) At the sole election of the Contracting Officer, conduct an informal hearing at which the interested parties will be afforded opportunity to present their respective positions and facts, documents, justification, and technical information in support thereof. Parties may, but are not required to, be represented by counsel at the informal hearing, which will not be subject to formal rules of evidence or procedures. Following the informal hearing, if one is held, the Contracting Officer will render a decision, which shall be final, and notify all interested parties thereof in writing but no later than ten (10) days from the date of informal hearing.

11.3 Protests After Bid/Proposal Opening/Prior to Award

Protests against the making of an award by the TAPS must be submitted in writing to the Contracting Officer and received within seven (7) days of the award by the TAPS. Notice of the protest and the basis therefore will be given to all bidders or proposers. In addition, when a protest against the making of an award by the TAPS is received and it is determined to withhold the award pending disposition of the protest, the bidders or proposers whose bids or proposals might become eligible for award shall be requested, before expiration of the time for acceptance, to extend or to withdraw the bid. Where a written protest against the making of an

award is received in the time period specified, award will not be made prior to seven (7) days after resolution of the protest unless TAPS determines that:

- a) The items to be purchased are urgently required.
- b) Delivery or performance will be unduly delayed by failure to make award promptly.
- c) Failure to make award will otherwise cause undue harm to TAPS or the federal government.

11.4 Protests After Award

In instances where the award has been made, the Contractor shall be furnished with the notice of protest and the basis therefore. If the contractor has not executed the contract as of the date the protest is received by TAPS, the execution of the contract will not be made prior to seven (7) days after resolution of the protest unless TAPS determines that:

- a) The items to be purchased are urgently required,
- b) Delivery or performance will be unduly delayed by failure to make award promptly, or
- c) Failure to make award will otherwise cause undue harm to TAPS or the federal government.

11.5 Decision

Any decision pertaining to a protest following the guidelines contained in this section is final.

11.6 Protests to Federal Transit Administration (FTA)

Under 2 CFR 200 right of bidders to protest the federal government was repealed.

11.7 Notice of Federal Changes

Contractor shall at all times comply with all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the Agreement (Form FTA MA (2) dated October, 1995) between Purchaser and FTA, as they may be amended or promulgated from time to time during the term of this contract. Contractor's failure to so comply shall constitute a material breach of this contract.

BANK REPORT

TEXOMA AREA PARATRANSIT SYSTEM, INC
BOARD REPORT - BANK DETAIL

End of Month Totals
 August 2023

Landmark Bank Acct # 6968

Balance at 7/31/2022	\$ 498,900.39
Deposits	296,297.46
Debits	<u>(451,050.28)</u>
Account Balance at 8/31/2023	<u>\$ 344,147.57</u>

Landmark Bank Acct # 9693

Balance at 7/31/2022	\$ 197,668.78
Deposits	25.19
Debits	-
Account Balance at 8/31/2023	<u>\$ 197,693.97</u>

Checks/Debits

Transdev Invoice	\$ 228,492.16
Transdev Invoice	\$ 222,238.12
Petty Cash	\$ 300.00
Bank Fee	\$ 20.00
	<u>\$ 451,050.28</u>

Deposits/Credits

Farebox	\$ 4,687.34
Local Contributions	\$ 883.34
TXDOT Reimbursements	\$ 309,586.00
FTA Reimbursements	\$ 211,137.00
Bank Interest	\$ 17.28
	<u>\$ 526,310.96</u>



TEXOMA AREA PARATRANSIT SYSTEM, INC
BOARD REPORT - BANK DETAIL

End of Month Totals
September 2023

Landmark Bank Acct # 6968

Balance at 8/31/2022	\$ 344,147.57
Deposits	136,437.99
Debits	(23,315.50)
Account Balance at 9/30/2023	<u>\$ 457,270.06</u>

Landmark Bank Acct # 9693

Balance at 8/31/2022	\$ 197,693.97
Deposits	25.18
Debits	-
Account Balance at 9/30/2023	<u>\$ 197,719.15</u>

