SACOG Board of Directors

August 18, 2016 at 9:00 a.m.
SACOG Board Room, 1415 L Street, Suite 300, Sacramento, CA  95814

The Board may take up any agenda item at any time, regardless of the order listed. Public comment will be taken on the item at the time that it is taken up by the Board. We ask that members of the public complete a request to speak form, submit it to the Clerk of the Board, and keep their remarks brief. If several persons wish to address the board on a single item, the chair may impose a time limit on individual remarks at the beginning of the discussion. Action may be taken on any item on this agenda.

Pledge of Allegiance

Roll Call: Directors Aguiar-Curry, Buckland, Butler, Cabaldon, Clerici, Crews, Davis, Douglass, Duran, Flores, Frerichs, Griego, Hodges, Jankovitz, Johnson, Joiner, Kennedy, Miklos, Peters, Powers, Samayo, Sander, Saylor, Schenirer, Slowey, Stallard, Veerkamp, West, Wheeler, Vice-Chair Serna, Chair Rohan, and Ex-Officio Member Benipal

Public Communications: Any person wishing to address the Board on any item not on the agenda may do so at this time. After 10 minutes of testimony, any additional testimony will be heard following the action items.

Consent:

1. Approve Minutes of the June 16, 2016, Board Meeting
2. Approve Funding of Transit Projects Using Proposition 1B Transit – Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) Funds (Ms. Doherty)
3. Approve Authorization for Regional Transit Service Enhancement with SECAT Bus Modernization Funds (Mr. Carpenter)
4. Approve Joining North American Bike Share Association (NABSA) (Mr. Shelton)
5. Approve the Transportation Development Act Claim(s) for the City of West Sacramento, Paratransit Inc., the Yuba-Sutter Transit Authority and City of Isleton (Mr. Zepeda)
6. Approve Amendment #1 to the FY 2016/17 Overall Work Program (Mr. Carpenter)
7. Approve Annual Adoption of Salary Plan per CalPERS Regulation (Mr. Johnson)
8. Approve Revised Procurement Policies and Procedures (Mr. Johnson)
9. Approve Policies & Procedures for Administration of Subrecipient Agreements (Mr. Johnson)
10. Approve Action on the Cap-and-Trade Affordable Housing Sustainable Communities (AHSC) Program (Ms. Devere-Oki)

Adjourn as SACOG, convene as CVR SAFE (separate agenda attached)
Adjourn as CVR SAFE, reconvene as SACOG
Action:

11. Approve Transportation Demand Management Tier 2 Funding Program Recommendations (Ms. Bradbury)

Reports:

12. Chair’s Report
13. Board Members’ Reports
14. Chief Executive Officer’s Report

Receive and File:

15. Report on Contracts Under $60,000
16. State Advocacy Update
17. Federal Advocacy Update
18. Update on the Transportation Demand Management Strategic Plan Implementation Work
19. Rural-Urban Connections Strategy Multiplier Study

Adjournment: The next meeting of the SACOG Board will be held on Thursday, September 15, 2016 at 9:30 a.m. in the SACOG Board Room, 1415, L Street, Sacramento, CA.

Prepared by:       Approved by:

Mike McKeever    Susan Rohan
Chief Executive Officer    Chair

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SACOG Board of Directors

August 11, 2016

Approve Minutes of June 16, 2016, Board Meeting

Issue: The SACOG Board of Directors met on June 16, 2016, for a regular SACOG Board meeting.

Recommendation: Approve the minutes of the meeting as submitted.

Discussion: Attached are the Action Minutes of the June 16, 2016, SACOG Board meeting.

Approved by:

Mike McKeever
Chief Executive Officer

MM:le

Attachment
SACOG Board of Directors
Draft Action Minutes

The SACOG Board of Directors met in regular session on June 16, 2016 in the SACOG Board Chambers located at 1415 L Street, Sacramento, CA 95814 at 9:30 a.m.

Call to Order: Chair Rohan called the meeting to order at 9:32 a.m.

Present: Directors Aguiar-Curry, Buckland, Butler, Clerici, Crews, Douglass, Duran, Frerichs, Griego, Jankovitz, Joiner, Kennedy, LeVake (for Flores), Miklos, Peters, Samayoa, Sander, Saylor, Schenirer, Slowey, Spokely (for Powers), Stallard, Suen (for Davis), Veerkamp, West, Wheeler, Vice-Chair Serna, Chair Rohan, and Ex-Officio Member Takhar (for Benipal)

Absent: Cabaldon, Hodges, and Johnson

Public Communications: No one appeared to speak.

Consent: It was moved, seconded (Wheeler, Slowey) and passed by unanimous vote that the following Consent items be approved:

1. Minutes of the May 19, 2016, Board Meeting
2. Transportation Development Act Claims for the City of Davis, City of Sacramento, and Sacramento Regional Transit District
3. Transportation Demand Management Funding Guidelines*
4. Request to Change the Scope for a City of Sacramento Bicycle and Pedestrian Project
5. Request to Change the Scope for a Sacramento County Bicycle and Pedestrian Project
6. Federal Policy Services Contract
7. Reporting and Paying the Value of Employer Paid Member Contributions for FY 2016/17
8. Request for Proposals for Consultant Services Related to Natural Resources Issues
9. TransiCenter Grant Applications
10. Request for Proposals for Transit Marketing & Station Activation Services

*Director Stallard encouraged Board members to talk to their staff and community partners who work in Transportation Demand Management to follow the discussions on the funding guidelines and TDM strategic plan. Director Sander added his encouragement.

Adjourned as the SACOG Board, convened as SAFE Board, at 9:33 a.m.
Adjourned as the SAFE Board, reconvened as SACOG at 9:36 a.m.

Action:
11. Item was removed from agenda
12. Delegate Authority to Enter Negotiations for Bike Share Contracts
   Mr. Shelton, SACOG staff, presented the report. It was moved, seconded (Frerichs/Suen) and passed by unanimous vote that:

   [Further discussion and actions would follow here]

[Additional action items and discussions would continue as per the meeting's agenda and minutes.]
THE BOARD DELEGATE AUTHORITY TO THE BIKE SHARE POLICY STEERING COMMITTEE TO DIRECT THE CHIEF EXECUTIVE OFFICER TO ENTER NEGOTIATIONS WITH BIKE SHARE VENDORS FOR EQUIPMENT, OPERATIONS, AND SPONSORSHIP BROKERAGE.

13. Approve Resolution in Memory of Dan Silva
   Chair Rohan presented the item. It was moved, seconded (Griego, Aguiar-Curry) and passed by unanimous vote that:

   THE BOARD APPROVE THE RESOLUTION IN MEMORY OF DAN SILVA.

Information:
14. Caltrans Incurred Cost Audit
   Mr. Trost, SACOG COO, presented the item.
15. May is Bike Month Recap
   Ms. Bradbury, SACOG staff, presented the item.

Reports:
16. Chair’s Report: Chair Rohan provided her report.
17. Board Members: Board members reported on local items.
18. Chief Executive Officer’s Report: Mike McKeever gave his report to the Board.

Closed Session:
27. There was no reportable action.

Adjournment: The meeting was adjourned in memory of the Orlando victims at 10:52 a.m.

Approved by:       Approved by:
Mike McKeever     Susan Rohan
Chief Executive Officer     Chair
SACOG Board of Directors

August 11, 2016

Approve Funding of Transit Projects Using Proposition 1B Transit – Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) Funds

Issue: Should funding be approved for a PTMISEA transit project?

Recommendation: The Transportation Committee unanimously recommends that the Board approve the award of $3,331,277 in funding to the Yuba-Sutter Transit Bus Replacement project to purchase seven (7) heavy duty intercity commuter buses.

Committee Action/Discussion: The Public Transportation Modernization, Improvement, and Service Enhancement Account Program (PTMISEA) was created by Proposition 1B, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Of the $19.925 billion available to Transportation, $3.6 billion dollars was allocated to PTMISEA to be available to transit operators over a ten-year period. SACOG is the grant recipient of regional (GC 8879.55(a)(2)/PUC 99313) funds for the four-county region and it directs this funding to transit agencies that act as project sponsors. In 2008, the Board approved guidelines for the PTMSEA funds and a list of projects. Approval of the funds for the Yuba-Sutter Transit Bus Replacement Project authorizes SACOG to submit an allocation request to Caltrans’ Division of Mass Transportation and to enter into a subrecipient funding agreement with the project sponsor.

Approved by:

Mike McKeever
Chief Executive Officer

MM:AD:rh
Attachment

Key Staff: Matt Carpenter, Director of Transportation Services, (916) 340-6276
Azadeh Doherty, Senior Analyst, (916) 340-6221

1400322
SACRAMENTO AREA COUNCIL OF GOVERNMENTS

RESOLUTION NO. 40 – 2016

APPROVING THE PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT FUNDING REQUESTS IN THE AMOUNT OF $3,331,277

WHEREAS, the Proposition 1B Transportation Bond program has made funds available under the Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA); and

WHEREAS, Government Code Section 8879.55 requires that funds made available, upon appropriation of the Legislature, from the PTMISEA be allocated to agencies and transit operators eligible to receive State Transit Assistance funds pursuant to sections 99313 and 99314 of the Public Utility Code (PUC); and

WHEREAS, the State Controller’s Office released the final available amounts of the PTMISEA funds from the 2014-2015 fiscal year appropriation in the Budget Act of 2014; and

WHEREAS, the Guidelines issued by Caltrans require SACOG to identify eligible projects and the sponsoring agency for regional PTMISEA funds; and

WHEREAS, in 2008, the SACOG Board approved guidelines for the PTMSEA funds and a list of projects; and

WHEREAS, the Yuba-Sutter Transit Authority has requested $3,331,277 in PTMISEA funding for a bus replacement project to purchase seven (7) heavy duty intercity commuter buses; and

NOW, THEREFORE BE IT RESOLVED, that the SACOG Board of Directors hereby authorizes the Executive Director to submit PTMISEA funding applications for these projects, and execute subrecipient funding agreements for the purpose of developing and implementing these projects in the Sacramento region.

PASSED AND ADOPTED, this 18th day of August 2016, by the following vote of the Board of Directors:

AYES:

NOES:
ABSTAIN:

ABSENT:

_________________________  _____________________________
Susan Rohan          Mike McKeever
Chair                Chief Executive Officer
SACOG Board of Directors

August 11, 2016

Approve Authorization for Regional Transit Service Enhancement with SECAT Bus Modernization Funds

Issue: To approve the use of Sacramento Emergency Clean Air Transportation (SECAT) Program funding to help Sacramento Regional Transit District (SRTD) enhance transit service to the Golden 1 Center.

Recommendation: The Transportation Committee unanimously recommends that the Board authorize SRTD to use $2,200,000 of SECAT funding obtained through their existing bus replacement agreement to enhance transit services in support of the opening of the Golden 1 Center and scrap old diesel buses.

Committee Action/Discussion: The SECAT Program is implemented by the Sacramento Metropolitan Air Quality Management District (SMAQMD) in partnership with the Sacramento Area Council of Governments (SACOG). The Program requires participants to meet certain usage requirements in exchange for receiving incentive funds. The Program is currently governed by the SECAT Program Guidelines adopted in 2015 by the Board.

Since 2000, the SECAT Program has successfully funded over 2,400 clean heavy-duty diesel vehicles in the Sacramento Federal Ozone Non-Attainment Area (SFNA). SECAT funding has totaled over $79 million while reducing about 2.9 tons per day NOx emissions. Many fleets across the region have benefitted from the SECAT Program, including single truck small businesses to large trucking fleets and public agencies with the majority of funding going to private-sector vehicle fleets.

In recent years, SECAT funding has also been directed to SRTD to replace older natural gas transit buses with new cleaner vehicles that result in nearly a 90% reduction in NOx emissions. As part of the program, SECAT guarantees that SRTD will scrap the buses to ensure that the project meets air quality goals in the State Implementation Plan (SIP) and that the funds from this scrapping going towards the Enhanced SECAT and Infill Streamlining Programs.

SACOG, SMAQMD, and SRTD recently collaborated to find an innovative use of the new $2,200,000 of SECAT funding. Under current federal Congestion Mitigation and Air Quality (CMAQ) guidelines, transit agencies can use CMAQ funding towards providing new and enhanced transit service. This coincides with the opening of the Golden 1 Center in downtown Sacramento for which enhanced transit operation will both immediately reduce congestion and emissions and provide an opportunity to introduce new users into the SRTD system, potentially increasing fare box revenues and ridership. For FY 2017, RT anticipates spending approximately $1,950,000 on new and enhanced transit services, $200,000 to scrap vehicles, and $50,000 to
provide innovative ways of transporting customers to and from light rail stations for events at the Golden 1 Center. Attachment A offers more detail on the intended purposes. Depending on qualifying expenses and the funding needs in the initial year, unused CMAQ funds could be applied to the new/enhanced service (up to 4 subsequent years), or to other CMAQ qualifying projects as the need arises. The agreement includes SRTD’s commitment to scrap the old buses and operate the replacement buses funded through SECAT in accordance to the terms and conditions of the original SECAT agreement.

Because the agreement with SRTD retains the original emission reductions associated with the SECAT bus modernization project and adds the additional immediate and future air quality benefits from enhanced transit services and ridership, staff recommends that the Board of Directors authorize SRTD to use the CMAQ funding associated with bus replacements under an agreement already in place between the three parties (SACOG, SMAQMD, SRTD). If approved, the three parties will then collaborate to finalize amendments to the agreement that reflect the intended purposes for the $2.2 million in funding and satisfy all the relevant legal and regulatory requirements.

Approved by:

Mike McKeever
Chief Executive Officer

MM:MC:rh
Attachment

Key Staff: Matt Carpenter, Director of Transportation Services, (916) 340-6276
SRTD’s intended use of the new $2.2 million in SECAT (CMAQ) funds:

1. **Pay for any and all related expenses that result from the scraping of the old diesel buses.** Examples of these can include the cost related to the tire lease with Goodyear and other smaller miscellaneous costs. Years ago, SRTD made the decision to lease tires as opposed to purchasing them. The requirements for scrapping vehicles provide that SRTD must provide the vehicles with street legal tire tread. Since SRTD is providing the vehicle with leased tires, the agency required to pay the vendor, Goodyear, for the remaining value of the tire. This cost could be as high as $200K. SRTD intends to seek immediate reimbursement for these direct costs as this will need to be paid to the vendor within a reasonable time frame.

2. **Provide additional light rail service to transport riders to/from major events at the new downtown arena, the Golden One Center, that is scheduled to open in October 2016.** Golden One Center capacity is 17,500 persons and traffic congestion is expected to be severe exiting nearby off-street parking garages, on nearby city streets, and at all nearby freeway approaches. Travel demand modeling and the experience of similarly situated arenas has shown significant demand for light rail transportation to and from major events (eg. a forecasted 7 percent mode split or 1,225 riders, per analysis for the Golden One environmental analysis documentation); however, the SRTD light rail system currently operates very minimal hours and low frequency during the relevant times (e.g., 30 minute headways and reduced-length train sets capable of moving only 750 passengers in and out of the downtown area in the first half hour). By adding special event trains before/after major events, the project will allow SRTD to (1) have adequate vehicle capacity for the expected ridership, (2) have sufficient capacity for events generating greater than expected transit demand, (3) have sufficiently short wait times and end-to-end travel times to offer an attractive alternative to taking a personal automobile.

3. **Provide funding to a Transportation Network Company (TNC), such as Uber or Lyft, that would provide transportation services to customers.** The services would pick-up or drop off customer to/from their house to/from the light rail station. This would provide an air quality benefit to the region by getting people off the roads and using the light rail system.

Note: It is anticipated that the majority of the costs will be incurred during FY 2016/17, but a portion of the costs may over a five year period that is possible with CMAQ funds.
SACOG Board of Directors

August 11, 2016

Approve Joining North American Bike Share Association (NABSA)

Issue: Should SACOG join the North American Bike Share Association (NABSA)?

Recommendation: The Transportation Committee unanimously recommends that the SACOG Board approve SACOG joining the North American Bike Share Association (NABSA).

Committee Action/Discussion: The North American Bike Share Association, NABSA, was incorporated as a Non-Profit Corporation in April 2014. The specific purposes and objectives of the Corporation include, but are not limited to:

- providing support and representation for the community of public and nonprofit owners/operators of bike sharing systems;
- accelerating the inclusion and growth of bike sharing systems in transportation networks and enhancing their performance across North America;
- benefitting the common good through bike-sharing systems that improve public health, quality of life, place-building, economic vitality, the local environment and the global climate; and,
- creating a forum for the public sector, nonprofit sector and private sector to collaborate on, growing participation and improving bike sharing services.

Prior to SACOG becoming the lead agency for implementing a regional bikeshare system, the Sacramento Metropolitan Air Quality Management District (SMAQMD) joined NABSA in 2014 and paid dues for 2014 and 2015 as a “pre-launch system”, paying $1,000 annually. SACOG staff attended the NABSA Annual Conference in September 2015 and relied on its network of members to inform various bike share development actions, such as building a regional governance structure, releasing a Request for Proposals for an operator, and getting guidance during contract negotiations.

Joining NABSA will ensure that SACOG staff continue to receive the benefits of its 60 public and private members (See Attachment A for current members list). Annual dues to be paid to NABSA will be $1,000 in fiscal year 2016-17 and could potentially increase in the following year to $3,800 to $4,400 depending on the number of bike share bikes deployed in the fleet. All voting and non-voting NABSA members will receive benefits in exchange for their dues and active participation (See Attachment B for list of planned benefits).
Approved by:

Mike McKeever  
Chief Executive Officer

MM:SS:rh  
Attachment

Key Staff:  Kirk Trost, Chief Operating Officer/General Counsel, (916) 340-6210  
Matt Carpenter, Director of Transportation Services, (916) 340-6276  
Sam Shelton, Senior Analyst, (916) 340-6251
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Why NABSA?

The North American Bike-share Association, NABSA, was incorporated as a Non-Profit Corporation on April 15, 2014. The specific purposes and objectives of the Corporation include, but are not limited to: (a) providing support and representation for the community of public and nonprofit owners/operators of bike sharing systems; (b) accelerating the inclusion and growth of bike sharing systems in transportation networks and enhancing their performance across North America; (c) benefitting the common good through bike-sharing systems that improve public health, quality of life, place-building, economic vitality, the local environment and the global climate; and (d) creating a forum for the public sector, nonprofit sector and private sector to collaborate to grow participation and improve bike sharing service.

NABSA is a brand new member-driven organization of and for the bike-sharing industry. Benefits will increasingly accrue to members after NABSA has been in operation for a period of time. All voting and non-voting NABSA members will receive the following planned benefits in exchange for their dues and active participation.

**Member Benefits**

- Participation in annual meeting of bike share system owners, operators, and vendors, including trade show, presentations by industry experts, and working group recommendations.
- Participation in NABSA working groups and committees formed to tackle most immediate challenges in bike share industry.
- Participation in industry discussions and forums intended to develop standards, metrics, data publication formats.
- Receipt of alerts regarding legislative activity impacting bike share systems and opportunity to participate in drafting and approving industry-wide policy statements.
- Participation in discussions and forums intended to define technology goals and accelerate the cycle of technology development and integration (1) on each major operating system, (2) within the bike-share industry, and (3) within the shared mobility and public transportation sector.
- Access to NABSA resources and work products, including:
  - Member surveys regarding sales and usage results, funding sources, insurance coverage and expense, crash/injury reports, customer service call center activity, financial results, business models, staffing levels, etc.
  - Model contracts and specifications.
  - Annual summary of bike share system point of sale/product/price offerings, promotional activity, and outreach activity with assessment of impact on sales, usage, member base, and diversity.
  - Evaluation of sponsorship or advertising assets.
  - Meeting minutes and summaries.
  - Member contact lists.
  - Event calendar.
  - Potential opportunities for group purchasing or discounts.
• Inclusion in NABSA communication tools, including e-mail listserves for communications with all members and for members using common technology.

• Program listing, logo and link on NABSA website.

• National point of contact/liaison for sponsorship, advertising, and marketing opportunities.

• National point of contact/liaison for possible technology transfer and cross-promotions with other shared mobility sector industry players.

• Connections and representation to partners with related missions such as the Shared Mobility Center, National Association of City Transportation Officials, League of American Bicyclists, Project for Public Spaces, People for Bikes, and other relevant organizations and allies.

For more information, contact:
Nicole Freedman, NABSA Board President, nicole.freedman@seattle.gov, (206) 684-4690
SACOG Board of Directors

August 11, 2016

Approve the Transportation Development Act Claim(s) for the City of West Sacramento, Paratransit Inc., the Yuba-Sutter Transit Authority and City of Isleton

Issue: The Transportation Development Act (TDA) authorizes eligible cities, counties, and transit operators to receive TDA funds for transportation purposes and street and road projects. The TDA funds are made available from sales tax receipts.

Recommendation: Staff recommends that the Board approve this summary resolution of the TDA claims listed below.