Checks/Debits

CT Corp	\$ 374.00
Board of Directors Insurance	\$ 22,734.00
Darlene Riggs (refund)	\$ 97.50
Bank error	\$ 90.00
Bank Fee	\$ 20.00

\$ 23,315.50

Deposits/Credits

TXDOT Reimbursements	\$ 131,695.36
FTA Reimbursements	\$ -
Farebox	\$ 3,822.87
Public Contributions	\$ 883.34
Bank Interest	\$ 36.42

\$ 136,437.99

TEXOMA AREA PARATRANSIT SYSTEM, INC
BOARD REPORT - BANK DETAIL

End of Month Totals
 October 2023

Landmark Bank Acct # 6968

Balance at 9/30/2023	\$ 457,270.06
Deposits	12,424.30
Debits	(231,150.54)
Account Balance at 10/31/2023	<u>\$ 238,543.82</u>

Landmark Bank Acct # 9693

Balance at 09/30/23	\$ 197,719.15
** Deposits INTEREST	24.38
** Debits	
Account Balance at 10/31/2023	<u>\$ 197,743.53</u>

Checks/Debits

Transdev (Sep Invoice)	\$ 230,435.54
TEX. COMPTROLLER	\$ 100.00
GRANT WRITING	\$ 595.00
BANK FEE	\$ 20.00

Deposits/Credits

Farebox	\$ 3,974.58
Local Contributions	\$ 8,424.34
BANK INTEREST	\$ 25.38

\$ 231,150.54

\$ 12,424.30

* Local Contributions from Cooke County United Way

** Deposits were made to the wrong bank account and have been transferred to the correct account.

FINANCE REPORT

FY 2023 OPERATING BUDGET VARIANCE REPORT

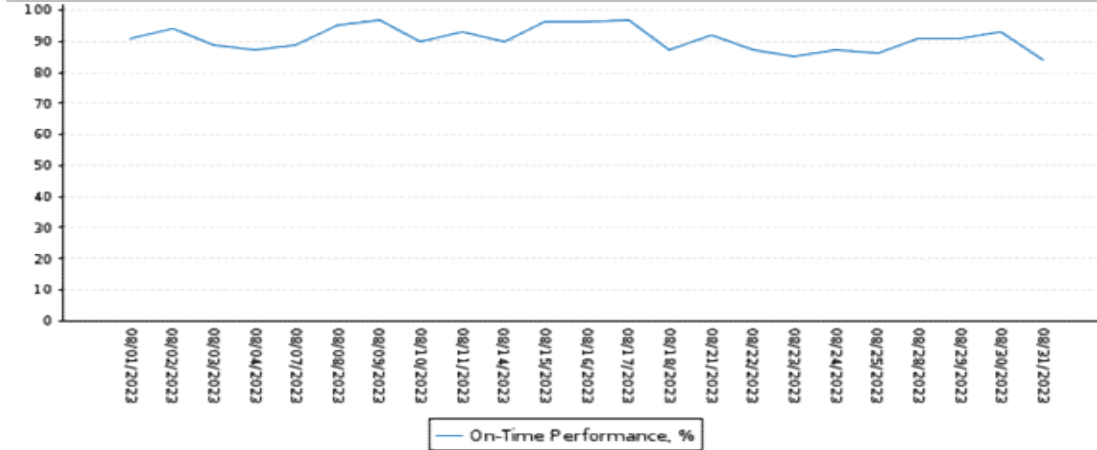
<u>Revenues</u>	<u>YTD</u>			
	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>
FTA 5307	565,000	278,719	(286,281)	-51%
FTA 5307 CARES ACT	-	401,051	401,051	0%
FTA 5311 Rural	721,819	1,005,545	283,726	39%
FTA 5310 Elderly & Disabled	61,993	61,993	-	0%
TX DOT Urban	770,519	191,642	(578,877)	-75%
TX DOT Rural	219,081	726,417	507,336	232%
Operating Revenue	42,000	44,317	2,317	6%
In-kind Contributions	16,200	16,200	-	0%
Public Contributions	377,807	253,265	(124,542)	-33%
Private Contributions	-	-	-	0%
Vehicle Proceeds	-	15,524	15,524	0%
Advertising Revenue	-	3,600	3,600	0%
Miscellaneous	-	1,526	1,526	0%
Total Revenues	2,774,419	2,999,799	225,380	8%
<u>Expenses</u>				
Transdev Fixed Cost	1,491,037	1,486,258	(4,779)	0%
Transdev Variable Cost	1,005,970	1,021,042	15,072	1%
<i>hours of service</i>	<i>23,078</i>	<i>23,075</i>	<i>(3)</i>	<i>0%</i>
Utilities	32,400	27,400	(5,000)	-15%
Fuel	210,000	172,684	(37,316)	-18%
Board Insurance	18,812	21,320	2,508	13%
In-Kind Rent	16,200	16,200	-	0%
Miscellaneous	-	13,179	13,179	0%
Total Expenses	2,774,419	2,758,083	(16,336)	-1%
Net Income(Loss)	-	241,716	241,716	