1. City of West Sacramento for $2,143,968 Resolution No. 41 – 2016
2. Paratransit Inc. for $2,070,438 Resolution No. 42 – 2016
3. Yuba-Sutter Transit Authority for $3,250,569 Resolution No. 43 – 2016
4. City of Isleton for $122,240 Resolution No. 44 – 2016

Committee Action/Discussion: Current Board policy calls for routine TDA allocations to cities, counties, and transit operators to come directly to the Board without review by a committee. These funds will be used as authorized by law for various purposes and in the amount shown on the attached resolutions. The claims have been reviewed by staff and found to be in compliance with the TDA and are consistent with the Metropolitan Transportation Plan and the Short-Range Transit Plans.

Approved by:

Mike McKeever
Chief Executive Officer

Attachments

Key Staff: Matt Carpenter, Director of Transportation Services, (916) 340-6276
Azadeh Doherty, Senior Analyst (916) 340-6221
Anthony Zepeda, Associate Analyst, (916) 340-6220

cc: Romi Balbini, Director of Public Works, City of Isleton
Denix Anbiah, Director of Public Works, City of West Sacramento
Steve Robinson-Burmester, Chief Financial Officer, Paratransit, Inc.
Keith Martin, Transit Manager, Yuba-Sutter Transit Authority
SACRAMENTO AREA COUNCIL OF GOVERNMENTS

RESOLUTION NO. 41 – 2016


WHEREAS, the City of West Sacramento has submitted a new claim for FY 2016-17 Local Transportation Funds for a total of $76,981 under the provisions of the Transportation Development Act for the amounts and purposes as follows:

<table>
<thead>
<tr>
<th>Local Transportation Fund</th>
<th>Purpose</th>
<th>Year of Funds</th>
<th>Previous Award</th>
<th>Total Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 8 – Section 99400(c)</td>
<td>FY16-17 Yolobus Operations</td>
<td>FY 2016/17</td>
<td>0</td>
<td>76,981</td>
</tr>
<tr>
<td>Article 8 – Section 99400(c)</td>
<td>FY16-17 Yolobus Operations</td>
<td>FY 2015/16</td>
<td>0</td>
<td>228,261</td>
</tr>
<tr>
<td>Article 8 – Section 99400(c)</td>
<td>FY16-17 Yolobus ADA Op</td>
<td>FY 2015/16</td>
<td>0</td>
<td>137,500</td>
</tr>
<tr>
<td>Article 8 – Section 99400(d)</td>
<td>FY16-17 Administration</td>
<td>FY 2015/16</td>
<td>0</td>
<td>56,168</td>
</tr>
<tr>
<td>Article 8 – Section 99260(a)</td>
<td>FY16-17 West Sac Capital</td>
<td>FY 2014/15</td>
<td>1,289,375</td>
<td>2,509,605</td>
</tr>
</tbody>
</table>

Total $1,289,375 $2,143,968

WHEREAS, such claim is consistent with State Law, with Guidelines adopted by the Board and with approved apportionments for FY 2014-15 and FY 2015-16 and FY 2016-17; and

WHEREAS, the Board Resolution No. 22-2016 on March 17, 2016, found that there are no unmet transit needs that are reasonable to meet in the City of West Sacramento; and
BE IT FURTHER RESOLVED, that the Board hereby approves the request for Local Transportation Funds for FY 2014-15 in the amount of $1,220,230 and FY 2015-16 in the amount of $846,757 and FY 2016-17 in the amount of $76,981 for a total claim amount of $2,143,968 and authorizes the forwarding of funds to the City of West Sacramento in proportion to funds received from the State.

PASSED AND ADOPTED, this 18th day of August 2016 by the following vote of the Board of Directors:

AYES:

NOES:

ABSTAIN:

ABSENT:

Susan Rohan  Mike McKeever
Chair  Chief Executive Officer
WHEREAS, Paratransit, Inc., has submitted a new claim for FY2016-17 Local Transportation Funds for the amount of $2,070,438 under the provisions of the Transportation Development Act and such funds will be used to provide community transit service, including such services as those for the elderly and persons with disabilities who cannot use conventional transit services; and

WHEREAS, Resolution No. 36-1981 adopted by the Sacramento Area Council of Governments (SACOG) on July 16, 1981 designated Paratransit, Inc., as the Consolidated Transportation Service Agency and subsequent actions have extended that designation indefinitely and such claim is consistent with the Transportation Development Act, with rules and regulations adopted by the SACOG Board of Directors; and

WHEREAS, this claim by Paratransit, Inc., is consistent with State Law, with Guidelines adopted by the Board, and with approved apportionments for FY 2016-17; and

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby makes the following findings in accordance with Article 4.5, Section 99275.5(c) of the Transportation Development Act:

1. That Paratransit, Inc., is responding to a transportation need not currently being met in the community.
2. That the service shall be integrated with existing transit services, if appropriate.
3. That Paratransit, Inc., has prepared an estimate of revenues, operating costs, and patronage.
4. That Paratransit, Inc., is in compliance with Section 99268.3, 99268.4, 99268.5 or 99268.9, whichever is applicable, regarding farebox recovery.
5. That Paratransit, Inc., is in compliance with Sections 99155 and 99155.5.

BE IT FURTHER RESOLVED, that the Board hereby approves continuation of Paratransit, Inc.’s farebox recovery ratio at five percent.
BE IT FURTHER RESOLVED, that the Board hereby approves Paratransit, Inc.’s new claim for FY2016-17 Local Transportation Funds for the amount of $2,070,438 subject to the conditions set forth in the Four-Party Agreement, and authorizes the transmittal of allocation instructions to the Sacramento County auditor consistent with the approved claim.

PASSED AND ADOPTED, this 18th day of August 2016, by the following vote of the Board of Directors:

AYES:

NOES:

ABSTAIN:

ABSENT:

________________________________________  ________________________________________
Susan Rohan                             Mike McKeever
Chair                                  Chief Executive Officer
RESOLUTION NO. 43 – 2016

APPROVING THE YUBA-SUTTER TRANSIT AUTHORITY’S TRANSPORTATION DEVELOPMENT ACT CLAIM FOR FY 2016-17 IN THE AMOUNT OF $3,250,569

WHEREAS, the Yuba-Sutter Transit Authority has submitted a claim under the provisions of the Transportation Development Act for Local Transportation Funds for FY 2016-2017 for a total Local Transportation Funds claim of $2,491,500; and

WHEREAS, the Yuba-Sutter Transit Authority has submitted a claim under the provisions of the Transportation Development Act for State Transit Assistance Funds for the City of Marysville FY 2016-2017 funds in the amount of $49,052; for the City of Yuba City FY 2016-2017 funds in the amount of $270,124; for Yuba County FY 2016-2017 funds in the amount of $238,477; and for Sutter County FY 2016-2017 funds in the amount of $85,637; for the City of Wheatland FY 2016-2017 funds in the amount of $13,993; for the City of Live Oak FY 2016-2017 funds in the amount of $34,786; and for Yuba-Sutter Transit Authority FY 2016-2017 funds in the amount of $67,000; for a total State Transit Assistance Funds claim of $759,069; and

WHEREAS, the Yuba-Sutter Transit Authority submits these claims under the provisions of the Transportation Development Act for the amounts and purposes as follows:

<table>
<thead>
<tr>
<th>Local Transportation Fund</th>
<th>Purpose</th>
<th>Year of Funds</th>
<th>Amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Utility Code</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Article 4 – Section 99260(a)</td>
<td>Yuba-Sutter Transit Operations</td>
<td>FY 2016/17</td>
<td>$2,491,500</td>
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<tr>
<td>Sub Total</td>
<td></td>
<td></td>
<td>$2,491,500</td>
</tr>
<tr>
<td>State Transit Assistance Fund</td>
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<td></td>
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<tr>
<td>Public Utility Code</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Article 4 – Section 6730(a)</td>
<td>Yuba-Sutter Transit Operations</td>
<td>FY 2016/17</td>
<td>$659,069</td>
</tr>
<tr>
<td>Article 4 – Section 6730(b)</td>
<td>Yuba-Sutter Transit Capital</td>
<td>FY 2016/17</td>
<td>$100,000</td>
</tr>
<tr>
<td>Sub Total</td>
<td></td>
<td></td>
<td>$759,069</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$3,250,569</td>
</tr>
</tbody>
</table>
WHEREAS, such claim is consistent with State Law, with Guidelines adopted by the Board and with approved apportionments for FY 2016-2017; and

WHEREAS, the cities of Wheatland and Live Oak and the Yuba-Sutter Transit Authority have entered into agreements that the Yuba-Sutter Transit Authority will utilize the State Transit Assistance allocation for the cities of Wheatland and Live Oak to provide ongoing transit service to these cities.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby makes the following findings in accordance with Subchapter 2.5, Article 4, Section 6754 of the Transportation Development Act:

1. The Yuba-Sutter Transit Authority’s proposed expenditures are in conformance with the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS).

2. The level of passenger fares and charges is sufficient to enable the Yuba-Sutter Transit Authority to meet the fare revenue requirements of the Public Utilities Code as they apply.

3. The Yuba-Sutter Transit Authority is making full use of federal funds available under the Urban Mass Transportation Act of 1964, as amended.

4. The amount of this claim does not exceed the amount the Yuba-Sutter Transit Authority is eligible to receive during the fiscal year.

5. Priority consideration has been given to this claim because its purpose is to offset reductions in federal operating assistance and the unanticipated increases in the cost of fuel, to enhance existing public transportation services, and to meet high priority area-wide public transportation needs.

6. The Yuba-Sutter Transit Authority has made a reasonable effort to implement the productivity improvements recommended pursuant to Public Utilities Code Section 9924.

7. The Yuba-Sutter Transit Authority is not precluded by any contract entered into, on or after June 28, 1979, from employing part-time drivers or from contracting with common carriers or persons operating under a franchise or license.

8. The Yuba-Sutter Transit Authority has submitted the required certification by the Department of California Highway Patrol verifying that the operator is in compliance with Section 1808.1 of the Vehicle Code.

9. The Yuba-Sutter Transit Authority is in compliance with the eligibility requirements of Public Utilities Code Section 99314.6 or 99314.7.

NOW, THEREFORE BE IT RESOLVED, that the Board hereby approves the
request for Local Transportation Funds for FY 2016-17 in the amount of $2,491,500 and the request for State Transit Assistance Funds for FY 2016-17 in the amount of $759,069 and authorizes the forwarding of funds to the Yuba-Sutter Transit Authority in proportion to funds received from the State.

**PASSED AND ADOPTED** this 18th day of August 2016, by the following vote of the Board of Directors:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

______________________________  ________________________________
Susan Rohan                  Mike McKeever
Chair                        Chief Executive Officer
SACRAMENTO AREA COUNCIL OF GOVERNMENTS

RESOLUTION 44 – 2016

APPROVING THE CITY OF ISLETON’S TRANSPORTATION DEVELOPMENT ACT CLAIM FOR FY 2016-17 FOR A TOTAL CLAIM OF $122,240.

WHEREAS, the City of Isleton has submitted a new claim for FY 2016-17 Local Transportation Funds for a total of $31,106 under the provisions of the Transportation Development Act for the amounts and purposes as follows:

WHEREAS, the City of Isleton has submitted a new claim for FY 2015-16 Local Transportation Funds for a total of $30,019 under the provisions of the Transportation Development Act for the amounts and purposes as follows:

WHEREAS, the City of Isleton has submitted a new claim for FY 2014-15 Local Transportation Funds for a total of $29,779 under the provisions of the Transportation Development Act for the amounts and purposes as follows:

WHEREAS, the City of Isleton has submitted a new claim for FY 2013-14 Local Transportation Funds for a total of $28,610 under the provisions of the Transportation Development Act for the amounts and purposes as follows:

WHEREAS, the City of Isleton has amended its claim for FY 2012-13 Local Transportation Funds in the amount of $783 under the provisions of the Transportation Development Act for the amounts and purposes as follows; and

WHEREAS, the City of Isleton has amended its claim for FY 2008-109 Local Transportation Funds in the amount of $1,943 under the provisions of the Transportation Development Act for the amounts and purposes as follows; and

<table>
<thead>
<tr>
<th>Local Transportation Fund</th>
<th>Year of Funds</th>
<th>Previous Award</th>
<th>Total Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 8 – Section 99400(a)</td>
<td>FY16-17 Street Maintenance</td>
<td>FY 2016/17</td>
<td>0</td>
</tr>
<tr>
<td>Article 8 – Section 99400(a)</td>
<td>FY16-17 Street Maintenance</td>
<td>FY 2015/16</td>
<td>0</td>
</tr>
<tr>
<td>Article 8 – Section 99400(a)</td>
<td>FY16-17 Street Maintenance</td>
<td>FY 2014/15</td>
<td>0</td>
</tr>
<tr>
<td>Article 8 – Section 99400(a)</td>
<td>FY16-17 Street Maintenance</td>
<td>FY 2013/14</td>
<td>0</td>
</tr>
<tr>
<td>Article 8 – Section 99400(a)</td>
<td>FY16-17 Street Maintenance</td>
<td>FY 2012/13</td>
<td>23,357</td>
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<tr>
<td>Article 8 – Section 99400(a)</td>
<td>FY16-17 Street Maintenance</td>
<td>FY 2008/09</td>
<td>0</td>
</tr>
<tr>
<td>Sub Total</td>
<td>$23,357</td>
<td>$141,914</td>
<td></td>
</tr>
</tbody>
</table>
WHEREAS, such claim is consistent with State Law, with Guidelines adopted by the Board and with approved apportionments for FY 2008-09 and FY 2012-13 and FY 13-14 and FY 2014-15 and FY 2015-16 and FY 2016-17; and

WHEREAS, the Board Resolution No. 13-2016 on March 17, 2016, found that there are no unmet transit needs that are reasonable to meet in the City of Isleton; and

BE IT FURTHER RESOLVED, that the Board hereby approves the request for Local Transportation Funds for FY 2008-09 in the amount of $1,943 and FY 2012-13 in the amount of $783 and FY 2013-14 in the amount of $28,610 and FY 2014-15 in the amount of $29,779 and FY 2015-16 in the amount of $30,019 and FY 2016-17 in the amount of $31,106 for a total claim amount of $122,240 and authorizes the forwarding of funds to the City of Isleton in proportion to funds received from the State.

PASSED AND ADOPTED, this 18th day of August 2016 by the following vote of the Board of Directors:

AYES:

NOES:

ABSTAIN:

ABSENT:

Susan Rohan  Mike McKeever
Chair        Chief Executive Officer
Approve Amendment #1 to the FY 2016/17 Overall Work Program

Issue: The Federal Highway Administration is requesting modifications to several projects listed in the FY 2016/17 Overall Work Program

Recommendation: The Government Relations & Public Affairs Committee recommends that the SACOG Board authorize staff to add funding to the Congestion Management Program with corresponding tasks and deliverables, along with other minor modifications, in the fiscal year 2016/17 Overall Work Program.

Committee Action/Discussion: On May 12th, the SACOG Board approved the Overall Work Program (OWP) for fiscal year 2016/17. The OWP allocated federal, state, and local funding to activities and work programs for the July 1, 2016 to June 30, 2017 fiscal year. Among these projects, the OWP included a placeholder project for a Congestion Management Program (CMP) while staff worked on a solution to help satisfy a corrective action issued to SACOG by the Federal Highway Administration (FHWA) in the agency’s recent MPO certification review. FHWA has issued conditional approval of SACOG’s OWP until the corrective action related to the CMP is met along with several other administrative changes to projects listed in the OWP. To fulfill the corrective action, FHWA has requested that SACOG assign budget with explicit tasks and deliverables to the CMP project.

Attachment A includes a revised CMP project description that better reflects ongoing activities, end products, and anticipated expenditures that will meet FHWA’s requirements. The funding and activities listed under the CMP project represent a shifting of staff, tasks, and money that were listed under other OWP projects, but do not affect SACOG’s overall spending or work program. In general, the revised CMP element reflects a consolidation and refinement of activities and budget already included in the OWP into a single project that can be more effectively documented and monitored by staff and agency partners.

In addition to modifications to the CMP element, FHWA requested a number of administrative modifications to the OWP as part of the conditional approval. None of the changes, including modifications to the CMP, will affect SACOG’s overall funding levels for FY 2016/17. The administrative changes include the addition of detailed funding tables to all core projects. Previously, funding tables were included for just those projects utilizing fund types specific to the OWP (FHWA PL funds, FTA 5303 funds, FTA 5304 funds, and state planning grants). Federal funds were also added to a number of projects of special interest to FHWA. These funds were swapped for other local or state funding types and did not affect the overall funding level or scope of work for any project.

With Board authorization, SACOG will submit the revised OWP to Caltrans and federal partners for final approval. These modifications will constitute Amendment #1 to the FY 2016/17 OWP.

Approved by:

Mike McKeever
Chief Executive Officer

Key Staff: Erik Johnson, Manager of Policy and Administration, (916) 340-6247
Clint Holtzen, Associate Analyst, (916) 340-6246
As reported to the Board in June 2016, a confluence of several events have resulted in a heightened need to develop an formal congestion management process (CMP) as part of its normal transportation monitoring, planning, and programming activities: 1) FHWA comments on the lack of a formal CMP in last SACOG MPO certification; 2) requirements in Federal transportation authorizations for performance monitoring, with an emphasis on congestion and delay; and 3) availability of new data on roadway system performance. A more formal CMP would allow for a coordinated response to these three events.

Additionally, the passage of Senate Bill (SB) 743 provides the opportunity to develop a systematic approach to evaluate transportation and land use projects in the region for transportation impacts, including congestion and accessibility. The legislation deletes an old metric (Level of Service) for CEQA analysis. Active and planned coordination between regional agencies and the State Office of Planning and Research are underway to implement new metrics through a series of case studies that will illustrate efficient and effective methods to evaluate impacts and develop mitigation measures. The lessons learned can then be applied to development of CMP improvements.

SACOG’s updated CMP work activities will involve a cooperatively developed metropolitan-wide strategy of analyzing new and existing transportation facilities in the six-county region. SACOG’s CMP will complement the regional transportation plan and include the following elements:

- New methods to monitor and evaluate congestion on the roadway system and its effects on travelers
- Opportunities for leveraging existing congestion monitoring and management efforts (e.g. congestion management agencies)
- Objectives and performance measures
- Identification of priority corridors to include in the CMP
- Data collection and analysis
- Identification and evaluation of anticipated performance and expected benefits of Congestion Management strategies, including demand management, traffic operational improvements, public transportation improvements, ITS technologies, and additional system capacity, (where necessary)
- Assessment of the effectiveness of previously implemented strategies

Tasks and End Products:

- **Development of Congestion Management Objectives and Work Plan (September 2016)**
- **CMP Network and Performance Report (includes objectives, priority corridors, performance metrics and monitoring plan, and initial monitoring results) (December 2016)**
- **CMP Strategies Report (includes analysis of problem areas and identification of strategies to address problems)(March 2017)**
- **CMP Implementation Report (June 2017)**
- **SB 743 case studies (June 2017)**
Congestion Management Process Budget Detail

<table>
<thead>
<tr>
<th>Total Expenses</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$223,843</td>
</tr>
<tr>
<td>Salaries and Fringe</td>
<td>$ 93,968</td>
</tr>
<tr>
<td>Indirect</td>
<td>$ 29,874</td>
</tr>
<tr>
<td>Other</td>
<td>$ 100,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Revenues (includes deferred)</th>
<th>$223,970</th>
</tr>
</thead>
<tbody>
<tr>
<td>FHWA PL Toll Credit Match *</td>
<td>$ 14,219</td>
</tr>
<tr>
<td>FHWA PL</td>
<td>$ 123,970</td>
</tr>
<tr>
<td>Other State or Local</td>
<td>$ 100,000</td>
</tr>
</tbody>
</table>

* Total Revenues do not include Toll Credit Match
SACOG Board of Directors

August 11, 2016

Approve Annual Adoption of Salary Plan per CalPERS Regulation

Issue: Whether to adopt SACOG’s Salary Plan as required annually to comply with CalPERS regulation (California Code of Regulations (CCR) section 570.5).

Recommendation: The Government Relations & Public Affairs Committee recommends that the SACOG Board adopt the Salary Plan as shown in the attachment.

Committee Action/Discussion: In 2011, the California Code of Regulations (section 570.5) was amended to require the annual adoption of SACOG’s Salary Plan in order to account for any modifications to salary, including cost of living adjustments.

In August 2016, pursuant to the current MOU with SACOG’s Employee Association, SACOG staff was granted a 2.11% cost of living increase. In order to comply with CCR section 570.5, the Board is required to adopt a salary plan reflecting this change. Adoption of the attached Salary Plan will result in no changes in compensation. It simply provides information in the form now required by state regulation.