OPERATIONAL UPDATE

	Scheduled Trips	Actual Trips	% Taken	Denied Trip Request	Miles	Hours	Trips/ Hour	Miles/ Trip	Direct Op Cost	Cost/ Trip	MPH
Oct-22	2,976	2,828	95%	87	38,194	1,885	1.50	13.51	\$ 79,768	\$ 28.21	20.26
Nov-22	2,969	2,758	93%	28	39,702	1,889	1.45	14.40	\$ 80,375	\$ 29.14	20.90
Dec-22	3,031	2,836	94%	6	37,942	1,951	1.45	13.38	\$ 82,576	\$ 29.12	19.45
Jan-23	2,903	2,708	93%	21	36,324	1,794	1.51	13.41	\$ 75,924	\$ 28.04	20.25
Feb-23	2,540	2,409	95%	15	31,397	1,530	1.57	13.03	\$ 64,759	\$ 26.88	20.52
Mar-23	3,330	3,204	96%	21	42,755	2,125	1.51	13.34	\$ 89,949	\$ 28.07	28.07
Apr-23	2,845	2,724	96%	1	36,652	1,879	1.45	13.46	\$ 79,500	\$ 29.19	19.51
May-23	3,163	3,022	96%	31	41,192	2,087	1.45	13.63	\$ 88,322	\$ 29.23	19.74
Jun-23	3,171	3,004	95%	33	40,648	1,902	1.58	13.53	\$ 80,479	\$ 26.79	21.37
Jul-23	2,900	2,747	95%	65	34,343	1,782	1.70	12.50	\$ 75,400	\$ 27.45	19.28
Aug-23	3,409	3,250	95%	286	38,945	2,029	1.60	11.98	\$ 85,858	\$ 26.42	19.20
Sep-23	3,314	3,133	95%	176	37,024	2,035	1.54	11.82	\$ 86,123	\$ 27.49	18.19
Oct-23	3,845	3,657	95%	84	45,543	2,617	1.40	12.45	\$ 110,754	\$ 30.29	17.40
Average	3,107	2,945	95%	66	38,512	1,961.89	1.50	13.08	\$ 78,979	\$ 28.18	20.32