Approved by:

Mike McKeever
Chief Executive Officer

MM:EJ:ts

Attachment

Key Staff: Erik Johnson, Manager of Policy & Administration, (916) 340-6247
# Sacramento Area Council of Governments

## Monthly Salary Schedule - Effective August 1, 2016

<table>
<thead>
<tr>
<th>Position</th>
<th>Salary Range</th>
<th>Monthly</th>
<th>13 years longevity</th>
<th>18 years longevity</th>
<th>Monthly</th>
<th>13 years longevity</th>
<th>18 years longevity</th>
<th>Monthly</th>
<th>13 years longevity</th>
<th>18 years longevity</th>
<th>Monthly</th>
<th>13 years longevity</th>
<th>18 years longevity</th>
<th>Monthly</th>
<th>13 years longevity</th>
<th>18 years longevity</th>
</tr>
</thead>
<tbody>
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<td>Staff Assistant</td>
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<td>2,982</td>
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<td>4,739</td>
<td>4,858</td>
<td>4,979</td>
<td>4,976</td>
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<td>5,228</td>
<td>5,225</td>
<td>5,355</td>
<td>5,489</td>
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<td>5,225</td>
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<td>5,225</td>
<td>5,355</td>
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<td>4,858</td>
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<td>6,200</td>
<td>6,355</td>
<td>6,351</td>
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<tr>
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<td>15,184</td>
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Steps within this range are for illustrative purposes only; salaries are determined by individual employment agreement within the range.

Notes:

Regular full-time employees are paid a monthly salary based on this schedule.

Longevity pay is 2.5% for employees with 13 years of FTE service and 2.5% + 2.5% for employees with 18 years of FTE service.
批准修订后的采购政策和程序

议题：批准对SACOG采购政策和程序的修订。

推荐意见：政府关系与公共事务委员会建议 SACOG董事会批准附在采购政策和程序中的修订。

委员会行动/讨论：在六月，工作人员与董事会讨论了从Caltrans收到的审计报告。工作人员正在对SACOG的政策和程序进行内部合规性审查。其中一个问题与修订后的采购政策和程序有关。工作人员与退休人员Diane Eidam合作，对采购政策和程序进行了修订。附在采购政策和程序中的修订与董事会已实施的政策一致；主要变化是将州和联邦要求纳入。

Caltrans在七月初收到这份草案，以确保它符合他们的要求。工作人员未收到Caltrans的最终意见，以便在董事会包络邮件出之前给出。

工作人员也开始对采购和合同流程进行业务流程审查，并正在实施流程改进。工作人员将在秋季对这些修订的采购政策和程序进行培训。

完整的修订采购政策和程序附在附件A。

批准人：

Mike McKeever
首席执行官

MM:EJ:ts

附录

关键人员：Kirk E. Trost, 首席运营官/总法律顾问，(916) 340-6210
Erik Johnson, 政策和行政管理经理，(916) 340-6247
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Part I – Procurement Decision Tree

Procurement Decision Tree

Is there an existing contract in place?
- Yes → Is this an on-call contract?
  - Yes → Contract Amendment
  - No → Task Order or Task Order Amendment
- No → Can another government agency perform the services?
  - Yes → No competitive procurement required.
  - No → Are you purchasing equipment or supplies?
    - No → Are you purchasing services?
      - No → Are these services Architectural and Engineering (A&E) related?
        - Yes → A&E services are engineering or related services to be performed by a registered or licensed engineer.
        - No → Section 22E
      - Yes → Is this procurement under $25,000?
        - Yes → Purchase Order (PO) or Contract POs are used for goods or services ordered routinely or repeatedly and have simplified terms and conditions.
        - No → Memorandum of Understanding (MOU) or Memorandum of Agreement (MOA)
        - Formal Invitation For Bid (IFB)

Section 22A

Formal Request For Proposals (RFP)

Section 22B  Section 22D

Is this procurement under $5,000?
PART II – Specific Policies and Procedures

Part II of this manual contains specific policies and procedures that have been adopted by SACOG. For the purposes of this manual, even when not specifically indicated as such, “Chief Executive Officer” refers to SACOG Chief Executive Officer (CEO) or designee. The CEO may modify policies and procedures within his/her delegated authority as needed to reflect administrative updates or changes in regulations or law.

SECTION 001 – BACKGROUND

This manual sets forth the requirements SACOG uses in the solicitation, award, and administration of its third-party contracts with nongovernmental entities, whether the contract results in revenue or expense to SACOG. These requirements are based on the common grant rules, federal statutes, executive orders and their implementing regulations, FTA policy, FHWA policy, State of California Public Utilities Code, State of California Public Contract Code, State of California Labor Code, SACOG Board and administrative policies, and all other local, state, and federal requirements relating to procurement and applicable to SACOG as a regional public agency. Additionally, general requirements for intergovernmental agreements are included in specific sections.

SECTION 002 – REFERENCES

The following federal and state statutes and regulations are incorporated by reference in this manual to the extent required by law. This is not an exhaustive list of the statutes and regulations:

1. Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), P.L. 102-240
2. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)
4. 2 CFR Chapter 2, Part 200
5. Executive Order 12612, “Federalism,” dated 10-26-87
10. Federal Funding Accountability and Transparency Act of 2006 (FFATA)
11. 49 USC 53, as amended by MAP-21
12. The Caltrans Master Fund Transfer Agreement

Appendices

• None
SECTION 003 – APPLICABILITY OF COMPETITIVE PROCUREMENT REQUIREMENTS

The solicitation, award, and administration of third-party contracts must be carried out on a competitive basis, except in the instances set forth below. Competitive procurement requirements apply even if the award will not require SACOG to directly pay any funds to the award recipient. So, for example, competitive procurement requirements apply in situations where the contractor will be paid by commission or fee from a source other than SACOG. Competitive procurement requirements also apply to revenue agreements. If the awardee of SACOG contract will receive compensation from any source as a result of SACOG’s award, then a competitive process should be used to ensure fairness. Exceptions are as follows:

1. If the requirements of sole source or limited competition procurement are met as set forth in Section 22.
2. If SACOG chooses to use an alternate procurement method that is authorized for state or local agencies by state or federal law.

Appendices
- Sole Source Approval Form (Appendix 1)
- Limited Competition Approval Form (Appendix 25)

SECTION 004 – DEFINITIONS

All definitions in 49 U.S.C. § 5302 are applicable. For purposes of the manual, the following additional definitions are provided:

1. “Approval, Authorization, Concurrence, Waiver” means a deliberate written statement of an official authorized to permit SACOG to take or omit action required by a contract, Board Policy or FTA Circular 4220.1F, which action may not be taken or omitted without additional permission. An oral permission or interpretation has no legal force, authority, or effect.

2. “Best Value” is a competitive, negotiated procurement process in which SACOG reserves the right to select the most advantageous offer by evaluating and comparing factors in addition to cost or price such that it may acquire technical superiority, even if it must pay a premium price. A “premium” is the difference between the price of the lowest-priced proposal and the one that SACOG believes offers the best value. SACOG should disclose these factors in its solicitation.

3. “Bidder” refers to a respondent to a SACOG solicitation document, such as an invitation for bids (IFB) or request for quotes (RFQ), which will lead to a selection based on cost.

4. “Board,” “Commission,” “Owner,” “Grantee,” or “SACOG” means SACOG.

5. “Cardinal Change” means a major deviation from the original purpose of the work or the intended method of achievement or a revision of contract work so extensive, significant, or cumulative that the contractor is required to perform very different work from that described in the original procurement document/contract.

6. “Change Order” means an order authorized by SACOG directing the contractor to make changes, pursuant to contract provisions for such changes, with or without the consent of the contractor.

8. “Constructive Change” means an act or omission that, although not identified by a “change order,” does in fact cause a change in the contract work.

9. “Contract Documents” means all of the contents of the solicitation documents and associated addenda, contract drawings, technical reports, technical specifications, and documented agreements. Said documents shall be considered as part of any contract made pursuant to a solicitation.

10. “Contractor,” “consultant,” “vendor,” or “seller” is the successful bidder or offeror to whom a contract is awarded.

11. “Contracts Officer” means the individual assigned to the procurement who serves as the single point of contact for all correspondence during the procurement and/or contract administration process. This person also is responsible for relating to commercial terms and conditions during the period of performance of the agreement to the consultant or contractor.

12. “Cooperative Agreement” means an instrument by which FTA awards federal assistance to support a project in which it takes an active role or retains substantial control.


14. “DBE” is the acronym for Disadvantaged Business Enterprise and means a for-profit small business concern owned and controlled by a socially and economically disadvantaged person(s) as defined in Title 49, Part 26.5 of the Code of Federal Regulations (CFR).

15. “Design-Bid-Build Project” means a construction project under which an architect or engineer is commissioned to prepare drawings and specifications under a design services contract, and a separate contract is let for construction by engaging the services of a contractor through sealed bidding or competitive negotiations to complete delivery of the project.


17. “CEO” refers to SACOG CEO or designee.

18. “FHWA” refers to the Federal Highway Administration.

19. “FTA” refers to the Federal Transit Administration.

20. “Full and Open Competition” means that all responsible sources are permitted to compete.

21. “Governmental Recipient” means a state or local government, such as SACOG, that receives federal funding and therefore must comply with the Common Grant Rule at 49 CFR Part 18.

22. “Grand Total Bid Price” means the grand total price and shall include all direct and indirect labor and material costs, taxes, duties, fees, and any other charges applicable to complete the total requirements as specified in the solicitation document, including all addenda, contract drawings, and technical specifications.

23. “Grant” means the instrument by which the FTA awards federal assistance to support a particular project in which the FTA does not take an active role or retain substantial control.

24. “Grantee” means the public or private entity to which a grant or cooperative agreement is awarded. The grantee is the entire legal entity even if only a particular component of the entity is designated in the assistance award document. For the purposes of this policy, “grantee” also includes any subgrantee of the grantee. Furthermore, a grantee is responsible for assuring that its subgrantees comply with the requirements and standards of this
policy and that subgrantees are aware of the requirements imposed upon them by federal statutes and regulations.

25. “Hazardous Substances” and/or “Contaminated Materials” means any substance, waste, or material which is determined by any state, federal, or local governmental authority to be capable of posing a risk of injury to health, safety, and/or the environment, including, but not limited to, all substances, wastes, and materials designated or defined as hazardous, extremely hazardous, or toxic pursuant to Section 311 of the Clean Water Act, 33 USC Sections 1321, et seq., Section 1004 of the Resource and Conservation and Recovery Act, 42 USC Sections 6903, et seq., Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 USC Sections 9601, et seq.; Section 25141 of the Hazardous Waste Control Law, California Health and Safety Code Sections 25117, et seq.; Section 25316 of the Carpenter Presley-Tanner Hazardous Substance Account Act, California Health and Safety Code Section 25316; Section 25501 of the Hazardous Materials Release Response Plans and Inventory Law, California Health and Safety Code Sections 25281, et seq., as may be hereinafter amended.

26. “Intergovernmental Agreement” means a contract between SACOG and another governmental entity, such as a Memorandum of Understanding with a municipality, Native American tribe, or public university.

27. “Invitation for Bid” invitation for a firm to provide a firm fixed priced proposal.

28. “Joint Procurement” (sometimes referred to as “cooperative procurement”) means a method of contracting in which two or more purchasers agree from the outset to use a single solicitation document and enter into a single contract with a vendor for delivery of property or services in a fixed quantity. A joint procurement is not drafted for the purpose of accommodating the needs of other parties that may later choose to participate in the benefits of that contract as such a contract is merely assignable to third parties to the extent the parties agree and the original procurement scope and amount are sufficient.

29. “Local Government” means a county, municipality, city, town, township, local public authority, or any agency or instrumentality of a local or regional government. This term does not include a local public institution of higher education.

30. “Master Agreement” means the document incorporated by reference that contains the standard terms and conditions governing the administration of a project supported with state and federal assistance.

31. “Non-SACOG Procurement” means a procurement for which another public entity served as the lead procurement entity and that includes provisions that will allow it to be used by SACOG to contract with one or more specific contractors/vendors using pre-established prices, terms and/or conditions. Examples of such procurements include joint procurements, piggybacks, and state purchasing schedules.

32. “Notice To Proceed (NTP)” is a written notice from the Contracts Officer to a contractor authorizing the contractor to commence work and to start the performance period.

33. “Offeror” or “Proposer” refers to a respondent to a SACOG solicitation document, which will lead to a selection based on qualifications and possibly cost.

34. “Piggybacking” is the post-award use of a contractual document/process that allows someone who was not contemplated in the original procurement to purchase the same supplies/equipment through that original document/process.

35. “Property” includes real property consisting of land and buildings, structures, or appurtenances on land, equipment, supplies, other expendable property, intellectual, and intangible property.
36. “Public Transportation” means transportation by a conveyance that provides regular and continuing general or special transportation to the public, but does not include school bus, charter, sightseeing, or intercity bus transportation, or intercity passenger rail transportation provided AMTRAK, (or a successor to such entity).

37. “Recipient” means the public or private entity to which the FTA or FHWA awards federal assistance through a grant, cooperative agreement, or other agreement. The term “recipient” includes “grantee,” each member of a consortium, joint venture, team, or partnership awarded FTA or FHWA assistance. Neither a contractor nor a subcontractor is a “recipient.”

38. “Responsible” (Bidder/Offeror) is a contractor, business entity or individual who is fully capable to meet all the requirements of the solicitation and subsequent contract. Must possess the full capability, including financial and technical, to perform as contractually required. Must be able to fully document the ability to provide good faith performance.

   a. FTA defines “responsibility” to be a contractor/consultant who can demonstrate that it possesses the ability to perform successfully under the terms and conditions of the proposed procurement.

39. “Responsive” (Bidder/Offerer) is a contractor, business entity or individual who has submitted a bid or request for proposal that fully conforms in all material respects to the IFB/RFP and all of its requirements, including all form and substance.

   a. FTA defines “responsive” – if an offer conforms in all material aspects to the requirements of the solicitation at the scheduled time of submission and does not require further discussions with the offerer other than on matters that may be deemed inconsequential in nature, the offer is responsive.

40. “Revenue Contract” means a contract with the primary purpose of producing revenues or creating business opportunities involving the use of FTA- or FHWA-assisted property.

41. “Solicitation Documents” refers to the packet of materials provided to prospective consultants or contractors in the form of an IFB, request for proposal (RFP), and RFQ, etc., requesting a responsive bid, proposal, or a statement of qualifications.

42. “State” means any of the several states of the United States, District of Columbia, the Commonwealth of Puerto Rico, any territory of the United States, or any agency or instrumentality of a state exclusive of local governments. “State” does not include a county, municipality, city, town, township, local public authority (which includes any public and Indian housing agency under the United States Housing Act of 1937), school district, council of governments (whether or not incorporated as a nonprofit corporation under state law), any other regional or interstate government entity (such as a regional transit authority), or any agency or instrumentality of a local government.

43. “State or Local Government Purchasing Schedule or Purchasing Contract” means an arrangement between state or local government with multiple vendors in which vendors agree to provide an option to the state or local government entities to acquire specific property or services in the future at established prices.

44. “Task Order” means a contract document that is issued under a master or umbrella contract to dole out work to a consultant in phases, or in the case of an on-call contract, for severable projects.

45. “Third-Party Contract” refers to any purchase order (PO) or contract awarded by SACOG to a consultant, vendor, or contractor.

45. “UDBE” is the acronym for Underutilized Disadvantaged Business Enterprise and are the DBE groups that have been determined in an applicable disparity study to have a statistically significant disparity in their utilization in previously awarded transportation contracts.
46. “U/DBE” is the acronym used when DBE and UDBE groups are being referred to collectively or interchangeably.

47. “Written Order” means a written order signed by the CEO, or properly authorized representative or agent, mailed to the contractor at the address designated in his bid or to such other address he may designate in writing as its official place of business.

Appendices

- None

SECTION 005 – CONFORMANCE WITH THE LAW AND SACOG POLICIES AND PROCEDURES

SACOG should use procurement procedures that reflect applicable state and local laws and regulations, provided that the procurements conform to applicable federal and state law. SACOG’s policies require all competitive procurements to commence with a Procurement Requisition form and a Method of Procurement Selection (MOPS) form providing the Contracts Officer with the information necessary to make a purchase. Section 036 (Procurement Requisitions) of this manual provides additional information regarding these forms. All procurements and contracts must be approved in accordance with SACOG’s policies concerning delegation of authority. (See Section 032 Delegation of Authority of this manual for additional information.)

Appendices

- Method of Procurement Selection Form (Appendix 10)
- Procurement Requisition Form (Appendix 2)

SECTION 006 - Contract Delegations and Local Contract Preference

Once a vendor has been identified pursuant to the appropriate method of procurement, a contract must be negotiated. Sample contracts and sample requests for proposals for projects funded with both Federal and Non-federal funds are available to SACOG staff in computer drive S:/Admin/Forms/Contracts & RFP’s. No work shall commence nor may goods be ordered until a contract has been negotiated and approved, as set forth below. A purchase order must also be approved for every procurement, according to SACOG’s approved Purchase Order Policy.

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<td>Director/Project Oversight Management Team Member</td>
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<td>RFP – for A&amp;E</td>
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<td></td>
<td>IFB – Construction (must be approved by CEO)</td>
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<td>$10,001 – $60,000</td>
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<tr>
<td></td>
<td>IFB – Construction</td>
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<tr>
<td>More than $60,000</td>
<td>RFP – for Supplies/Special Services</td>
<td>SACOG Board</td>
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<td></td>
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<tr>
<td></td>
<td>IFB – Construction</td>
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</tbody>
</table>

A. Supply, Special Service, and Architectural & Engineering Services Contracts
Contracts which involve both Special Services and Supplies shall be deemed Special Services Contracts; except that such contracts for which Supplies account for more than 80% of the contract price shall be deemed Supply Contracts.

1. **Expenditures Under $2,500**

   Project Managers are authorized to award all Supply Contracts, Special Service Contracts, and Architectural & Engineering (“A & E”) Contracts when the expenditure is less than Two-Thousand, Five Hundred Dollars ($2,500), as set forth in SACOG’s Purchase Order Policy.

2. **Expenditures between $2,500 and $10,000**

   The CEO shall designate staff authorized to award all Supply Contracts, Special Service Contracts, and A & E Contracts when the expenditure is between Two-Thousand, Five Hundred Dollars ($2,500) and Ten Thousand Dollars ($10,000).

3. **Expenditures between $10,001 and $60,000**

   The CEO shall designate staff authorized to award all Supply Contracts, Special Service Contracts, and A&E Contracts when the expenditure is between Ten Thousand, One Dollar and Sixty Thousand Dollars ($60,000).

4. **Expenditures Exceeding $60,000**

   All Supply Contracts, Special Service Contracts, and A & E Contracts of more than Sixty Thousand Dollars ($60,000) shall be awarded by the Board of Directors. Such contracts need not be awarded by the Board where the entire contract amount is to be paid by a state or local entity, or another joint powers agency.

B. **Construction Contracts**

   The CEO shall designate staff authorized to award all Construction Contracts when the expenditure is Sixty Thousand Dollars ($60,000) or less. The SACOG Board of Directors shall award all Construction Contracts exceeding Sixty Thousand Dollars ($60,000).

C. **Real Property Contracts**

1. **Contracts for the Lease of Real Property**

   a. The Chief Executive Officer and his designee are authorized to lease real property for use by SACOG for a term not to exceed three years and for a rental not to exceed Five Thousand Dollars ($5,000) per month. Any lease for a term exceeding three years, or exceeding Five Thousand Dollars per month shall be approved by the Board of Directors.

   b. Notice of the intent to execute a lease under this provision shall be posted in a public place for five working days prior to execution of the lease.

2. **Contracts for the Acquisition of Real Property**

   The SACOG Board of Directors shall approve all Contracts for the acquisition of Real Property, in any amount. Real Property purchased with federal funds shall comply with the Uniform Administrative Requirements for Grants and Agreements with State and Local Governments (49 CFR Pt. 18.), and the Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs (49 CFR Pt. 24).

D. **Local Contracting Preference**
To promote economic development within the SACOG region, the SACOG Board of Directors adopted a local contracting preference and business engagement strategy, as set forth below.

1. **General Criteria**
   a. A local preference shall only apply to eligible contracts bid pursuant to an RFP.
   
   b. “Local Firms” include firms with a physical office in any of SACOG’s 28 jurisdictions for at least six months prior to the issuance of the RFP. (Bidders must self-certify that they meet this definition.)
   
   c. The local preference is applied differently for goods and non-professional services versus professional services, as set forth in Section D.2, below.

2. **Application of the Preference**
   a. Goods and Non-Professional Services: For goods and non-professional services funded with State or local dollars, if the lowest bidder is not a Local Firm, and if the next-lowest bidder is (1) within 5 percent of the low bid price, and (2) a qualified Local Firm, then the Local Firm bidder shall be awarded the contract at the price they bid.
   
   b. Professional Services: For professional services funded with State or local dollars, staff recommends that proposals be scored on a 100-point scale, to be tailored based on the needs of the project, and allow up to 5 points to be awarded to Local Firms. Given the range of qualifications and scope of professional services contracts, the SACOG Board reserves the right to waive this policy for impracticality or when not warranted. The local preference shall be applied to A&E Contracts funded with federal dollars where knowledge of local conditions and building codes is a relevant factor, provided a sufficient number of qualified bidders are eligible to compete.

3. **Exceptions to the Local Contracting Preferences Policy**
   a. Federally funded contracts will not be eligible for a local preference, except for A&E Contracts. The federal Grants Management Common Rule prohibits the provision of a local preference to any contract involving federal funds. Federal funds cannot be awarded on a local preference basis without specific authorization by Congress.
   
   b. “Public Projects” (i.e., construction of public buildings and works, except street maintenance or repair, including materials) will not be eligible for a local preference and will be awarded to the lowest responsible bidder.
   
   c. A&E Contracts funded with state or local dollars will not be eligible for a local preference, but will be awarded on the basis of a qualification-based selection process.
   
   d. No local preference will be applied when state or federal laws or regulations otherwise prohibit their application.

**Appendices**

- None

**SECTION 007 – CONTRACT DEVELOPMENT and ADMINISTRATION**

1. For purchases involving no federal funds and that do not need any specialized terms and conditions regarding matters such as allocation of risk or liability due to the nature of the procurement and not exceeding $25,000, a Purchase Order (PO) may be used after completion of the Purchase Order Checklist.
For purchases involving federal funds, all applicable federal requirements and certifications are required for the P O or contract. For purchases exceeding $25,000, a contract should be used in order to ensure provisions are included to protect SACOG’s interests. SACOG will implement a contract development and administration process that ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or POs.

2. Prior to any contract development, a scope of work must be prepared in order to determine what procurement method and type of contract document will be used and fill out the MOPS form. In addition, an independent cost estimate (ICE) must be prepared for all procurements. The person responsible for developing the ICE form must be free from financial and organizational conflicts of interest. In order to avoid the perception that the person who approved the ICE form for a project may improperly bias the cost or price negotiations with the contractor/consultant/vendor selected for award, it is advisable that a different person than the one responsible for approval of the ICE have primary responsibility for any contract negotiations that may be needed.

3. In order to determine what type of contract payment type should be stated in the procurement and included in the contract language, the Contracts Officer will use the Contract Payment Type Selection Form and select the applicable language from the contract boilerplate options.

Appendices

- Method of Procurement Selection Form (Appendix 10)
- Contract Payment Type Selection Form (Appendix 30)
- Independent Cost Estimate (ICE) Justification for Small Procurements (Appendix 23a)
- Independent Cost Estimate, Scope of Work, Summary and Staffing Plan (Appendix 24)
- Purchase Order Checklist (Appendix 31)

SECTION 008 – STANDARD OF CONDUCT FOR PERSONS INVOLVED IN PROCUREMENT

SACOG staff is required to follow SACOG Standard of Conduct Policy when carrying out procurement or contracting functions. If non-SACOG staff is used to evaluate proposals or bids, those persons should be provided a Declaration Concerning Conflicts for Evaluators.

Appendices

- Standard of Conduct Policy (Appendix 3)
- Evaluator (Consultant/Contractor Evaluation Committee) Guidelines (Appendix 7)
- Declaration Concerning Conflicts for Evaluators (Appendix 8)

SECTION 009 – STATEMENT OF NECESSITY TO ENSURE MOST EFFICIENT AND ECONOMIC PURCHASE

It is SACOG policy to review proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach. The Contracts Officer will review all requisitions for compliance with this policy.

1. SACOG adopts adequate procedures for determining the types and amounts of property and services it needs to acquire. These procedures will avoid the purchase of unnecessary property and services not needed (including
duplicates and quantities or options not intended to be used). SACOG monitors compliance of these procedures by determining what is necessary, current, and reasonably expected at the time the contract was executed.

a. SACOG may not add quantities or options to contracts solely to permit assignment to another party at a later date. These limits on assignments do not preclude joint procurements that are entered into simultaneously by two or more parties to obtain advantages unavailable for smaller procurements.

b. If the quantity of property or services reasonably believed as needed at the time of contract award changes, SACOG may assign its unneeded contract authority to another entity.

2. SACOG considers procurement size on whether to consolidate or break out the procurement to obtain a more economical purchase.

a. When economically advantageous to enter into joint procurements with other government agencies, SACOG may be responsible for undertaking the joint procurement and may, upon contract award, assign to the other participants responsibilities for administering those parts of the contract affecting their property or services.

b. SACOG may break out procurements into smaller amounts to provide greater opportunities for DBEs, small and minority firms to participate. SACOG will not split a larger procurement merely to gain the advantages of small purchase procedures.

3. SACOG contracts may include options to ensure the future availability of property or services so long as it is able to justify them as needed for its projects. An option, for a specified time, may allow SACOG to acquire more than what was originally procured or also may extend the term of the contract. To be used without being considered a sole source, however, such options must be evaluated as part of the selection or low bid determination process.

4. To obtain the best value, SACOG reviews lease versus purchase alternatives and if necessary, obtains an analysis to determine the more economical alternative. Before leasing an asset, SACOG makes a written comparison of the cost of leasing compared with purchasing or constructing the asset. Costs used in the comparison are reasonable, based on realistic current market conditions, and based on the expected useful service life of the asset.

5. SACOG is responsible for preparing specifications that describe its needs, while assuring that those specifications are not exclusionary, discriminatory, unreasonably restrictive, or otherwise in violation of federal laws or regulations. The specifications describe the property or services to be procured and state how the bids and/or proposals will be evaluated.

Appendices

- Independent Cost Estimate (ICE) Justification for Small Procurements (Appendix 23a)

SECTION 010 – USE OF OTHER NON-SACOG PROCUREMENTS

Public Utilities Code section 132352.4(b)(2) states that SACOG is permitted to contract in conjunction with other government agencies without utilizing competitive procurement procedures. This exception to competitive procurement is not permitted when FTA or FHWA funds will be utilized to carry out the project unless the procuring agency followed federal procurement requirements. The requirements and standards of this manual apply to procurements entered into under such agreements. If evidence that a competitive procurement process was followed by the procuring agency is sufficient, and no federal or Caltrans funds will be used, then purchases under another entity’s procurement are allowable as long as various requirements are met if federal or Caltrans funds are utilized, additional requirements must be met. In all cases a market, price or cost analysis must be performed and
documented to establish the amount that will be paid at the time of purchase will be fair and reasonable per Master Fund Transfer agreement provision, CFR 49 18.36 (f)(1).

Resource(s)

- FTA Best Practices and Procedures Manual, Chapter 6 and Appendix B16

SECTION 011 – THRESHOLD DETERMINATIONS CONCERNING CONTRACTORS/CONSULTANTS/VENDORS

There are several determinations that must be made by the Contracts Officer before a contractor, consultant, or vendor can be procured and/or utilized, whether or not the procurement is competitive. A discussion of these issues follows.

Conflicts of Interest

1. A contractor is eligible for an award by SACOG so long as the procurement in question does not create an actual, potential, or apparent conflict of interest. A prohibited conflict of interest exists when a firm is or may be unable to render impartial, objective assistance or advice to SACOG or where a firm would receive an unfair competitive advantage. Prohibited conflicts of interest include, but are not limited to, the following situations:
   a. If the selected consultants and/or subconsultants will be assisting SACOG in the preparation of one or more documents that will be used for a future solicitation, assisting SACOG evaluate the work of others on the project, or designing the specifications for a future project, the consultant team selected will not be allowed to participate as a proposer or join a team submitting a proposal in response to future solicitation(s) because this could cause an organizational conflict to arise.
   b. A consultant that provides legal, lobbying, auditing, or public relations services to an entity with a conflicting position from SACOG or with whom SACOG is in or previously was in litigation, may be precluded from providing services to SACOG if SACOG believes the consultant may not be able to render impartial advice or provide effective advocacy on behalf of SACOG.

2. A notice of potential for conflict of interest shall be included within any solicitation document issued by SACOG.

3. For purposes of this section of the manual, a “firm” is defined as any company or family of companies where there is a single parent board of directors or staff of officers who can influence the policies and actions of the design company.

4. For purposes of this section of the manual, “ineligible” shall include the prime contractor for the services, subcontractors for portions of the services, and affiliates of either. An affiliate is a firm that is subject to the control of the same persons through joint ownership or otherwise.

5. If there is any doubt by a firm regarding a potential conflict of interest for a specific project or function, the appropriate member of management staff, depending on type of project, will (upon written request) provide a written ruling. Contractors should be encouraged to use this procedure prior to submittal of a bid or proposal. In the event a conflict of interest is determined to exist, a written appeal may be made by the affected firm to the CEO within five calendar days of notice from SACOG of the conflict. The CEO will determine the adequacy of the appeal and make a subsequent final decision. No further appeal shall be considered.
6. Waiver of any actual, potential, or apparent conflict of interest that may exist or arise as a result of concurrent legal representation of SACOG and parties whose interests may conflict shall be decided by the CEO in consultation with Legal Counsel.

Debarment

7. Prior to doing business with a firm, the Contracts Officer must verify that the firm has not been debarred by SACOG or any of the agencies funding the procurement and add documentation of the debarment check to the contract file.

Procurements That Will Give Consultants Project Management Responsibilities

8. If a procurement’s scope of work will include allocation of project manager types of responsibilities or any other responsibilities that will call for a consultant’s or subconsultant’s staff to prepare an ICE or Record of Negotiation (RON) or negotiate contract terms on behalf of SACOG, the persons on the consultant’s staff who will perform these responsibilities will need to fill out a disclosure of financial interests (Form 700) and be free of any conflicts of interest. If the scope of work will include such responsibilities, the Contracts Officer should inform Legal Counsel so that an attorney can provide appropriate terms and conditions to protect SACOG interests for insertion in the contract.

Procurements That Will Allow Use of SACOG Office Space by Non-SACOG Staff

9. If a procurement will call for the contract awardee to house any staff at SACOG, the Contracts Officer should consult with Legal Counsel so that appropriate terms and conditions to protect SACOG interests are inserted in the contract.

Appendices

- None

SECTION 012 – CONTRACT AWARDS TO RESPONSIVE AND RESPONSIBLE BIDDERS/OFFERORS

1. SACOG will make awards only to responsible bidders/offerors who submit responsive proposals/bids and who can demonstrate they possess the ability to perform successfully under the terms and conditions of a proposed procurement.

2. SACOG may award a contract to other than the lowest bidder. SACOG may include a statement in the solicitation reserving the right to award the contract to other than the low bidder or offeror.

3. SACOG will award only to “responsive and responsible” contractors that it believes possess the ability, willingness, and integrity to perform successfully under the terms and conditions of the contract. SACOG determines responsiveness and responsibility after receiving bids or proposals and before making contract award. A bidder/offeror must demonstrate affirmatively to SACOG that it qualifies as “responsible” and that its proposed subcontractors also qualify as “responsible.” To determine that a bidder/offeror is “responsive and responsible,” SACOG, at a minimum, will determine and ensure that the bidder/offeror satisfies the following criteria:
   a. Has no known record of dissatisfactory integrity or improper business ethics;
   b. Is neither debarred nor suspended from federal programs under DOT regulations, “Nonprocurement Suspension and Debarment;”
   c. Bidder/offeror confirms that it is in compliance with the Common Grant Rules’ affirmative action and FTA’s DBE requirements;
d. Bidder/offeror confirms it is in compliance with the public policies of the federal government;
e. Has the necessary organization, experience, accounting, and operational controls and technical skills (or the ability to obtain them);
f. Is in compliance with applicable licensing and tax laws and regulations;
g. Has, or can obtain, sufficient financial resources to perform the contract;
h. Has, or can obtain, the necessary production, construction, and technical equipment and facilities;
i. Is able to comply with the required delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments; and
j. Is able to provide a satisfactory current and past performance record in view of its records of long-time performance or performance with a predecessor entity, including key personnel with adequate experience, a parent firm with adequate resources and experience if applicable, and key subcontractors with adequate experience and past performance and past experience in carrying out similar work, with particular attention to management approach, staffing, timeliness, technical success, budgetary controls, and other specialized considerations.

4. A prospective bidder or offeror that is or recently has been seriously deficient in contract performance is presumed to be nonresponsible unless SACOG determines that the circumstances were beyond the bidder’s or offeror’s control or unless the bidder or offeror has taken appropriate corrective action. Past failure to apply sufficient tenacity, perseverance, and effort to perform acceptably is strong evidence of nonresponsibility. Failure to meet the quality requirements of a contract is a significant factor to consider in determining satisfactory performance.

5. SACOG may consider the number of the bidder’s or offeror’s contracts involved and the extent of deficient performance in each contract when making the responsibility determination. SACOG maintains the right to reject all bids or proposals submitted in response to IFB or RFPs.

6. All requisitions resulting in the formal procurement process of an IFB, RFQ, or RFP should document the award to a responsive and responsible contractor through use of checklists, reference checks, recommendation memo, or other contract file documentation and, at a minimum, should include the following applicable items:
   a. Review “Responsibility” Requirements. Before selecting a contractor for award, SACOG must consider such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
   b. Perform a reference check of an adequate number of references and complete the applicable reference check form.
   c. Review the federal debarred/suspended contractor listing at: http://sam.gov/portal/public/SAM. SACOG may collect a debarment and suspension certification from the prospective contractor or include a clause in the contract requiring disclosure. SACOG checks the System for Award Management (SAM) before awarding a contract.
   d. Review the State debarred/suspended contractor listing at: http://www.dir.ca.gov/DLSE/Debar.html. SACOG treats any proposer listed on the debarment and suspension list as nonresponsible and ineligible for award.

7. For all contracts in excess of $500,000, the following uniform system of determining whether or not a bidder/offeror is “responsive and responsible” may be applied. Following is a nonexclusive list of factors in relation to the work to be performed for the project:
   a. Financial Requirements:
      i. Bidders/offerors shall have evidence of the availability of working capital;
ii. The largest value of all work any bidder/offeror has had under contract over a previous similar time frame as the subject contract shall meet or exceed the total amount of the bid;

iii. The dollar value of at least one of the previous individual contracts listed shall be at least 50 percent of the dollar value bid on the SACOG contract; and

iv. The bidder/offeror shall have successfully completed contracts during the previous five years that together exceeds five times the annual value of the SACOG contract.

b. Experience Requirements:

i. The bidder/offeror must demonstrate organization experience on work similar to SACOG contract by submitting a list, covering at least the previous five years, of all projects of any type that have been completed or are under construction. The list shall contain a name, title, address, and phone number for agency/firm staff to contact to verify the contract details;

ii. The bidder/offeror shall demonstrate individual experience by submitting a list of all officers, superintendents, and engineers who will be involved in SACOG contract. These key personnel shall have at least three years experience on contracts where the work is similar to SACOG contract and shall have been employed by the bidder/offeror for at least two years before SACOG contract bidding date. The individuals listed shall have been involved at the same level of responsibility on successfully completed contracts during the previous five years that together exceeds the value of SACOG contract. A résumé for each individual listed shall include the name, title, address, and phone number of an individual or organization who can verify the individual’s experience;

iii. The bidder/offeror shall submit a summary of all claims made in the last five years arising out of previous contracts listed (this summary shall include all claims by owner against bidder or bidder against owner and the final status of each claim);

iv. The bidder/offeror shall state whether or not it has defaulted on a project within the last two years;

v. The bidder/offeror shall list any violation of the apprenticeship requirements under a State Business and Professions Code of Labor Code found by an appropriate authority within the last two years;

vi. The bidder/offeror shall state whether they have been found guilty of failure to pay required prevailing wages on a public contract within the last two years;

vii. The bidder/offeror shall state whether they have been formally found to be a nonresponsible bidder, for reason other than being nonresponsive by a public agency within the last two years;

viii. The bidder/offeror shall list how many projects the bidder will be working on in conjunction with SACOG project;

ix. The bidder/offeror shall state whether they have ever been terminated by an owner or client or rejected from bidding on a public works project in the last five years;

x. The bidder/offeror shall state whether a surety ever completed any portion of the work on the bidder’s project within the last five years;

xi. The bidder/offeror shall state whether the bidder, any officer of such bidder, or any employee of such bidder who has a proprietary interest in such bidder has ever been disqualified, removed, or otherwise prevented from bidding on or completing a federal, state, or local government project because of a violation of a law or safety regulation, and if so, explain the circumstances; and

xii. For all items identified under this subsection, the bidder/offeror shall provide name of owner, title of project, contract amount, location of project, date of contract, and name of bonding company.

c. Reporting Forms:

i. In order to demonstrate that SACOG financial and experience requirements are met, the bidders/offerors shall submit, when requested by SACOG, a Contractor’s Statement of Experience
and Financial Condition prepared by the bidder/offeror and a financial statement prepared by an independent auditor, both verified under oath, shall meet SACOG’s requirements.

ii. Failure to provide accurate information relative to its financial status or experience may result in the debarment of the bidder/offeror from future SACOG work.

iii. SACOG will make its determination of responsiveness and responsibility based upon information submitted by bidders/offerors, and, if necessary, interviews with previous owners, clients, design professionals, or subcontractors with whom the bidder/offeror has worked, including SACOG project managers. If a nonresponsive or nonresponsible offeror submits additional evidence within the time limitation provided by SACOG, then that additional evidence should be considered by the director in making the recommendation to the CEO regarding determination of the bidder/offeror that should be awarded the contract.

8. The methods above may be employed at the discretion of the Contracts Officer to include the requesting of a Dun & Bradstreet (http://www.dnb.com/government) financial report on the low bidder (IFB) or highest evaluated offeror(s) (RFP). All methods employed must be documented and contained in the contract file.

Appendices

- Contractor’s Statement of Experience and Financial Condition (Appendix 4)
- Recommendation for the Selection of a Contractor Memo Template (Appendix 6)

SECTION 013 – WRITTEN RECORD OF PROCUREMENT HISTORY

SACOG will maintain and make available to authorized agencies, records detailing the history of a procurement. At a minimum, these records should include:

1. The rationale for the method of procurement: SACOG provides the rationale it used for each contract, including a limited competition or sole source justification for any acquisition that does not qualify as competitive;

2. Selection of contract payment type: SACOG states the reasons for selecting the contract type it used, such as fixed-price or cost reimbursement;

3. Reasons for contractor selection or rejection: SACOG states its reasons for contractor selection or rejection and includes a written responsibility determination for the successful contractor; and

4. The basis for the contract price: SACOG evaluates and states its justification for the contract cost or price.

The determination for items 1 and 2 above will be made through the use of the Method of Procurement form or equivalent documentation to the contract file. In addition, any Board agenda report requesting approval to award a third-party contract or recommendation memo will serve as a record detailing procurement history. For item 3, a recommendation memo is used to justify contractor selection. For item 4, the justification for a procurement cost can be detailed in the Independent Cost Estimate (ICE) document.

Appendices

- Method of Procurement Selection Form (Appendix 10)
- Contract Payment Type Selection Form (Appendix 30)
- Independent Cost Estimate (ICE) Justification for Small Procurements (Appendix 23a)
SECTION 014 – USE OF TIME-AND-MATERIAL CONTRACTS

SACOG will use time-and-material type contracts only:
1. After a determination that no other type of contract is suitable; and
2. If the contract specifies a ceiling price that the contractor shall not exceed the amount except at its own risk.

Appendices
• Method of Procurement Selection Form (Appendix 10)
• Contract Payment Type Selection Form (Appendix 30)

SECTION 015 – VARIATIONS FROM PROCEDURES

1. Nothing herein is intended to limit the CEO’s authority to determine not to make a contract award if he/she determines that the bids/proposals received or contract terms negotiated by SACOG staff are not in SACOG’s best interests.

Appendices
• None

SECTION 016 – WRITTEN PROTEST PROCEDURES

SACOG has written protest procedures to handle and resolve disputes relating to its procurements. There are separate procedures related to protests involving the Disadvantaged Business Enterprises provisions in procurements and contracts. All protest decisions must be in writing. For FTA- or FHWA-funded procurements, SACOG will disclose all information regarding the protest in a timely manner in its next quarterly milestone progress report and at its next project management oversight review. A protestor must exhaust all administrative remedies by pursuing SACOG’s protest procedures to completion before appealing the decision to the FTA. In the case of contracts funded by the FTA, the FTA will review only protests regarding the alleged failure of SACOG to have written protest procedures or alleged failure to follow such procedures. An appeal to the FTA must be received by the cognizant FTA regional or headquarters office within five (5) working days of the date when the protester has received actual or constructive notice of SACOG’s final decision.