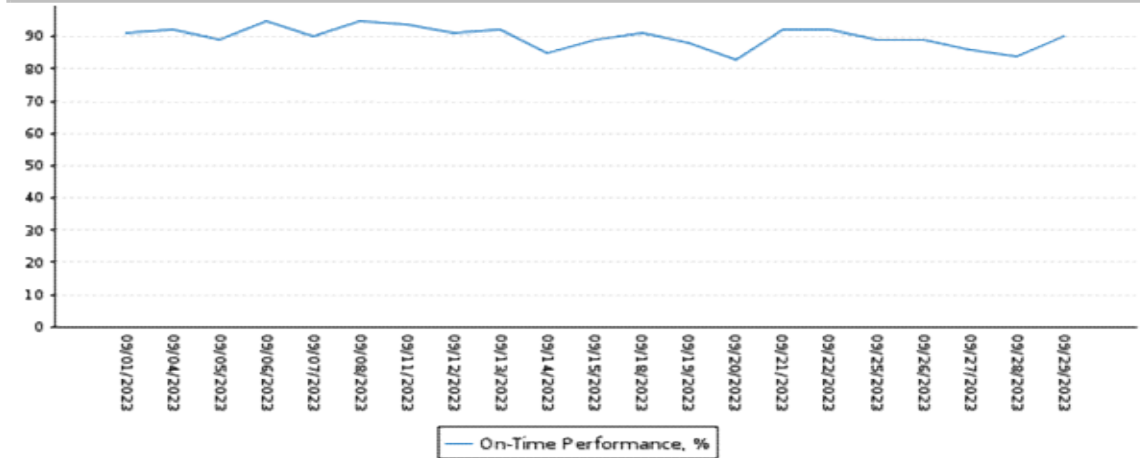
	Totals					Trips/ hour	Miles/ trip	Direct Op Cost	Cost/trip	% of trip	% of hrs	MPH	Trip Denials
	Aug-23 Scheduled	Actual	% taken	miles	hours								
Grayson	2225	2119	95%	21929.18	1,231.60	1.72	10.35	52,121.31	24.60	65%	61%	17.81	207
Grayson Urban	1446	1379	95%	11408.08	679.98	2.03	8.27	28,776.75	20.87	42%	34%	16.78	130
Grayson Rural	779	740	95%	10521.1	551.62	1.34	14.22	23,344.56	31.55	23%	27%	19.07	77
Fannin	130	127	98%	2153.4	77.25	1.64	16.96	3,269.22	25.74	4%	4%	27.88	1
Cooke	503	475	94%	3757.26	247.42	1.92	7.91	10,470.81	22.04	15%	12%	15.19	28
Wise	490	469	96%	8969.12	379.01	1.24	19.12	16,039.70	34.20	14%	19%	23.66	49
Clay	4	4	100%	129.56	3.96	1.01	32.39	167.59	41.90	0%	0%	32.72	0
Montague	57	56	98%	2006.44	89.53	0.63	35.83	3,788.91	67.66	2%	4%	22.41	1
Monthly Total	3409	3250	95%	38944.96	2,028.77	1.60	11.98	85,857.55	26.42	100%	100%	19.20	286

Summary:	3409	0	159	3409	3105	304	91.08%
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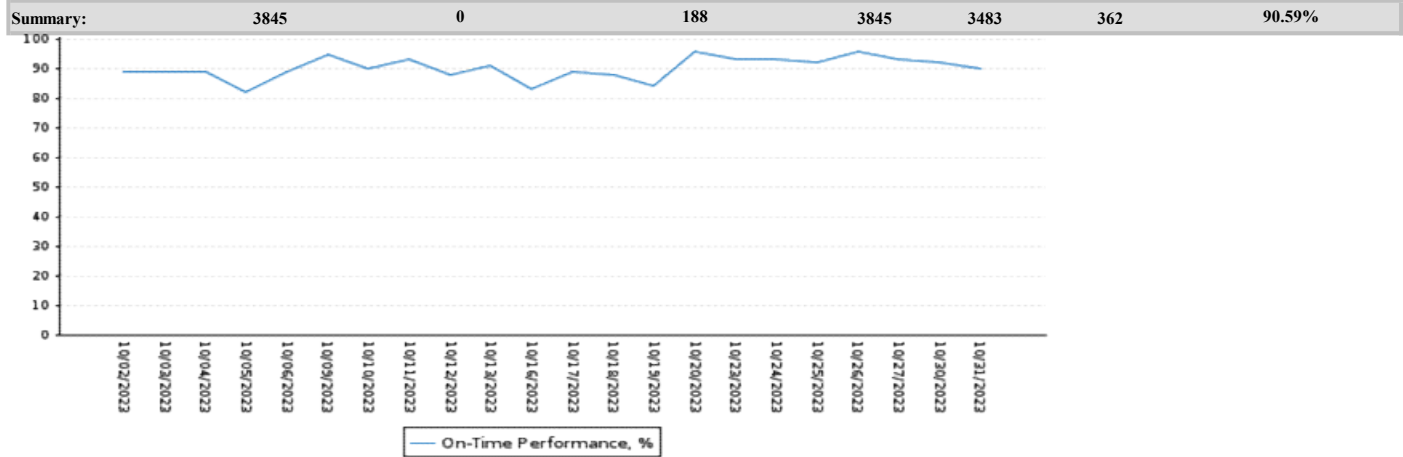