1. SACOG’s role and responsibilities with regard to the FTA when there is a protest on FTA-funded procurements:
   a. SACOG will provide copies of all protests and any or all related supporting documents for protests that have a value exceeding $100,000, or; involve a controversial matter, irrespective of amount, or; involve a highly publicized matter, irrespective of amount.
   b. SACOG will provide a brief description of the protest; the basis of disagreement, and; if open, how far the protest has proceeded, or; if resolved, the agreement or decision reached, and; whether an appeal has been taken or is likely to be taken.
c. When SACOG denies a bid protest, and especially if an appeal to the FTA is likely to occur, SACOG will inform the FTA regional administrator for the region administering a regional project or the FTA associate administrator for the program office administering a headquarters project directly.

2. The FTA’s role and responsibilities with regard to FTA-funded procurements in the appeals process for reviewing protests state that the protester must qualify as an “interested party,” which is an actual or prospective bidder or offeror whose direct economic interest would be affected by the award or failure to award the contract.
   a. A subcontractor does not qualify as an “interested party” because it does not have a direct economic interest in the results of the procurement.
   b. An established consortium, joint venture, partnership, or team that is an actual bidder or offeror and is acting in its entirety would qualify as an “interested party” because it has a direct economic interest in the results of the procurement. An individual member of a consortium, joint venture, partnership, or team, acting solely in its individual capacity, does not qualify as an “interested party” because it does not have a direct economic interest in the results of the procurement.
   c. An association or organization that does not perform contracts does not qualify as an “interested party” because it does not have a direct economic interest in the results of the procurement.

Violations of federal law or regulation will be handled by the complaint process stated within that law or regulation. Violations of state or local law or regulations will be under the jurisdiction of state or local authorities.

Appendices
- Protest Procedures for Procurements (Appendix 5)
- DBE Complaint Procedures (Appendix 32)

SECTION 017 – CHANGES AND MODIFICATIONS

SACOG is responsible for issuing, evaluating, and making necessary decisions involving any change to its contracts, amendments, any change orders, or modifications. It also will evaluate and make the necessary decisions involving any claim of a constructive change to a contract. Changes and modifications will be evaluated to ensure that if they will constitute a sole source, applicable sole source documentation is prepared. In addition, an ICE will be prepared and the project manager will document negotiations of prices, costs and/or profit mark-up.

SACOG will have cost justifications supporting each change order it may issue and approve any proposed change order before it is issued. The cost of the change, modification, change order, or constructive change must be allowable, allocable, within the scope of any applicable grant, cooperative agreement, or other funding restriction and must be reasonable for the completion of project scope.

Appendices
- Method of Procurement Selection Form (Appendix 10)
- Sole Source Approval Form (Appendix 1)
- Record of Negotiation (Appendix 27)
SECTION 018 – DISPUTES

SACOG has written procedures to handle and resolve disputes relating to contract provisions. All disputes must be in writing by contractors/consultants. Adequate documentation must be submitted by the contractor/consultant documenting the facts, events, negotiations, and/or applicable laws establishing the grounds for the dispute.

SACOG will notify the FTA about disputes on FTA-assisted procurements that have a value exceeding $100,000 if the FTA funding could be used to resolve the dispute. Upon request from the FTA, SACOG will provide a brief description of the dispute; basis of disagreement, and; if open, how far the dispute has proceeded, or; if resolved, the agreement or decision reached, and; whether an appeal has been taken or is likely to be taken.

This information will be provided to the FTA as applicable in SACOG’s next quarterly milestone progress report and in the next project management oversight review, if any.

Appendices
- None

SECTION 019 – CONTRACT PERIOD OF PERFORMANCE LIMITATION

Except for procurements of rolling stock and replacement part contracts, which are limited on federally funded procurements to five (5) years, SACOG’s other contracts (such as property, services, leases, construction, revenue) are not limited by federal requirements to the five-year limit.

Even if a federal time limit is not applicable, however, SACOG staff will use sound business judgment and be judicious in establishing, extending, and documenting a contract’s period of performance. Generally, SACOG’s standard maximum contract length will not exceed five (5) years, inclusive of options, unless the reason for a longer term is documented in the contract folder. Contracts may be awarded with periods of performance in excess of five years if prior concurrence by the CEO in consultation with Legal Counsel is documented. This requirement applies to the initial contract and contract extensions or renewals beyond a five-year term. The same process also is required for the exercise of an option which will extend the contract’s period of performance beyond five years.

The period of performance generally should not exceed the time necessary to accomplish the purpose of the contract. SACOG staff should consider competition, pricing, fairness, and public perception when making decisions regarding the term of a contract. Particular attention should be paid when the procurement provides for on-call services on a wide range of services for more than three years. Such procurements limit the firms eligible for award to a specific list of on-call firms and may lead to missed opportunities for better pricing and/or experience from other firms that have been established or have gained the necessary experience to be eligible for award if a new procurement was issued at a sooner interval. SACOG staff will document its rationale for determining the performance period designated for each contract.

SACOG considers contract time extensions in light of whether they are permissible changes or impermissible cardinal changes. Once it awards the contract, an extension of the contract term length that amounts to a cardinal change will require a sole source justification.
Contract Extensions must be executed prior to the expiration date of the original contract.

Appendices

- Sole Source Approval Form (Appendix 1)

SECTION 020 – ASSIGNMENT OF CONTRACT RIGHTS, JOINT PROCUREMENTS, AND INTERGOVERNMENTAL PROCUREMENT

SACOG limits its procurements to the amount required to meet its reasonably expected needs without adding excess capacity simply for the purpose of assigning contract rights to others at a later date. Advertised quantities and dollar amounts should be justifiable.

When SACOG solicits, competes, and awards through the use of an indefinite-delivery-indefinite-quantity (IDIQ) contract, the solicitation and the contract award should both contain a minimum and maximum quantity that represents reasonably foreseeable needs.

Should SACOG find that it has inadvertently acquired contract rights in excess of its needs, it may assign those contract rights to other public agencies if the original contract contains an assignability provision that permits the assignment of all or a portion of the specified deliverables under the terms originally advertised, competed, evaluated, and awarded or contains other appropriate assignment provisions. This process is sometimes referred to as “piggybacking.”

1. In cases where SACOG finds it useful to “piggyback” off of another public entity’s procurement, it first has to determine the contract price remains fair and reasonable and the negotiated contract provisions are adequate for compliance with all federal requirements if the contract will use federal funds. SACOG need not perform a second price analysis if a price analysis was performed for the original contract in the previous 12 months, however, SACOG staff will still need to determine whether the contract price or prices originally established are still fair and reasonable before using those rights by performing an analysis. SACOG is then responsible for ensuring the contractor’s compliance with the FTA’s Buy America requirements and execution of all the required pre-award and post-delivery Buy America review certifications, if applicable. SACOG staff should review the original contract to be sure that the quantities the assigning recipient acquired, coupled with the quantities it is seeking, do not exceed the amounts available under the entity assigning the contract.

2. Piggybacks and assignments may limit choices to specific property and services acquired. SACOG may choose to instead use joint procurements by combining or “pooling” procurements to obtain better pricing. Joint procurements are often more desirable than assignments because an assignment does not represent the combined buying power of more than one purchaser at the time when prices are established. A joint procurement also may offer the advantage of permitting the parties to acquire property and services more closely responsive to each purchaser’s material requirements than would be available through assignment of existing contract rights. However, if SACOG and another party jointly solicit and award an IDIQ contract, the joint minimum and maximum quantities are expected to be stated in the solicitation and contract.

3. Non-SACOG procurements are procurements for which another public entity served as the lead procurement entity and that include provisions that will allow the procurement to be used by SACOG to contract with one or more specific contractors/vendors using pre-established prices, terms and/or conditions. Examples of such procurements include joint procurements, piggybacks, and state purchasing
schedules. When obtaining property or services in this manner, SACOG staff should ensure that all federal requirements, required clauses, and certifications (including Buy America) are properly followed and included in the master intergovernmental contract or in SACOG contract as applicable. When buying from a purchasing schedule, and as applicable, SACOG will obtain Buy America certification before entering into the contract or PO. If the product is not Buy America-compliant, SACOG should obtain a waiver from the relevant federal agency before proceeding if the procurement will be federally funded.

Appendices

- None

SECTION 021 – COMPETITION

This section is composed of the following subsections:

021A Full and Open Competition
021B Prohibition Against Geographic Preferences
021C Written Procurement Selection Procedures
021D Pre-Qualification Criteria

SECTION 021A – FULL AND OPEN COMPETITION

SACOG will provide for full and open competition when soliciting bids or proposals. All procurement transactions, excluding approved limited competition or sole source procurements, will be conducted in a manner providing full and open competition consistent with this manual. Some of the situations that may be considered to be restrictive of competition include, but are not limited to:

1. Unreasonable requirements placed on contractors in order for them to qualify to do business;
2. Unnecessary experience and excessive bonding requirements;
3. Noncompetitive pricing practices between firms or between affiliated companies;
4. Noncompetitive awards to any person or firm on retainer contracts;
5. Organizational conflicts of interest - an organizational conflict of interest means that because of other activities, relationships, or contracts, a contractor is unable, or potentially unable, to render impartial assistance or advice to the grantee; a contractor’s objectivity in performing the contract work is or might be otherwise impaired; or a contractor has an unfair competitive advantage;
6. The specification of only a “brand name” product without listing its salient characteristics and not allowing “an equal” product to be offered; and
7. Any arbitrary action in the procurement process.

SACOG will adhere to these principles of competition:

1. Fundamental to the use of any procurement method is the principle of full and open competition. The availability of suppliers who are willing to compete for a procurement is essential for the effective use of small purchase procedures, formally advertised procurements (IFBs), or negotiated procurements (RFPs and RFQs).
2. Competition in procurement is defined as a condition where at least three sources are able to compete for a requirement, both in price and technical skills.

3. An attempt to get at least three quotes or bids is required for SACOG’s competitive procurements.

4. SACOG will not fund procurements that restrict competition by utilizing exclusionary or discriminatory specifications. These include:
   a. Placing unreasonable requirements on firms by specifying technical features, conditions, or other factors for which there is insufficient operational justification of legitimate need;
   b. Allowing noncompetitive practices between firms (collusion, price fixing);
   c. Conflicts of interest within SACOG; and
   d. Requiring unnecessary experience and bonding.

5. By working throughout the procurement process to encourage full and open competition among potential contractors, SACOG will assure that both its interests and those of the state and federal government are protected and that SACOG is getting a fair return on the expenditure of federal, state, and local tax dollars.

6. Less than full and open competition is not justified based on failure to plan or limited availability of federal assistance to support the procurement (for example, expiration of federal assistance previously available for award). When less than full and open competition is available to SACOG on a federally-funded procurement, the common grant rule requires SACOG to:
   a. Solicit offers from as many potential sources as is practicable under the circumstances;
   b. Provide a sole source or limited competition justification. If SACOG decides to solicit an offer from only one source or use a limited competition procurement, it must justify its decision adequately and in writing;
   c. Prepare or obtain a cost analysis verifying the proposed cost data, the projections of the data, and the evaluation of the costs and profits; and
   d. Submit the proposed procurement for pre-award review if a federal agency so requests.

Appendices

- Section 022I of this manual
- Sole Source Approval Form (Appendix 25)
- Limited Competition Approval Form (Appendix 10)

SECTION 021B – PROHIBITION AGAINST GEOGRAPHIC PREFERENCES IN FEDERALLY FUNDED PROCUREMENTS

SACOG will conduct procurements in a manner that prohibits the use of statutory or administratively imposed in-state or local geographical preferences in the evaluation of bids or proposals if federal funds will be used, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. This does not preempt state licensing laws; however, geographic location may be a selection criterion in procurements for architectural and engineering (A&E) services provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Appendices

- None
SECTION 021C – WRITTEN PROCUREMENT SELECTION PROCEDURES

SACOG will have written selection procedures in its solicitations. All solicitations should:

1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description should not, in competitive procurements, contain features that unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and when necessary, should set forth those minimum characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equal” description may be used. SACOG will use a “brand name or equal” description only when it cannot provide an adequate specification or more detailed description, without performing an inspection and analysis, in time for the acquisition under consideration. Further, use of “brand name or equal” must carefully identify its minimum needs and clearly set for those salient physical and functional characteristics of the brand name product in the solicitation.

2. Identify all requirements that bidders/offerors must fulfill and all other factors to be used in evaluating bids or proposals.

3. If a multiple-award on-call procurement is utilized, the solicitation must identify the requirements and criteria that will be used to select a specific firm for a specific project or task order so that notice is provided to competing firms of SACOG’s selection procedures.

Appendices

- None

SECTION 021D – PREQUALIFICATION CRITERIA

SACOG does not typically use a prequalification process, except in the case of major projects that will exceed $5,000,000. SACOG will not, however, preclude potential bidders from qualifying during the solicitation period, which is from issuance of the solicitation to its closing date, unless a determination has been made based on sufficient evidence that the bidder is not responsible. For procurements in excess of $5,000,000 that will utilize a prequalification process, SACOG will take measures to confirm that its list of prequalified persons or firms that are used in acquiring goods and services are current and include enough qualified sources to ensure full and open competition. Firms that choose to prequalify will be asked to submit documentation, including a completed Contractor’s Statement of Experience and Financial Condition.

Appendices

- Contractor’s Statement of Experience and Financial Condition (Appendix 4)
SECTION 022 – BEST VALUE

SACOG may award a contract to a proposer who provides the greatest value. “Best Value” describes a competitive, negotiated procurement process in which SACOG reserves the right to select the most advantageous offer by evaluating and comparing factors in addition to cost or price such that it may acquire technical superiority even if it must pay a premium price. A “premium” is the difference between the price of the lowest-priced proposal and the one that SACOG believes offers the best value. SACOG bases its determination of which proposal represents the best value on an analysis of the tradeoff of qualitative technical factors and price or cost factors. The documentation and analysis establishing best value should be documented in the RFP for small procurements, which includes the score sheets used to evaluate proposers on small procurements and establishes which proposer will provide the best value to SACOG for all procurements under the applicable small purchase threshold.

For procurements in excess of the small procurement threshold, the contract file should contain documentation in the evaluation factors within the solicitation and relevant score sheets, as well as the record of negotiation (RON) and other written records to establish the best value criteria are met. SACOG will disclose those factors in its solicitation that will form the basis for award. The evaluation factors for a specific procurement reflect the subject matter and the elements that are most important to SACOG. Those evaluation factors may include, but need not be limited to, technical design, technical approach, length of delivery schedules, quality of proposed personnel, past performance, and management plan.

Appendices

- Record of Negotiation (Appendix 27)

SECTION 023 – METHODS OF PROCUREMENT

This section is composed of the following subsections:

023A  Procurement by Micro Purchase for Services and Equipment
023B  Procurement by Small Purchase Procedure for Equipment & Supplies
023C  Procurement by Small Purchase Procedure for Services Other Than A&E
023D  Procurement by Small Purchase Procedures for Construction
023E  Procurement by Sealed Bids/IFB for Equipment & Supplies and Construction
023F  Procurement by Competitive Proposal for Services Other Than A&E
023G  Procurement of A&E Services
023H  Audit Requirements
023I  Procurement by Non-Competitive Proposals (Sole Source) (With Caltrans or Federal Funds)
023J  Procurement by Non-Competitive Proposals (Sole Source) (Without Caltrans or Federal Funds)
023K  Procurement by Limited Competition
023L  Options
023M  Contracts with Other Government Entities
023N  Use of On-Call Multiple Award Procurements
Section 023A and 023D are only applicable when SACOG is funding the procurement with federal funds paid directly to SACOG. There are two thresholds in Sections 023B, 023C, 023E, 023F and 23G below. In order to determine the appropriate threshold, identify the source of funding and the method of payment. If federal funds are used and paid directly to SACOG, the federal threshold applies. If local or state funds, or federal funds not paid directly to SACOG (i.e., passed through an agency, such as Caltrans) are used, the state thresholds apply. The thresholds are denoted by FED and STATE, respectively.

**SECTION 023A – PROCUREMENT BY MICRO PURCHASE FOR SERVICES and EQUIPMENT (FED: Less Than or Equal to $3,000; STATE: can not be used)**

Procurement by micro-purchases refers to those purchases that do not exceed $3,000. Purchases below that threshold may be made without obtaining competitive quotations if it is determined that the price is fair and reasonable. If such a determination cannot be made, staff should seek at least two bids, which may be either written or oral, to permit prices and other terms to be compared. Such purchases are exempt from Buy America requirements. There should be equitable distribution among qualified suppliers (in the local area). Splitting of procurements to avoid a competitive procurement is not permitted.

A determination that the price is fair and reasonable is required and must be documented using a Micro Purchase Justification Form prior to purchase or order. Quotes may be solicited by internet, phone, fax, email, or U.S. mail. A PO may be utilized if desired.

Contracts staff shall review micropurchases no less than annually to plan additional procurement actions which may provide for greater competition resulting in more efficient and economic purchases.

**Resource(s)**

- Micro-Purchase Justification Form (Appendix 36)

**SECTION 023B – PROCUREMENT BY SMALL PURCHASE PROCEDURES FOR EQUIPMENT AND SUPPLIES (FED: $3,001 to $50,000; STATE: up to $25,000)**

Small purchase procedures are those relatively simple and informal procurement methods for securing equipment, supplies, or other property, which do not cost more than SACOG’s simplified acquisition threshold of $25,000. If small purchase procedures are used, price or rate quotations should be obtained from an adequate number of qualified sources, with three sources being the minimum number of quotes staff must attempt to obtain. Prior to requesting bids, the project manager will prepare an ICE and the Contracts Officer will prepare a Method of Procurement Selection Form.

1. Staff should attempt to obtain written bids or document oral bids from at least three suppliers in a manner that permits prices and other terms to be compared. This should be accomplished by sending a fax or email request to an adequate number of firms using any combination of SACOG’s bid list, California Unified Certification Program, Caltrans DBE list, or known sources or sources generated from published documents. Staff should recommend the supplier that is determined to be the low responsive and responsible bidder meeting the terms, conditions, and specifications of the solicitation, taking into account the possible range of competing product and materials available, fitness of purpose, manufacturer’s warranty, and other similar factors in addition to price. Documentation of which vendors were sent quote requests, the responses received, and the low bidder selected should be documented by the project manager using the recommendation memo template.
2. Approved Equal Clause: In order to establish a basis of quality, functionality, and/or performance, certain materials, equipment, or kinds of materials may be specified, either by description of functionality and/or performance or by designating a manufacturer by name and referring to his brand of product designation, make, model, or part number or by specifying a kind of material. The solicitation should not exclude other processes, equipment or materials of equal functionality and/or performance, utility, or merit, which may be approved by SACOG upon request. Requests for approved equal, clarification of the solicitation specifications, and complaints on specifications must be received by SACOG, in writing, by the time specified in the solicitation. Any request for an approved equal or protest of the specifications must be fully supported with technical data, test results, or other pertinent information as evidence that the substitute offered is equal to or better than the specification requirement.

Appendices

- Method of Procurement Selection Form (Appendix 10)
- Independent Cost Estimate (ICE) Justification for Small Procurements (Appendix 23a)
- Recommendation for Selection of a Contractor Memo Template (Appendix 6)

SECTION 023C – PROCUREMENT BY SMALL PURCHASE PROCEDURE FOR SERVICES OTHER THAN ARCHITECTURAL & ENGINEERING (FED: $3,001 to $100,000; STATE: up to $5,000)

1. Prior approval of the use of this procurement procedure and the evaluation criteria should be obtained from the applicable management staff. The Contracts Officer also should concur with the use of this procurement method and fill out a Method of Procurement Selection Form to document the appropriateness of this procurement method. An informal competitive process may be followed with price or rate quotations obtained from an adequate number of qualified sources to ensure that SACOG is obtaining a fair and reasonable price and that the recommended consultant will provide the best value to SACOG if a best value analysis is utilized. Generally, quotes/proposals must be sought from at least three qualified consultants to meet this requirement. The competitive process should be documented by the Contracts Officer in the Recommendation template, the RON, or some other written record. In obtaining price or rate quotations, a SOW and evaluation criteria that include cost as a factor should be developed and supplied to all bidders/offerors.

2. Determination of which proposal will provide the best value to SACOG when the informal solicitation includes options that may be awarded, must include the options in the evaluation and selection process. If the optional work is not used to determine the best value proposal, such options, if exercised, will need to be justified as a sole source.

3. All procurements should have a documented RON that establishes that the project manager made the effort to obtain the best price for SACOG for the goods or services with quality, level of effort, cost, and other relevant factors taken into consideration. The staff member that takes the lead during negotiations is responsible for signing off on the RON whether it is a Contracts Officer or other staff person.

Appendices

- Method of Procurement Selection Form (Appendix 10)
- Record of Negotiation (Appendix 27)
- Recommendation for the Selection of a Contractor Memo Template (Appendix 6)
SECTION 023D – PROCUREMENT BY SMALL PURCHASE PROCEDURE FOR CONSTRUCTION
(FED: $2,000 to $50,000, STATE: can not be used)

After a Method of Procurement Selection Form and ICE are prepared, written Invitation for Bid (IFB) notices for small construction projects should be sent to at least three qualified bidders by mail, email or facsimile on the same date or a formal IFB may be issued pursuant to Section 024E. The bid period must be a minimum of three calendar days for a small purchase IFB. When possible, the IFB should be sent to at least two certified DBE firms. The IFB must contain the time and location for receiving and opening bids. The contract will be awarded to the lowest priced, responsive, and responsible bidder after a notice of intent to award has been issued to all bidders and the protest period has expired.

1. Construction on minor public works projects will require the following additional information to request a quote:
   a. Procurement requisition with supporting documentation (budget estimate or engineer’s estimate which serves as the ICE)
   b. Complete specifications, drawings, and maps if applicable
   c. Date work needs to be completed, period of performance, timeline
   d. Schedule for job walk or site visit to determine work to be done if complete specifications and drawings are not provided
   e. Required permits, certificates, licenses
   f. Required bonds, insurance
   g. List of crafts, classification or type of worker needed to execute the contract for the determination of prevailing wage rates by the building contractor

2. Protest Procedures: The IFB should include protest procedures in accordance with SECTION 017- WRITTEN PROCUREMENT PROTEST PROCEDURES.

3. Bonds: For projects which do not exceed $50,000 a bid bond may be required at the discretion of the Director of Mobility Management and Project Implementation (MMPI). Additionally, a warranty of the work and maintenance bond may be requested depending upon the complexity of the project.
   a. Bid Bond. If this type of bond is required, the bond must be payable to SANDAG for ten (10) percent of the total bid price. The bid bond must be submitted with the bid. The bid bond of the successful bidder will be retained and in effect until the contract has been awarded.
   b. Warranty of the Work and Maintenance Bond. If this type of bond is required, the contractor will warrant to SANDAG, the architect, and/or engineer that all materials and equipment furnished under the contract will be of highest quality and new unless otherwise specified by SANDAG, free from faults and defects, and in conformance with the contract documents. All materials and equipment not so conforming to these standards shall be considered defective. If required by SANDAG’s designated representative, the contractor shall furnish satisfactory evidence as to the kind and quality of materials and equipment. The work furnished must be of first quality, and the workmanship must be the best obtainable in the various trades. The work must be of safe, substantial, and durable construction in all respects. The contractor must warrant the work against defective materials or faulty workmanship for a minimum period of one (1) year after final payment by SANDAG and shall replace or repair any defective materials or equipment or faulty workmanship during the period of the warranty at no cost to SANDAG or reimburse SANDAG upon demand, for its expenses incurred in restoring said work to the condition contemplated, including the cost of any such equipment or materials replaced and the cost of removing and replacing any other work necessary to make such replacement or repairs.
4. Prevailing Wages: Prevailing wage requirements are applicable since Davis-Bacon Act applies to construction contracts over $2,000 and California Labor Code section 1720 applies to construction contracts over $1,000. In the event there is a difference between the wages for construction contracts over $2,000, the higher wage shall prevail. Prevailing wage weekly certified payrolls pursuant to Labor Code Section 1776 shall be submitted to SANDAG and uploaded to the California DIR website no later than the final invoice. If the work is conducted over a period of time exceeding 90 days, certified payrolls must be submitted, at a minimum, with each payment application (invoice). No payment will be made without receipt of the required certified payrolls. The only exception to this procedure is when a special wage determination has been issued from the State of California Department of Industrial Relations (DIR).

5. Contractor’s License Classification and Registration with DIR: California state law requires that a licensed contractor perform the work on any public works contract over $500 (labor plus materials). The contractor shall possess a valid California contractor’s license in the appropriate classification and the firm must be registered with the DIR for public works exceeding $1,000. The solicitation may specify which license SANDAG requires the contractor to hold in order to award a contract for the performance of the SOW.

Resource(s)

- Appendix 18, Method of Procurement Selection Form

SECTION 023E – PROCUREMENT BY SEALED BIDS/IFB FOR EQUIPMENT, SUPPLIES AND CONSTRUCTION (FED: More than $50,000; STATE: More Than $25,000)

Under this procedure, bids are publicly solicited, and a firm-fixed-price contract (lump sum or cost per unit of work with a not-to-exceed amount) is awarded to the responsive and responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price. A Method of Procurement Selection Form, Request for Major Construction Procurement Checklist, and ICE/EE must be prepared before an IFB is issued. Board consent in a public meeting may also be required if the procurement is of the type and amount the Board has directed that staff bring it for pre-procurement and/or pre-contracting approval.

1. Guidelines for IFBs:
   a. The IFB includes the complete assembly of related documents (whether attached or incorporated by reference) furnished to prospective bidders for the purpose of bidding.
   b. IFBs must be based on a clear and accurate description of the technical requirements for the material, product, or service to be procured. The description should not contain, in competitive procurements, features that unduly restrict full and open competition. The “brand name or equal” description may be used to define the performance or other necessary requirements of a procurement. When so used, the specific features of the brand name product that must be met by bidders must be clearly identified. Brand names that are known to meet the “or equal” requirements should be listed.
   c. IFBs should be publicized through distribution to prospective bidders, posting on SACOG website, posting in public places, advertising in newspapers, and such other means as may be appropriate in sufficient time to enable bidders to prepare and submit their best bids before the time set for the public opening of bids.
   d. If the procurement is successful, the contract will be awarded to the responsive and responsible bidder submitting the lowest bid determined on the basis of the specifications set forth in the IFBs.
   e. The IFBs, including specifications and attachments, should permit full and open competition consistent with the requirement for the property or services to be procured. The requirement should represent SACOG’s minimum needs and be sufficiently described to promote full and open competition.
f. All bids should be opened publicly at the time and place stated in the IFB.

2. In order for sealed bidding to be feasible, the following conditions should be present:
   a. A complete, adequate, and realistic specification or purchase description is available;
   b. Two or more responsible bidders are willing and able to compete effectively for the business;
   c. The procurement lends itself to a firm fixed-price contract, and the selection of the successful bidder can be made principally on the basis of price; and
   d. There is no price negotiation with bidders before sending out the notice of intent to award.

3. If the sealed bid procurement method is used, the following requirements apply:
   a. The IFB will be publicly advertised, and bids should be solicited from an adequate number of known suppliers or contractors, providing them sufficient time to prepare bids prior to the date set for opening the bids;
   b. The IFB, which will include any specifications and pertinent attachments, should define the items or services sought in order for the bidder to properly respond;
   c. All bids will be publicly opened at the time and place described in the IFB;
   d. Bid amounts will be included in the bid opening documentation;
   e. A firm-fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. For the procurement of tangible items, when specified in bidding documents, factors such as discounts, transportation costs, and life cycle costs may be considered in determining which bid is lowest; payment discounts will only be used to determine the low bid when industry practice for the type of project involved indicates that such discounts are usually taken advantage of; and
   f. Any or all bids may be rejected if there is a sound documented reason.

4. For purchases of equipment or supplies that are better suited for an RFP or purchase on the open market instead of an IFB, approval may be sought from the Contracts Officer to utilize a different procurement process based on the documentation in the Method of Procurement Selection Form. An alternate procurement process to the IFB may be in SACOG’s best interest in the following example situations:
   a. The purchase may be made at a lower price on the open market.
   b. Competitive bidding is an inadequate method of procurement because it is necessary to purchase prototype equipment or modifications in order to conduct and evaluate operational testing.
   c. The article(s) to be procured is undergoing rapid technological changes, and it is in the public’s interest to issue an RFP so that the broadest possible range of competing product and materials available, fitness of purpose, manufacturer’s warranty, and other similar factors in addition to price can be taken into consideration.

5. If staff seeks authorization to utilize an alternate procurement process, documentation setting forth the reasons a deviation from the typical competitive bidding process is warranted, and a technical evaluation of the articles, prices, and suppliers should be placed in the contract folder.

6. Payment Method
   Contracts awarded as a result of IFBs should be fixed price. Escalation may be appropriate where unusual risks for labor or material are present and some flexibility is necessary and feasible. When escalation is necessary, an escalation ceiling must be established and must be the same for all bidders. Payment for unbid items, including items in change orders will not call for payment to the contractor on the basis of cost, plus a fixed percentage of cost. Markup amounts must be negotiated and determined reasonable on each item added to a low bid procurement.
7. Solicitation of Bids

a. Preparation of IFBs. For supply and construction contracts, IFBs should contain the following information if applicable to the procurement involved:
   i. Invitation number.
   ii. Name and address of Contracts Officer.
   iii. Date of issuance.
   iv. Date, hour, and place of bid opening (prevailing local time should be used.)
   v. Number of pages and numbered pages.
   vi. A description of supplies or services to be furnished under each item in sufficient detail to promote full and open competition.
   vii. The time of delivery or performance requirements.
   viii. Statement of whether submission of electronic bids will be permitted.
   ix. The IFB should set forth full, accurate, and complete information, including attachments.
   x. Bid guarantee, performance, and payment bond requirements.
   xi. A requirement that all bidders must allow an acceptance period of not less than a specified number of calendar days and that bids offering less than the minimum stipulated acceptance period will be rejected.
   xii. Special experience and/or technical qualifications due to the complexity of the equipment being procured, or for some other special reason.
   xiii. Any authorized special provisions relating to such matters as progress payments, patents, liquidated damages, etc.
   xiv. Any additional contract provisions or conditions required by state, local, or other jurisdictions.
   xv. All factors to be considered in the evaluation of bids that weigh on price, such as shipping costs. It is essential that the IFB inform vendors of those factors that will be evaluated and exactly how each factor will be evaluated. Bidders must know these factors to properly construct their bid prices. It is imperative that this process be followed to assure that any perception of arbitrary application of the price factors by buyers is eliminated.
   xvi. Directions for obtaining copies of any documents that have been incorporated by reference. All documents incorporated in the IFB by reference must be readily available to all potential bidders.
   xvii. A bid price form should be included that is tailored such that it breaks down all of the appropriate cost elements and options such that SACOG staff can determine the low bidder and the responsiveness of the bids.

b. Bidding Time. Consistent with the need for obtaining the supplies or services, all IFBs should allow sufficient bidding time (i.e., the period of time between the date of distribution of an IFB and the date set for opening the bids) to permit prospective bidders to prepare and submit bids. Generally, bidding time should not be less than 21 calendar days when procuring standard commercial articles and services. It should not be less than 30 calendar days when procuring other than standard commercial articles or services. The exception is when the urgency of the need does not permit such delay.

c. Place and Method of Delivery of Supplies. IFBs specifying f.o.b. origin should state that bids will be evaluated on the basis of bid price plus transportation cost to the buyer from point of origin to one or more designated destinations.

d. Bid Sample. For the procurement of tangible items, a “bid sample” may be required by the IFB document to assist the buyer in determining whether the bid is an offer to perform exactly as required in the
invitation. Such samples, however, may be used solely for the purpose of determining responsiveness and should not be used to determine the bidder’s ability to produce the required items. Bidders should not be required to furnish samples unless there are certain characteristics of the product that cannot be described adequately in the specification or purchase description, thus necessitating inspection of a sample to assure procurement of an acceptable product. Submission of bid samples should be discouraged unless they are absolutely necessary.

e. Descriptive Literature for the Procurement of Tangible Items
   i. Definition. The term "descriptive literature" means information, such as cuts, illustrations, drawings, and brochures, which describe or show the characteristics or construction of a product or explain its operation. The term includes only information required to determine acceptability of the product. It excludes other information such as that furnished in connection with the qualifications of a bidder or for use in operating or maintaining equipment;
   ii. Use. Bidders should not be required to furnish descriptive literature as a part of their bids unless the project manager determines that such literature is needed to determine whether the product(s) offered meet the specification requirements of the IFB or establish exactly what the bidder proposes to furnish.

f. Final Review of IFBs. SACOG Contracts Officer shall review each IFB allowing adequate review time as necessary to correct any discrepancies or ambiguities that could limit competition unnecessarily.

g. Contacting Prospective Bidders. Notice of release of the IFBs should be sent via email or otherwise delivered to the maximum number of prospective bidders to promote and ensure maximum full and open competition. Unnecessary restrictions on competition should be avoided. From the time the solicitation is being prepared to the time of contract award, only the Contracts Officer should have contact with potential or actual proposers in order to reduce the likelihood of any unfair advantage in the competitive process.

h. Pre-bid Conference. A pre-bid conference may be used as a means of briefing prospective bidders and explaining to them complicated specifications and requirements, including U/DBE information, goals, and documentation as early as possible after the invitation has been issued and before the bids are opened or proposals are due. The pre-bid conference should not be used as a substitute for amending a defective or ambiguous IFB or RFP. If a modification is proposed as a result of the pre-bid conference, such modifications should be made through a formal addendum and not through the pre-bid notes. A DBE interest list or non-inclusive DBE list of firms is made available with the IFB documents on SACOG website to assist contractors and subcontractors in locating each other to potentially partner on the project and may be provided again at the pre-bid conference as needed.

i. Advertising. All IFBs should be advertised in a manner that promotes participation in the bidding by all qualified and capable firms. If there is a U/DBE goal, the goal amount should be advertised. Advertising only in the immediate local news media may not be adequate for large projects needing contractors of a type that are not common locally.

j. Records of IFBs and Records of Bids. The Contracts Officer should retain a record of every IFB he/she issues and a copy of each abstract or record of bids. Contracts Officer should review this record during each subsequent procurement action for the same and, when appropriate, similar items. This should ensure that the information in the file is utilized with the new procurement. The IFB file should show the date of the IFB and the original distribution source list.

k. Amendment of IFBs. If after issuance of IFBs, but before the time set for bid opening it becomes necessary to make changes or corrections in quantities, specifications, delivery schedules, opening dates, etc., or to correct a defective or ambiguous invitation, the changes will be accomplished by issuance of an addendum to the IFB at least 72 hours before the bid is due. Distribution of the addendum will be made to each concern to whom the invitation for bids has been furnished and/or placed on SACOG’s website.
amending an IFB, the period of time remaining to bid opening and the possible need to extend this period should be considered and, if necessary, confirmed in the addendum. Any information given to a prospective bidder concerning an IFB should be furnished promptly to all other prospective bidders as an addendum to the IFB. No award should be made unless the addendum has been issued in sufficient time to permit all prospective bidders to consider the information in submitting or modifying their bids. In this regard, changes to DBE goals or requirements that may require additional time for bidders to conduct a good faith effort to locate DBE firms will be considered in determining whether an extension of the deadline is needed.

l. Responsiveness of Bids. To be considered for award, a bid should comply in all material aspects with the IFB. Bidders must use SACOG bid forms in order to be in material compliance with the IFB requirements. This applies to both the method and timeliness of submission and the substance of any resulting contract. It is imperative that all bidders be afforded an equal opportunity so that the integrity of the bidding system is maintained. Bids should be completed, executed, and submitted in accordance with the instructions contained in the IFB.

m. Time of Bid Submission. Bids should be submitted so as to be received in the office designated in the IFB not later than the exact time set for opening of bids. Late bids must be rejected.

n. Modification or Withdrawal of Bids. Bids may be modified or withdrawn by written notice. The notice must be received in the office designated in the IFB not later than the exact time set for bid opening. A bid may be withdrawn, in person, by a bidder or his authorized representative provided:
   i. his/her identity is made known;
   ii. he/she signs a receipt for the bid; and
   iii. the withdrawal is prior to the exact time set for bid opening.

o. Late Modifications and Withdrawals. Modifications and requests for withdrawal of bids that are received after the exact time set for bid opening are considered “late modifications” and “late withdrawals,” respectively. A late modification will not be considered.

8. Opening of Bids and Award of Contracts

The official designated as the bid opening officer should decide when the time set for bid opening has arrived and so declare to those present. All bids received prior to the time set for opening should be publicly opened, read aloud to the persons present, and be recorded. The name of the bidder and the total amount of each bid should be read and documented in the IFB file. Bidders may obtain copies of the bid documents that must be disclosed pursuant to the California Public Records Act at any time after the bid amounts are publicly read and recorded.

The original copy of each bid should be carefully safeguarded, particularly until an abstract of the bids has been made and its accuracy verified. SACOG may allow for electronic bidding of IFBs. If electronic bidding is allowed, the electronic process will record all data, and the results will be immediately available on SACOG website for the public to view.

9. Recording of Bids

All hard copy bids must be time and date stamped upon their receipt. A time-and-date stamp should be kept at the desks of the receptionists and administrative staff handling mail, and these staff members should be instructed to place a time-and-date stamp on all proposals/bids. To comply with FTA Circular 4220.1F, all bids received against an IFB will be documented using a bid summary form. The invitation number, bid opening date, general description of the procurement item, names of bidders, prices bid, and any other information required for bid evaluation should be entered into the bid summary. When the items are too numerous to warrant the complete recording of all bids, an entry should be made of the invitation number, opening date, general description of the procurement items, and the total price bid where definite quantities are involved. The
bid summary should be completed as soon as practicable after the bids have been opened and read. The Contracts Officer serving as the bid opening officer will certify the accuracy of the information. If the IFB is cancelled before the time set for bid opening, the cancellation should be recorded, together with a statement of the number of organizations invited to bid and the number of bids received.

10. Review of Bids
Review of bids for responsiveness and bidders for responsibility should be conducted by technically qualified staff and/or consultants without financial or organizational conflicts of interest. Consultants or non-employees that assist staff in evaluating and reviewing bids must fill out a declaration concerning conflicts prior to reviewing bids. No oral discussion or written communication should be conducted with bidders except to obtain clarification regarding the bid contents or provide information regarding protests or delays.

11. Cancellation of Invitation After Opening
Preservation of the integrity of the competitive bid system dictates that, after bids have been opened, award must be made to that responsible bidder who submitted the lowest-priced, responsive bid unless there is a compelling reason to reject all bids and cancel the invitation. An IFB should probably be cancelled if one of the following occurs (this is not an exhaustive list):

a. all bids contained unreasonable prices;
b. there is evidence of collusion or bad faith; or
c. competition was not adequate to ensure a reasonable price.

The solicitation documents will be corrected, when necessary, before the procedure for re-solicitation may be followed.

12. Rejection of Individual Bids
Any bid that fails to conform to the essential requirements of the IFB, such as specifications, delivery schedule, or any alternatives to these or other requirements specifically provided for in the IFB should be rejected as nonresponsive. Ordinarily, a bid will be rejected when a bidder imposes conditions that would modify requirements of the IFB or limit its liability to the buyer in a way that gives the bidder an advantage over other bidders. Minor deviations may be waived. A minor deviation is an error that does not go to the substance of a bid. A condition goes to the substance of a bid when it affects the price, quantity, quality, or delivery of the items offered. Waivers of minor deviations should be consistently applied to avoid allegations of favoritism. Any bid may be rejected if SACOG determines that it is unreasonable as to price, and the determination is supported by review and analysis of the action. If a bid guarantee is required and the bidder fails to furnish the guarantee in accordance with the requirements of the IFB, the bid must be rejected.

13. Notice to Bidders of Rejection of All Bids
When it is determined to reject all bids, the Contracts Officer should notify each bidder in writing that all bids have been rejected, stating the reason(s) for such action if appropriate.

14. Award
Unless all bids are rejected, award should be made by written notice within the time specified for acceptance in the bid or extension thereof. Award should be made to that responsible bidder whose bid, conforming to the IFB, will be most advantageous to SACOG, price and other factors considered. Determination of the lowest bidder must include the bid amount that includes all options that may be awarded. If the option bid amounts are not used to determine the low bidder, such options, if exercised, will need to be justified as a sole source. Award should not be made until the protest period has ended and all required SACOG approvals have been obtained. All unsuccessful bidders should be sent a notice of intent to award as soon as possible in order to start the clock running on the protest period.
15. Responsible Bidder-Reasonableness of Price

Before awarding the contract, Contracts Officer, with the assistance of technical staff or consultants, should determine that prospective contractor is responsible and that the prices offered are reasonable. These determinations should be made in the light of all prevailing circumstances.

16. Discounts

Prior to issuing an IFB (except one for construction), a determination should be made to establish the minimum period for prompt payment discounts to be considered in the evaluation. The minimum period should be stated in the IFB.

17. Delay of Award

If, after bid opening, administrative problems threaten to delay award beyond the bidder’s acceptance period, bidders should be requested to extend the bid acceptance period. This request must be made and confirmed in writing prior to the expiration of their bids (with consent of sureties, if any) to avoid the need for re-advertisement.

18. Information to Bidders

When award is made to other than the apparent low bidder, the Contracts Officer should promptly notify the unsuccessful lower bidders. The notification should state the reason for rejection of their bid. In addition, notification that an award has been made to another firm should be given immediately to all unsuccessful bidders.