	Totals		% taken	miles	hours	Trips/ hour	Miles/ trip	Direct Op Cost	Cost/trip	% of trip	% of hrs	MPH	Trip Denials
	Sep-23 Scheduled	Actual											
Grayson	2283	2149	94%	21898.42	1,306.46	1.64	10.19	55,289.39	25.73	69%	64%	16.76	114
Grayson Urban	1488	1395	94%	11011.3	697.96	2.00	7.89	29,537.67	21.17	45%	34%	15.78	63
Grayson Rural	795	754	95%	10887.12	608.50	1.24	14.44	25,751.72	34.15	24%	30%	17.89	51
Fannin	122	121	99%	2109.11	71.82	1.68	17.43	3,039.42	25.12	4%	4%	29.37	1
Cooke	378	367	97%	2657.11	206.47	1.78	7.24	8,737.81	23.81	12%	10%	12.87	17
Wise	469	435	93%	8190.77	354.07	1.23	18.83	14,984.24	34.45	14%	17%	23.13	43
Clay	6	6	100%	259.89	7.68	0.78	43.32	325.02	54.17	0%	0%	33.84	1
Montague	56	55	98%	1908.93	88.54	0.62	34.71	3,747.01	68.13	2%	4%	21.56	0
Monthly Total	3314	3133	95%	37024.23	2,035.04	1.54	11.82	86,122.89	27.49	100%	100%	18.19	176

Summary:	3314	0	181	3314	2993	321	90.31%
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Oct-23	Totals				miles	hours	Trips/ hour	Miles/ trip	Direct Op Cost	Cost/trip	% of trip	% of hrs	MPH	Trip Denials
	Scheduled	Actual	% taken											
Grayson	2586	2464	95%	26240.47	1,647.76	1.50	10.65	69,733.20	28.30	67%	63%	15.92	56	
Grayson Urban	1751	1671	95%	13777.24	929.97	1.80	8.24	39,356.33	23.55	46%	36%	14.81	0	
Grayson Rural	832	793	95%	12463.23	717.79	1.10	15.72	30,376.87	38.31	22%	27%	17.36	0	
Fannin	142	138	97%	2616.05	86.43	1.60	18.96	3,657.72	26.51	4%	3%	30.27	0	
Cooke	433	415	96%	2968.26	251.28	1.65	7.15	10,634.17	25.62	11%	10%	11.81	7	
Wise	606	563	93%	10995.31	494.15	1.14	19.53	20,912.43	37.14	15%	19%	22.25	21	
Clay	19	18	95%	690.23	32.39	0.56	38.35	1,370.74	76.15	0%	1%	21.31	0	
Montague	59	59	100%	2032.97	105.04	0.56	34.46	4,445.29	75.34	2%	4%	19.35	0	
Monthly Total	3845	3657	95%	45543.29	2,617.05	1.40	12.45	110,753.56	30.29	100%	100%	17.40	84	



Quarterly Management & Compliance Report

FY 2023

Drug & Alcohol	August	Sept.	Oct.
Pre-employment	3	3	0
Employees in test pool	24	24	28
Random	1	1	3
Post Accident	0	0	0
Reasonable Suspicion	1	0	0
Positive Results	0	0	0
Drug Lab Certification	YES	YES	Yes