19. Technical Evaluation Memorandum

A recommendation memo should be prepared for each IFB procurement. The recommendation memo should include a certifying statement confirming that the low bidder is acceptable with respect to the technical specifications of the IFB. It should be prepared by the project manager in cooperation with the Contracts Officer to ensure that the apparent low bidder is technically responsive. The memorandum should be supported by documentation and placed in the contract file. Any non-SACOG employee involved in evaluating bidders or bids will be given SACOG Evaluator Guidelines and fill out a Declaration Concerning Conflicts for Evaluators.

20. Protests

Protest procedures shall be included in the IFB.

Appendices

- Standard of Conduct Policy (Appendix 3)
- Method of Procurement Selection Form (Appendix 10)
- Responsive Bidder/Proposer Checklist for RFP/RFQ (Appendix 11)
- Bid Summary (Appendix 12)
- Evaluator (Consultant/Contractor Evaluation Committee) Guidelines (Appendix 7)
- Declaration Concerning Conflicts for Evaluators (Appendix 8)
- Notice of Intent to Award (Appendix 16)
- Recommendation for the Selection of a Contractor Memo Template (Appendix 6)
- Post-Award Notice to Unsuccessful Proposers (Appendix 21)
1. When the project or operating budget or ICE determines that the value of the services to be procured exceeds $5,000 and the Method of Procurement Selection (MOPS) Form indicates this method is appropriate, the RFP method should be used. Board consent in a public meeting may also be required if the procurement is above pre-designated thresholds. This competitive proposal method of procurement is normally conducted with more than one source submitting an offer (i.e., proposal). Either a fixed-price or cost-reimbursement type contract is awarded. This method of procurement is generally used when conditions are not appropriate for the use of sealed bids. If this procurement method is used the following requirements apply:
   a. RFPs will be publicized. All evaluation factors will be identified along with their relative importance.
   b. Proposals should be solicited from an adequate number of qualified sources.
   c. The RFP will define the method for conducting technical evaluations of the proposals received and for selecting awardees.
   d. Awards will be made to the responsible firm whose proposal is most advantageous to SACOG with price and other factors considered, which is sometimes referred to as best value.

2. The RFP solicitation is publicized and proposals are requested from a number of sources. Negotiations may be conducted with one or more of the sources submitting offers and a fixed-price or cost-reimbursement type (that identifies specific rates of compensation) of contract is awarded, as appropriate. When the RFP is used, the following procedures apply:
   a. A technical and a cost proposal should be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. The RFP should be publicized, and requests for the solicitation by other potential sources as a result of the advertisement should be honored to the maximum extent practicable. The objective is to promote full and open competition.
   b. Care should be exercised to avoid providing any information to an offeror which would give them a competitive advantage. From the time the solicitation is being prepared to the time of contract negotiations, only the Contracts Officer should have contact with potential or actual proposers in order to reduce the likelihood of any unfair advantage in the competitive process.
   c. The RFP should disclose a ceiling price or budget range.
   d. The RFP should identify all significant evaluation factors (criteria) and corresponding point value for each evaluating factor. If a two-step RFP procurement method is used, SACOG will identify a short-listed group of proposers within the competitive range for the highest-scoring offerors in the first step based on proposal evaluating factors that include price. Then, the short-listed group of proposers will be invited to participate in the second step of the competitive process. More details on the two-step process can be found below. A one-step RFP is used when obtaining a qualified consultant at the lowest price is the primary objective. In order to successfully perform the work, the consultant does not need to be the most qualified competitor. Such an RFP is used when the services are routine. A two-step RFP is used when obtaining the most qualified consultant is the primary objective. Price is a significant factor in the selection, but obtaining the lowest price is not the primary objective. Such an RFP is used when the services requested are not routine and are complex or highly specialized. SACOG may elect to negotiate with the highest-scoring short-listed offeror based on proposal evaluating factors alone, including price, and forgo interviews if SACOG has sufficient information to determine that the offeror provides the best value to SACOG and the interview process is unnecessary.
   e. Determination of which proposal will provide the best value to SACOG when the solicitation includes options that may be awarded, must show documented inclusion of the options in the evaluation and
selection process. If the optional work is not used to determine the best value proposal, such options, if
exercised, will need to be justified as a sole source.

f. SACOG may elect to conduct interviews with all responsible offerors who submit proposals within a
competitive range, with price and other factors considered.

g. Upon selection of the most qualified offeror, SACOG may elect to conduct negotiations with one or more
offerors in the competitive range. During the negotiation process, the offeror(s) will be given reasonable
opportunity (with a common cutoff date) to support, clarify, correct, improve, or revise its/their
proposal(s).

h. Unsuccessful offerors should be notified at the earliest practicable time that their offer is no longer being
considered for award. Upon written request, unsuccessful offerors should be informed (in general terms
only) of the reasons for not being awarded a contract, but this should not be done until after the contract
has been executed with the awarded consultant in order to preserve the competitive process. After award
of a contract, a debrief for the unsuccessful offerors may occur. Before, during, and after contract award,
staff should take care to avoid disclosing offerors’ proprietary data if it is labeled as such.

i. Award should be made to the responsible offeror whose proposal will be most advantageous to SACOG;
price, technical, and other factors considered (“other factors” means factors other than price-related factors
such as quality of proposal, experience, etc.).

3. Solicitation of Proposal

a. Knowledge of the product or service and its use is essential to sound pricing. The project manager should
develop an ICE of the proper price level or value of the product or service to be purchased. For goods,
such estimates may be based on a physical inspection of the product and review of such items as drawings,
specifications, and prior procurement data.

b. Selection of qualified sources for solicitation of proposals is basic to sound prices. Proposals should be
invited from a sufficient number of competent sources to ensure adequate competition.

c. Failure to determine requirements in sufficient time to allow a reasonable period for preparation of RFP,
preparation of quotations, contract negotiation and preparation, and adequate lead time for performance
may cause delays in deliveries and increased prices. Requirements issued on an urgent basis or with
unrealistic delivery schedules should be avoided since they generally increase prices or restrict desired
competition.

d. The RFP should contain sufficient information to enable a prospective offeror to properly prepare a
proposal. The RFP should be as complete as possible with respect to:

i. item description and/or SOW;

ii. specifications;

iii. buyer furnished property, if any;

iv. required delivery schedule;

v. general provisions;

vi. special provisions;

vii. cost and pricing data requirements;

viii. contract clauses (standard or special);

ix. experience and technical experience;

x. project organization and key personnel;

xi. duration of agreement;

xii. payment method (selection of which is documented in a Contract Payment Type Selection Form);
xiii. project schedule; and
xiv. any U/DBE requirements.

e. RFPs should specify a date and time for submission of proposals. Any extension of time should be granted uniformly to all prospective offerors. Each RFP should be available to all prospective offerors at the same time, and no offeror should be given the advantage of advance knowledge regarding SOW details or evaluation factors that could affect the competitive process.

4. Addenda to the RFP

If after issuance of the RFP, but before the time set for the proposal deadline, it becomes necessary to make changes or corrections in quantities, specifications, delivery schedules, opening dates, etc., or to correct a defective or ambiguous language, the changes will be accomplished by issuance of an addendum at least 72 hours before proposals are due. Distribution of the addenda will be via SACOG’s website and sent to original RFP recipients. Before amending an RFP, the period of time remaining until the proposal deadline and the possible need to extend this period should be considered and, if necessary, confirmed in the addendum. Any information given to one proposer should be furnished promptly to all other prospective proposers as an addendum. No award should be made unless the addendum has been issued in sufficient time to permit all prospective sufficient time to submit or modify their proposals. In this regard, changes to DBE goals or requirements that may require additional time for proposers to conduct a good faith effort to locate DBE firms will be considered in determining whether an extension of the deadline is needed.

5. Pre-Proposal Meeting

A pre-proposal meeting may be used as a means of briefing prospective offerors and explaining to them complicated specifications and requirements, including U/DBE information, goals, and documentation as early as possible after the solicitation has been issued and before the proposals are due. The pre-proposal meeting should not be used as a substitute for amending a defective or ambiguous solicitation. After a pre-proposal meeting is held, question-and-answer notes should be taken and posted on the website. If a modification is proposed as a result of the pre-proposal meeting, such modifications should be made through a formal addendum and not through the question-and-answer notes. A list of interested small and U/DBE firms should be prepared and posted within three days after the pre-proposal meeting on SACOG website to assist contractors and subcontractors in locating each other to potentially partner on the project.

6. Evaluation Committee

Evaluation of proposals should be conducted by one or more committees of technically qualified personnel concerned with the procurement and should include at least one non-SACOG staff member. All non-staff members must receive the evaluation committee guidelines and complete a declaration concerning conflicts of Interest before taking part in the evaluation. Selection of evaluation committee members should be approved by the CEO using the evaluation committee selection memo. Evaluation Committee members will evaluate and provide their individual ratings of the technical component of the proposals. The Contracts Officer will analyze the cost proposals and provide the analyses to the Evaluation Committee members. If an Evaluation Committee member prepared the Independent Cost Proposal, he/she should not take the lead in negotiations but may assist Contracts Staff in preparing the negotiation strategy.

7. Selection of Offerors for Negotiation and Award

The objective of contract negotiation is to obtain complete agreement on all the basic issues. Oral discussion or written communication should be conducted with offerors, to the extent necessary, to resolve uncertainties relating to the technical and nontechnical issues. Basic questions should be resolved when they arise and not be left for later agreement during subsequent proceedings.
Proposals will be evaluated, negotiated, selected and any award made in accordance with the criteria and procedures described below. The approach and procedures are those that are applicable to a competitive negotiated procurement whereby proposals are evaluated to determine which proposals are within a competitive range. Discussions and negotiations may then be carried out with offerors within the competitive range after which best and final offers (BAFOs) may be requested. However, SACOG may select a proposal for award without any discussions or negotiations or request for any BAFO(s). Subject to SACOG's right to reject any or all proposals, the offeror will be selected whose proposal is found to be most advantageous to SACOG. Proposals will be evaluated, negotiated, selected and any award made in accordance with the criteria and procedures included in the RFP. Proposals may not be evaluated on the basis of criteria that were not included in the RFP. After receipt of initial proposals, 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. procurements in which rates or prices are fixed by law or regulation; and

b. procurements in which it can be clearly demonstrated (from the existence of adequate competition or accurate prior cost experience with the product or service) that acceptance of the most favorable initial proposal without discussion would result in a fair and reasonable price. In such procurements the RFPs must contain a notice that award may be made without discussion of proposals received and that proposals should be submitted initially on the most favorable terms possible from a price and technical standpoint. When there is uncertainty, however, as to the pricing or technical aspects of any proposal, the project manager and Contracts Officer should not make award without further exploration and discussion. When the project manager and Contracts Officer deem a proposal to be the most favorable and that proposal involves a material departure from the requirements stated in the RFP, all offerors should be given an opportunity to submit new proposals on a basis comparable to that of the offeror tentatively selected.

8. Confidentiality of Negotiations

In competitive negotiations, offerors should not be given any indication of a “target” price that must be met to ensure further consideration for contract award. Such practice constitutes an auction technique that may violate the integrity of the procurement process and must be avoided. Additionally, the RFP boilerplate should state that proposals (minus the cost proposal/estimate until the time of award) will not be treated as confidential documents unless they are marked as such by the bidder/offeror and the bidder/offeror is able to demonstrate the documents contain the type of information protected by law as confidential or trade secret. Large portions of proposals are typically public records. They should not, however, be released to the public during the procurement or contract negotiation process without the approval of the CEO in consultation with Legal Counsel.

9. Opening of Proposals

Proposals will not be publicly opened. All detailed cost estimates (“cost proposals”) and evaluations related to costs will be kept strictly confidential throughout the evaluation, negotiation, and selection process. Only the members of the evaluation committee and SACOG officials, employees and agents having a legitimate interest will be provided access to the cost proposals and cost evaluation results during this period.

10. Negotiations

All negotiated procurements over $5,000 must have a documented RON that establishes that staff made the effort to obtain the best price for SACOG for the goods or services with price, quality, level of effort, and other relevant factors taken into consideration. A template exists for documenting the RON. The project manager should take the lead on preparing the RON when he/she leads the contract negotiations if he/she did not take the lead on preparing the ICE. The Contracts Officer is responsible for documenting negotiations in the RON or in other records when it takes the lead on the contract negotiations.
11. Protests

Protest procedures shall be included in the RFP.

12. Normally, a “one-envelope” selection procedure will be used for service contracts in excess of $100,000. The “one-envelope” competitive process is as follows:

a. Notice of the professional services required should be published at least once in a newspaper of general circulation in the county and in community newspapers, as appropriate, at least three weeks before the proposal due date. For federally funded projects, notice also should be published in one or more minority newspapers in the county. The notice should state that SACOG is interested in receiving responses from qualified firms and indicate how additional information can be obtained and the time and place for receiving responses.

b. Notice also should be sent to firms or individuals known to be interested in providing the required services, including small and emerging businesses on SACOG’s various interested party lists and to appropriate DBE firms or individuals registered with SACOG.

c. The RFP should include:

i. Pass/fail criteria to be used as an initial screening of responses. Such criteria should include, but not be limited to, insurance requirements, licensing, and any other consideration which would make the proposer ineligible to perform the work.

ii. Evaluation factors.

iii. Any standard contract language that the successful offeror will be required to comply with, including all applicable federal clauses and certifications.

d. Responses to an RFP shall list all proposed subconsultants and subcontractors, their area of the work and certified U/DBEs. A cost proposal shall be submitted along with the technical proposal and will be used as an evaluation factor by the evaluation committee.

e. The Contracts Officer will document the receipt of all proposals. A time-and-date stamp shall be kept at the desks of the receptionists and administrative staff handling mail, and these staff members shall be instructed to place a time-and-date stamp on all proposals. SACOG’s procedure for determining whether a proposal is disqualified for being submitted to SACOG after the deadline for proposals or statements of qualification will be stated in the solicitation document.

f. The responses should be evaluated by an evaluation committee appointed by the project manager with the approval of the CEO. The evaluation committee should consist of SACOG staff and should include at least one person from outside the agency. Care should be taken to avoid using direct supervisors and their reports as the sole staff scoring evaluators. Additional staff members/advisers, who do not participate in scoring, may sit in on evaluation panels if needed to provide expertise.

g. The firm(s) that are deemed responsible and responsive and who receive the highest scores will be shortlisted. Short-listed proposers should be sent a notice to short-listed proposers and those who have not made the short-list should be sent a notice to proposers not making short-list. This notice will trigger the protest period.

h. The top-ranked firm(s) may then be interviewed, if deemed necessary. The final list of qualified firms shall be based on the response to the RFP references, the interview, and other relevant factors. The project manager should summarize the findings of the evaluation committee in a recommendation memo to the CEO. The memo should include the evaluation committee’s recommendation for negotiations with one or more firms in the competitive range.

i. The CEO will approve or reject the recommendation based upon information provided by the evaluation committee and other factors as deemed appropriate, including, but not limited to,
qualifications, ability to meet schedule and budget, cost of work, and meeting insurance requirements. The CEO also may interview one or more of the firms prior to making a selection.

j. Approval by the CEO of the recommendation shall be deemed approval to enter into negotiations with one or more firms in the competitive range. After one or more offerors are selected for contract negotiations, they should be sent a notice of intent to award. This notice is not a commitment by SACOG to award a contract; it is just notice that SACOG intends to negotiate. At this stage any necessary certificates of insurance should be requested from offerors with whom SACOG will negotiate. Proposers who are not selected for negotiation should be sent a notice of intent to enter negotiations with another consultant in order to trigger their protest period. A contract should not be finalized until a sufficient number of days have passed from the time the notice of intent to enter negotiations with another proposer is sent to the unsuccessful proposers for the protest period to have expired.

k. The cost proposals from the firm(s) in the competitive range should be used as a basis for negotiation. Negotiations will be conducted by the Contracts Officer and the CEO and can include factors in addition to cost, such as staffing levels, project schedule, etc. If negotiations are conducted with more than one firm in the competitive range, then staff attempt to obtain the most favorable terms by negotiating with all of the firms. Should negotiations fail, the CEO may issue a BAFO to the qualified firms. Once negotiations are complete, a contract incorporating the negotiated terms and conditions will be prepared for the approval of the CEO or his/her designee. A post-award notice should be sent to all of the unsuccessful firms at this point in time to notify them that a final selection has been made and trigger their protest period.

12. For services that have a very explicit SOW containing detailed, straight-forward specifications that will allow consistent responses and offerors can be considered qualified or not qualified based on predetermined criteria, the low-bid IFB process may instead be used. The Contracts Officer can assist the project manager in determining whether the nature of any of the services is appropriate for using this low-bid process.

13. Cost must be used as a factor in evaluating all proposals for services pursuant to this section.

14. As mentioned above, if desired, a “two-envelope” selection process may be followed, as follows:
   a. Requests for information/letters of interest/statements of qualifications (RFIs/LOIs/SOQs) may be solicited from the current SACOG on-line vendor database and any other applicable list, for the particular services specialty.
   b. Notice of the professional services required should be published at least once in a newspaper of general circulation in the county and in one or more minority newspapers in the county at least three weeks before the proposal due date. The notice should state that SACOG is interested in receiving RFIs/LOIs/SOQs from qualified firms, indicate how additional information can be obtained, and indicate the time and place for receiving responses.
   c. An RFI or RFP may be sent to firms or individuals previously known to be interested in or capable of providing the required services. Reasonable effort should be made to send requests to minority firms known to be capable of providing the required services.
   d. “Pass/fail” criteria will be established by staff and clearly stated in the RFIs/RFP to be used as a screening of responses for responsiveness to the RFP/RFP. Such criteria may include, but are not limited to, adherence to project budget, insurance requirements, and DBE compliance (if DBE is applicable).
   e. An evaluation committee will be formed by the project manager with the approval the CEO, which should consist of SACOG staff and should include at least one person from outside the agency.
   f. The evaluation committee will evaluate the technical component of the SOQs, and the Contracts Officer will analyze the cost proposals and provide the analyses to the evaluation committee members. The
g. From this point, the steps above for a one-envelope procurement should be followed.

**Appendices**

- Standard of Conduct Policy (Appendix 3)
- Method of Procurement Selection Form (Appendix 10)
- Contract Payment Type Selection Form (Appendix 30)
- Independent Cost Estimate Scope of Work, Summary and Staffing Plan (Appendix 24)
- Evaluator (Consultant/Contractor Evaluation Committee) Guidelines (Appendix 7)
- Declaration Concerning Conflicts for Evaluators (Appendix 8)
- Responsive Bidder/Proposer Checklist for RFP (Appendix 11)
- Subconsultant List (Appendix 13)
- Notice to Short-Listed Proposers (Appendix 18)
- Notice to Proposers Not Making Short-List (Appendix 19)
- Request for Cost Proposal (Appendix 20)
- Notice of Intent to Enter Negotiations with Another Proposer (Appendix 17)
- Record of Negotiation (Appendix 27)
- Notice of Intent to Award (Appendix 16b)
- Recommendation for the Selection of a Contractor Memo Template (Appendix 6)
- Post-Award Notice to Unsuccessful Proposers (Appendix 21)

**SECTION 023G – PROCUREMENT OF A&E SERVICES (FED: More than $3,000; STATE: More than $0)**

The procedures outlined in this section relate to contracts with engineering firms to perform architectural and engineering related work. It is based on the Brooks Act when federal funding is utilized and on the California mini-Brooks law whether or not federal funds are used. Rather than selection based on price, the Act provides for selection based on professional qualifications and experience, followed by negotiation with the most qualified firm of a price that is fair and reasonable to the government.

The Caltrans Local Assistance Procedures Manual, Chapter 10, updated in January 2016, should be used in conjunction with this section.

1. SACOG will use competitive proposal procedures based on the Brooks Act and California Mini-Brooks Act when contracting for A&E services as defined in 40 U.S.C. §541 and California Government Code 4525, as documented in a Method of Procurement Selection Form. Board consent in a public meeting may also be required if the procurement is of the type and amount the Board has directed that staff bring it for pre-procurement and/or pre-contracting approval. Although price is not an evaluation criteria, and ICE must be prepared before the RFQ is issued for A&E Services. Types of services considered A&E services include environmental, program management, construction management, feasibility studies, preliminary engineering, design, surveying, mapping, and services which require performance by a registered or licensed architect or engineer. The Brooks Act requires that:
a. An offeror’s qualifications be evaluated;
b. Price be excluded as an evaluation factor;
c. Negotiations be conducted with only the most qualified offer or; and
d. Failing agreement on price, negotiations with the next most qualified offer or should be conducted until a contract award can be made to the most qualified offer or whose price is fair and reasonable to the grantee.

2. Separately bound or sealed cost proposals should be submitted as part of the process and should not be opened until after the evaluation committee has ranked the proposers. Cost proposals should be excluded as an evaluation factor and will only be used by the CEO or his/her designee when negotiating within the prescribed budget, except as may be otherwise provided in this manual.