Safety	August	Sept.	Oct.
Preventable incidents	0	2	0
Total incidents	0	2	0
Preventable Injuries	0	0	0
Total Injuries	0	0	0
Safety Meetings	1	1	1

Complaints	August	Sept.	Oct.
Americans with Disabilities Act (ADA)	0	0	0
Title VI	0	0	0
General	0	0	0

TAPS Quarterly Analysis

Analysis of Aug through Oct, 2023

Reviewer: _____ Date: _____

Drug & Alcohol Monitoring

Section 1

Pool size for this quarter

27

Drug Test Type	Total # Test Results	Negative Results	Positive Results	Refusals to Test	Cancelled Tests	Random Rate Exceeds FTA Minimum?*
Pre-Employment	6	6	0	0	0	n/a
Random	3	3	0	0	0	yes
Post Accident	0	0	0	0	0	n/a
Reasonable Suspicion	1	1	0	0	0	n/a
Return-to-Duty	0	0	0	0	0	n/a
Follow-Up	0	0	0	0	0	n/a
Total (Drug)	9	9	0	0	0	n/a
Alcohol Type						
Pre-Employment	0	0	0	0	0	n/a
Random	3	3	0	0	0	yes
Post Accident	0	0	0	0	0	n/a
Reasonable Suspicion	1	1	0	0	0	n/a
Return-to-Duty	0	0	0	0	0	n/a
Follow-Up	0	0	0	0	0	n/a
Total (Alcohol)	3	3	0	0	0	n/a

*Random drug testing requirements: Must equal $T = (0.50 * (D/P))$

*Random alcohol testing requirements: Must equal $T = (0.1 * (D/P))$

where D = size of pool, and P = number of testing periods per year

Section 2

Review of Certifications:

Are current certifications for Medical Review Officer, Breath Alcohol Technician, and Substance Abuse Professional on file?

Y / N

Section 3

Records Maintenance:

Retention time frames clearly marked on each file

One Year: Records of negative drug/alcohol test results

Two Years: Records related to the collection process and employee training

Five Years: Records of verified positive drug/alcohol test results, refusals to take required drug/alcohol tests, employee referrals to the SAP, and copies of annual MIS reports

Records are stored in locked cabinet/room with only program manager and his/her designee(s) having access

Policy clearly states to whom and under what circumstances drug/alcohol records will be released

Initials

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Section 4

Collection Clinic Audits

Has Transdev conducted a clinic audit within the past 6 months?

Are these records of this clinic audit on file?

Y / N
Y / N

Section 5

Drug & Alcohol Training

New employees and employee transfers to safety-sensitive positions have received a one-time 60-minute training session on the effects and consequences of drug and alcohol use

Newly hired or promoted supervisors who make reasonable suspicion determinations have received a one-time 60-minute training session on the physical, behavioral, speech and performance indicators of probable drug and alcohol use (total of 120 minutes)

Initials

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Section 6

Safety Meetings

Y / N

Section 7

Educational Materials Available

Y / N

Reviewer's Signature

Date

Taps Maintenance Dept

Compliance Review Period

08/1/2023 - 08/31/2023

Section 1	Total number of PMIs completed			21
PM A's	Target Miles	5000	1	
PM B's	Target Miles	10000	1	
PM C's	Target Miles	30000	0	
PM E's	Target Miles	60000	1	
PM Z's (disinfecting)	Target Days	31	18	
Buses completed	PM Type	Miles From previous PM	On time	Late
324	Z	24	X	
341	Z	26	X	
342	Z	28	X	
344	A/Z	5000/27	X	
345	E/Z	5000/22	X	
346	A/Z	5000/24	X	
347	A/Z	5000/16	X	
348	Z	5000/26	X	
354	Z	27	X	
356	Z	33		X
358	Z	25	X	
359	Z	31	X	
361	A/Z	5000/26	X	

Buses completed	PM Type	Miles From previous PM	On time	Late
362	Z	30	X	
363	B	5000	X	
364	Z	29	X	
365	Z	34		X

Accessible equipment in PMs YES
 Copies of PMs available YES

SECTION 2 Major Maintenance Projects

Major Maintenance Projects completed ? NO

Notes

SECTION 3: Records Retention

Current List of TAPS Vehicles YES
 Daily Vehicle Checklists YES
 Preventative Maintenance Checklists YES
 Warranty Claims NO

SECTION 4: Facilities / Equipment Condition

Maintenance Facilities in Good Condition ? Yes / No

Notes
Checklist completed 8/6/2023

Equipment in Good Condition ?

Notes
checklist completed 8/28/2023

Reviewers Signature _____ Date _____

Taps Maintenance Dept

Compliance Review Period

09/1/2023 - 09/30/2023

Section 1	Total number of PMIs completed			14
PM A's	Target Miles	5000	1	
PM B's	Target Miles	10000	1	
PM C's	Target Miles	30000	1	
PM E's	Target Miles	60000	1	
PM Z's (disinfecting)	Target Days	31	10	
Buses completed	PM Type	Miles From previous PM	On time	Late
341	B/Z	5000/30	X	
343	A/Z	5000/31	X	
346	B/Z	5008/25	X	X
348	B/Z	5000/27	X	
351	B/Z	5000/29	X	
354	A/Z	5000/31	X	
355	E/Z	5000	X	
358	Z	32		X
359	A/Z	5000/31	X	

Buses completed	PM Type	Miles From previous PM	On time	Late
362	Z	31	X	
364	A/Z	5000/31	X	
365	C/Z	5000/28	X	

Accessible equipment in PMs YES
 Copies of PMs available YES

SECTION 2 Major Maintenance Projects

Major Maintenance Projects completed ? NO

Notes	

SECTION 3: Records Retention

Current List of TAPS Vehicles YES
 Daily Vehicle Checklists YES
 Preventative Maintenance Checklists YES
 Warranty Claims NO

SECTION 4: Facilities / Equipment Condition

Maintenance Facilities in Good Condition ? Yes / No

Notes	
	Checklist completed 9 /1/2023

Equipment in Good Condition ?

Notes	
	checklist completed 9/29/2023

Reviewers Signature _____ Date _____

Taps Maintenance Dept

Compliance Review Period

010/1/2023 - 010/31/2023

Section 1	Total number of PMIs completed			11
PM A's	Target Miles	5000	0	
PM B's	Target Miles	10000	0	
PM C's	Target Miles	30000	0	
PM E's	Target Miles	60000	0	
PM Z's (disinfecting)	Target Days	31	11	
Buses completed	PM Type	Miles From previous PM	On time	Late
341	Z	26	X	
342	B/Z	5000/34	X	x
344	Z	37		X
345	Z	31	X	
347	B/Z	5000/31	X	
356	B/Z	5000/31	X	
357	A/Z	5000/31	X	
358	A/Z	5000/32	X	
360	A/Z	5000/31	X	
361	B/Z	5000/24	X	

Buses completed	PM Type	Miles From previous PM	On time	Late
362	B/Z	5000/18	X	
364	B/Z	5000/14	X	
365	Z	28	x	

Accessible equipment in PMs YES
 Copies of PMs available YES

SECTION 2 Major Maintenance Projects

Major Maintenance Projects completed ? No

Notes	
	Bus 348 is in shop under warranty

SECTION 3: Records Retention

Current List of TAPS Vehicles YES
 Daily Vehicle Checklists YES
 Preventative Maintenance Checklists YES
 Warranty Claims NO

SECTION 4: Facilities / Equipment Condition

Maintenance Facilities in Good Condition ? Yes / No

Notes	
	Checklist completed 10 /2/2023

Equipment in Good Condition ?

Notes	
	checklist completed 10/31/2023

Reviewers Signature Date