3. The separately submitted cost proposal should be used as a basis for negotiation. Negotiations will be conducted by the CEO or his/her designee and can include factors other than cost, such as staffing levels, project schedule, etc. The party who prepared the original IC or Cost Analysis may participate in preparation of the negotiation plan, but should not lead the negotiations. Should negotiations fail, the CEO, or his/her designee, will enter into negotiations with the next ranked firm. Once negotiations are complete, a contract incorporating the negotiated terms and conditions will be prepared for the approval of the CEO or his/her designee. Only the cost proposal of the firm(s) in negotiations should be opened. At the end of the process, all unopened cost proposals should be disposed of unopened or returned to the offeror.

4. All provisions of Section 022D (Procurement of Services Other Than A&E by Competitive Proposal with a value greater than $5,000) of this manual applicable to RFQs, which are not in conflict with this Section will be used for A&E procurements.

5. Audits and Indirect Costs. The following requirements apply to a third-party contract for A&E services:
a. Performance of Audits. The third-party contract or subcontract must be performed and audited in compliance with Federal Acquisition Regulation (FAR) Part 31 cost principles.
b. Indirect Cost Rates. SACOG, the contractor, its subcontractors must accept FAR indirect cost rates for one-year applicable accounting periods established by a cognizant federal or state government agency, if those rates are not currently under dispute.
c. Application of Rates. After a firm’s indirect cost rates are established and accepted, those rates will apply for purposes of contract estimation, negotiation, administration, reporting, and payments, not limited by administrative or de facto ceilings.
d. Pre-notification – Confidentiality of Data. Before requesting or using cost or rate data, SACOG should notify the affected firm(s) that their data will be kept confidential and may not be accessible by or provided by the group of agencies that share cost data, except by written permission of the audited firm. If prohibited by law, that cost and rate data may not be disclosed under any circumstances. California’s Public Records Act may make it difficult to maintain confidential cost or rate data. As a result, before requesting or using cost or rate data, SACOG should notify the affected firm that its cost or rate data may be subject to disclosure and should try to obtain permission to provide that data from the firm if SACOG receives a public records request for these records under applicable California law.

6. All procurements must have a documented RON that establishes that the project manager made the effort to obtain the best price for SACOG for the goods or services with quality, level of effort, and other relevant factors taken into consideration. A template exists for documenting the RON for task orders. The Contracts Officer is responsible for documenting the RON in other records when a template is not used.

7. Protest procedures should be included in the RFQ.
Appendices

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- Notice to Proposers Not Making Short-List (Appendix 19)
- Request for Cost Proposal (Appendix 20)
- Notice of Intent to Enter Negotiations with Another Proposer (Appendix 17)
- Record of Negotiation (Appendix 27)
- Notice of Intent to Award (Appendix 16b)
- Post-Award Notice to Unsuccessful Proposers (Appendix 21)

SECTION 023H – AUDIT REQUIREMENTS

There are very strict Caltrans audit requirements associated with the procurement of A&E services. The requirements are detailed in Section 10.3 of the Caltrans Local Assistance Procedures Manual.

Resource(s)

- Caltrans Local Assistance Procedures Manual, Section 10.3

SECTION 023I – PROCUREMENT BY NONCOMPETITIVE PROPOSALS (SOLE SOURCE) WITH CALTRANS OR FEDERAL FUNDS

When SACOG requires supplies or services available from only one responsible source and no other supplies or services will satisfy its requirements, SACOG may make a sole source award following documentation of an adequate justification. When SACOG requires an existing contractor to make a change to its contract that is beyond the scope of that contract, it may be a sole source award that must be justified. SACOG staff should work with the Contracts Officer to determine if a particular contract amendment could be considered a sole source. A sole source cannot be justified when the need for the sole source is due to either a failure to plan or a lack of advance planning or due to concerns about the amount of assistance available to support the procurement (for example, expiration of federal assistance available for award). Board consent in a public meeting may also be required if the procurement meets pre-designated thresholds. Procurement via the limited scope procurement method described in Section 022I also should be explored prior to utilizing the sole source method. The following requirements apply to a sole source procurement that falls within the parameters of this section:

1. A cost analysis (i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profit (ICE), is required.

2. The Contracts Officer should not commence a sole source unless the Method of Procurement Selection Form indicates a sole source is appropriate and the procurement requisition includes a sole source approval form that:
   a. justifies the use of such actions in writing based on one or more of the justifications permitted by the federal funding agency(ies);
b. certifies the accuracy and completeness of the justification; and
c. approval by the CEO is received.

3. The project manager is responsible for providing and certifying as accurate and complete necessary data to support his/her recommendation for a noncompetitive procurement.

4. The sole source justification form must accompany each procurement requisition requesting a sole source procurement.

5. When the acquisition will be paid for in whole or in part by federal funds, one of the following conditions must be met:
   a. Staff solicited competitive bids and was unable to obtain a responsive bidder.
   b. The grantor agency providing the federal funds has approved sole source procurement.
   c. The service is only available from a single source because the contractor will be required to use confidential information, intellectual property, or trade secrets owned by the contractor.
   d. The federal grantor agency made the award of funds being used based on SACOG’s use of a particular team of contractors, and the contractor to be sole sourced is one of the team members identified in the funding application.
   e. The work is necessary to continue development or production of highly specialized equipment or components thereof, and it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition or when it is likely that award to another contractor would result in unacceptable delays in fulfilling SACOG’s needs.
   f. The sole source is authorized by statute, or only one contractor can comply with specific statutory requirements.
   g. A national emergency exists and a particular facility or contractor is needed to achieve mobilization.
   h. The disclosure of SACOG’s needs in a public procurement process would compromise national security.
   i. A particular expert or neutral person’s services are needed for a current protest, dispute, claim, or litigation.
   j. A competitive procurement is precluded by the terms of an international agreement or treaty or the written directions of a foreign government providing reimbursement for the cost of the supplies or services.
   k. To establish or maintain an educational or other nonprofit institution or a federally funded research and development center that has or will have an essential engineering, research, or development capability.

6. All procurements over $5,000 must have a documented RON that establishes that the project manager made the effort to obtain the best price for SACOG for the goods or services with quality, level of effort, and other relevant factors taken into consideration. The Contracts Officer is responsible for documenting the RON when it takes the lead on the negotiations, and the project manager is responsible for the RON if he/she takes the lead on negotiating with the contractor.

7. Sole source procurements require approval by the CEO.

**Appendices**
- Procurement Requisition Form (Appendix 2)
- Method of Procurement Selection Form (Appendix 10)
- Sole Source Approval Form (Appendix 1)
- Record of Negotiation (Appendix 27)
SECTION 023J– PROCUREMENT BY NONCOMPETITIVE PROPOSALS (SOLE SOURCE) WITHOUT FEDERAL FUNDS

1. Regardless of funding, sole source procurements are accomplished through solicitation or acceptance of a proposal from only one source. A contract amendment or change order that is not within the scope of the original contract also is considered a sole source procurement that must comply with this section. A sole source cannot be justified when the need for the sole source is due to either a failure to plan or a lack of advance planning, or due to concerns about the amount of assistance available to support the procurement (for example, expiration of funding assistance available for award). Board consent in a public meeting may also be required if the procurement is of the type and amount the Board has directed that staff bring it for pre-procurement and/or pre-contracting approval. SACOG staff should work with the Contracts Officer to determine if a particular contract amendment could be considered a sole source. Procurement via the limited scope procurement method described in Section 022J also should be explored prior to utilizing the sole source method.

2. When there are no federal funds involved, one of the following additional factors may be utilized to justify a sole source acquisition in addition to the factors in Section 022I:
   a. Only one (1) contractor/consultant/vendor who can provide unique/highly specialized item/service.
   b. Economy or efficiency supports award to existing contractor/consultant as a logical follow-on to work already in progress under a competitively awarded contract.
   c. Cost to prepare for a competitive procurement exceeds the cost of the work or item.
   d. The item is an integral repair part or accessory compatible with existing equipment.
   e. The item or service is essential in maintaining research or operational continuity.
   f. The item/service is one with which staff members who will use the item/service have specialized training and/or expertise and retraining would incur substantial cost in time and/or money.

3. A cost analysis (i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profit (ICE) is required.

4. The Contracts Officer should not commence noncompetitive negotiations unless a Method of Procurement Selection Form indicates a sole source is needed and the procurement requisition includes a sole source approval form that:
   a. justifies the use of such actions in writing;
   b. certifies the accuracy and completeness of the justification; and
   c. approval by the CEO.

5. The project manager is responsible for providing and certifying as accurate and complete necessary data to support their recommendation for noncompetitive procurements.

6. All procurements must have a documented RON that establishes that staff made the effort to obtain the best price for SACOG for the goods or services with quality, level of effort, and other relevant factors taken into consideration. A template exists for documenting the RON for task orders. The Contracts Officer is responsible for documenting the RON when it takes the lead on the negotiations, and the project manager is responsible for the RON if he/she takes the lead on negotiating with the contractor.

7. The sole source approval form must accompany each procurement requisition requesting a sole source procurement

Appendices
SECTION 023K – PROCUREMENT BY LIMITED COMPETITION

1. Generally, SACOG must provide for full and open competition in solicitations. The Common Grant Rule for governmental recipients of federal funding, however, permits SACOG to limit the number of sources from which it solicits bids or proposals when SACOG has such an unusual and urgent need for the property or services that it would be seriously injured unless it were permitted to limit the solicitation. A limited competition procurement cannot be justified when the need for foregoing the full and open competition requirement is due to either a failure to plan or a lack of advance planning or due to concerns about the amount of assistance available to support the procurement (for example, expiration of federal assistance available for award). Only under certain circumstances can SACOG conduct a procurement using limited competition requirements. A small purchase procurement procedure in which only three quotes are sought on a shorter time frame could be used even for a procurement exceeding the normal applicable thresholds if a justification for limited competition exists. Prior consultation with the Contracts Officer is required in order to utilize a limited competition procurement method.

The justifications in Sections 022G and 022H may be sufficient. Additionally, one of the justifications below may be sufficient.

   a. Documentation is provided establishing that full and open competition in connection with a particular acquisition is not in the public interest.

   b. Documentation is provided establishing that an unusual and urgent need for the services exists and SACOG would be seriously injured unless it is permitted to limit the competition.

   c. Documentation is provided establishing that public exigency or emergency will not permit a delay resulting from a full formal competitive procurement for the supplies or services.

   d. Acquisition of an expert or neutral person’s services is needed for a current or potential protest, dispute, claim, or litigation.

2. The Contracts Officer should not commence a limited competition procurement unless the procurement requisition justifies the use of limited competition, certifies the accuracy and completeness of the justification, and is approved by a department director or higher level of authority. The project manager is responsible for providing and certifying as accurate and complete necessary data to support the recommendation for limited competition procurements.

3. The limited competition request form must accompany each procurement requisition requesting this kind of procurement.

4. All procurements over must have a documented RON that establishes that the project manager made the effort to obtain the best price for SACOG for the goods or services with quality, level of effort, and other relevant factors taken into consideration. A template exists for documenting the RON for task orders. The Contracts Officer member is responsible for documenting the RON when it takes the lead on the negotiations, and the project manager is responsible for the RON if he/she takes the lead on negotiating with the contractor.

5. Limited competition procurements require approval by the CEO.
SECTION 023L – OPTIONS

1. In compliance with FTA Circular 4220.1F, options must be evaluated as part of the price evaluation of offers before award is made on FTA-funded procurements if an option will be included in the solicitation and contract. An option is a unilateral right in a contract by which, for a specified time, SACOG may elect to purchase additional equipment, supplies, or services called for by the contract or may elect to extend the term of the contract. If SACOG chooses to use options, the requirements below apply:
   a. Evaluation of Options: The option quantities or periods contained in the contractor’s bid or offer must be evaluated in order to determine contract award. When options have not been evaluated as part of the award, the exercise of such options will be considered a sole source procurement.
   b. Exercise of Options
      i. The project manager and the Contracts Officer must ensure that the exercise of an option is in accordance with the terms and conditions of the option stated in the initial contract awarded.
      ii. An option may not be exercised unless the project manager has determined that the option price is better than prices available in the market or that the option is the more advantageous offer at the time the option is exercised.

2. The terms for the options and for the exercising of them should be defined in each contract. For service contracts, the basic plus option periods should not exceed five years unless a documented justification is approved by the Contracts Officer.

3. The bid price form used in an IFB and the cost proposal form used in an RFP should state that the option prices will be included in the total price for evaluation purposes.

 Appendices

☐ Sample Cost Proposal (Appendix 9)

SECTION 023M – CONTRACTS WITH OTHER GOVERNMENT AGENCIES

SACOG may contract with any department or agency of the United States or the State of California and local governmental authorities within or outside of the region, including those in Mexico, any city, county, public district, public corporation, or joint powers authority formed pursuant to the provisions of the Joint Exercise of Powers Act, Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code upon those terms and conditions as SACOG finds are in its best interests without conducting a competitive procurement. Such contracts are known as “intergovernmental agreements” and do not require a competitive procurement process.

 Appendices

☐ None
SECTION 023N – USE OF ON-CALL MULTIPLE-AWARD PROCUREMENTS

When SACOG has a need to procure services within a particular genre, such as A&E, transit planning, environmental, or legal services, but the specific project assistance that will be needed from consultants is not known in a sufficient amount of detail, an RFQ can be used to select a short-list of prequalified firms for a specific period of time. The procedure used is similar to that of a two-envelope RFQ procurement, for which more details are provided in Section 22D of this manual. In addition to those procedures, the following additional items should be considered:

1. A determination of whether any applicable DBE goal should be set at the [master] contract stage or at a later point in time when task orders are issued will need to be made prior to issuance of the RFQ. The Small Business Manager and Office of General Counsel should be consulted for advice on DBE goals and the timing of DBE documentation deadlines that will be applicable to proposers.

2. Within the RFQ, SACOG will need to identify the criteria that will be used to select from among the firms on the on-call list and an on-call consultant selection form including those criteria will need to be prepared prior to issuance of each task order.

Appendices

- On-Call Consultant Selection Form Sample (Appendix 28)

SECTION 024 – COST AND PRICE ANALYSIS

1. SACOG staff should perform a cost or price analysis in connection with every procurement action that will result in expenditure of funds, including contract modifications and amendments that call for additional funds, sole sources, change orders, exercise of options, use of a purchasing schedule or the piggybacking method and must be completed prior to the procurement. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the procurement requisition originator must create an ICE before receiving bids, cost estimates or proposals.

2. Task Order Contracts. If the ICE prepared prior to the solicitation was sufficiently detailed by task to allow a determination of the reasonableness of the price for a particular task, an additional ICE may not be required. If, however, the level of detail in the original ICE is insufficient or there is a reason to believe the amounts used in the original ICE are no longer reasonable or accurate, an ICE should be completed by the Project Manager considering the level of effort needed as well as other factors such as direct materials needed before a cost estimate or proposal is requested from the contractor in order to ensure the ICE is independently prepared and the Project Manager has not relied on the contractor to determine the starting point for negotiations.

3. Cost Analysis. A cost analysis must be performed when the bidder is required to submit the elements (i.e., Labor Hours, Overhead, Materials, etc.) of the estimated cost, e.g., under professional consulting and A&E services contracts. A cost analysis will also be necessary when adequate price competition is lacking and for sole source procurements, limited competition procurements, and contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or on the basis of prices set by law or regulation.
4. **Price Analysis.** A price analysis may be used in all other instances to determine the reasonableness of the proposed contract price.

5. **Profit/Fee.** SACOG will negotiate profit/fee as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis should be performed, including amendments, task orders, job orders and change orders. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor’s investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

6. **Federal Cost Principles.** Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with federal cost principles on federally funded procurements.

7. **Cost Plus Percentage of Cost Prohibited.** The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used on federally funded procurements. This includes fixed mark-ups on equipment rentals and subcontractors. A maximum mark-up amount may be specified which should be negotiated based upon the risk involved, level of supervision needed, complexity of the work, and other factors. Documentation of this decision making should be included in the contract file in each instance.

8. **Establishing Indirect Cost Rates.** For contracts other than A&E contracts that are federally funded, if the contractor or subcontractor does not have an approved government agency indirect cost rate agreement, the contract’s dollar value should determine how that rate is verified.
   a. **Contracts of $5 Million or Less.** The audit recommendations of the contractor’s certified public accountant or indirect cost information in the contractor’s annual statement to their stockholders, shareholders, or owners, or examples of acceptance of their rates by other governmental agencies within the last six months may be accepted.
   b. **Contracts Exceeding $5 Million.** The Defense Contract Audit Agency, another federal cognizant audit agency, or an accounting firm approved by the federal government to perform audits for the federal government, must verify the contractor’s rates.

**Appendices**
- Independent Cost Estimate (ICE) Justification for Small Procurements (Appendix 23a)
- Cost Analysis Form (Appendix 33)
- Price Analysis (Appendix 34)

**SECTION 025 – BONDING REQUIREMENTS**

1. For non-federally funded construction or facility improvement contracts or subcontracts less than $50,000 in value, bonding may be required at the discretion of the CEO. For construction or facility improvement contracts or subcontracts exceeding $100,000, it is the policy of SACOG to impose these minimum requirements:
   a. A bid guarantee from each bidder equivalent to ten (10) percent of the bid price must be issued by a bonding company registered in California. The “bid guarantee” shall consist of a firm commitment such as a bid bond executed by an admitted surety insurer and made payable to SACOG, cash, cashiers check, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified. A
bid shall not be considered unless accompanied by one of the forms of bidder’s security. On the failure or refusal of any bidder to execute the contract, its bidder’s security shall be forfeited to SACOG. SACOG may withhold the bidder’s security of the second- and third-lowest, responsive and responsible bidders until the contract has been finally executed. SACOG shall, upon request, return cash, cashier’s checks, and certified checks submitted by all other unsuccessful bidders within ten (10) days after the contract is awarded, and their bidder’s bonds shall be of no further effect.

b. A performance bond on the part of the contractor for at least 50 percent of the contract amount for contracts without federal funds, 100 percent of the contract price for federally funded contracts, or for such percentage as may be required by law or funding agencies. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor’s obligations under such contract.

c. A payment bond on the part of the contractor. A payment bond is one executed in connection with a contract to assure payment, as required by law, of all persons supplying labor and material in the execution of the work provided for in the contract. Payment bond in the amount of 100 percent of the contract price is required unless the award is less than $100,000 or the Board grants a variance.

d. A cash deposit, certified check, or other negotiable instrument may be accepted by a grantee in lieu of performance and payment bonds, provided the grantee has established a procedure to assure that the interest of the grantor agency is adequately protected.

2. At the discretion of the Contracts Officer and project manager, bonding of higher limits than the minimum may be imposed if the project risk warrants such.

Appendices

- Responsive Bidder/Proposer Checklist for RFP/RFQ (Appendix 11)

SECTION 026 – PAYMENT PROVISIONS IN THIRD-PARTY CONTRACTS

1. Advance Payments
   a. For non-federally funded contracts, the use of advance payments is strongly discouraged and will only be agreed to if no other option is available.
   b. For federally-funded contracts, the federal funding agencies do not authorize and will not participate in funding payments to a contractor prior to the incurrence of costs by the contractor unless prior written concurrence is obtained from the federal funding agency(ies).

2. Progress Payments. The risk associated with use of progress payments is that SACOG may make payment for contract work that has not been completed. SACOG should only use progress payments if the following conditions are met, as applicable:
   a. The percentage of completion method for progress payments can only be used on construction contracts if the procurement is FTA funded.
   b. Progress payments are only made to the contractor for costs incurred in the performance of the contract.
   c. SACOG obtains adequate security for the progress payments and has sufficient written documentation to substantiate the work for which payment is requested. Adequate security may include taking title or obtaining a letter of credit or taking equivalent measures to protect the recipient’s financial interest in the progress payment.
   d. SACOG obtains sufficient documentation to demonstrate completion of the amount of work for which progress payments are made.
3. Pursuant to prompt payment provisions in state law, terms and conditions in grants to SACOG from state and federal agencies, and federal regulations applicable to procurements with DBE requirements, payment is typically required by SACOG prime contractors to their subcontractors within 15 days. SACOG monitors payments to DBE subcontractors through use of monthly progress reports from contractors.

Appendices
- U/DBE & SB Monthly Participation Progress Report (Appendix 14d)

SECTION 027 – LIQUIDATED DAMAGES PROVISIONS

1. SACOG may use liquidated damages if it may reasonably expect to suffer damages (increased costs on project involved) from late completion and the extent or amount of such damages would be difficult or impossible to determine.
2. The use of liquidated damage provisions is at the discretion of the CEO.
3. The assessment for damages shall be at a specific rate per day for each day of overrun in contract time, and the rate must be specified in the third-party contract. Any liquidated damages recovered shall be credited to the project account involved unless the grantor agency permits otherwise. Documentation establishing how the liquidated damages amount was determined will be provided by the project manager for the contract file.

Appendices
- None

SECTION 028 – CONTRACT AWARD ANNOUNCEMENT

Once the contract terms have been negotiated, a post-award notice should be sent to those bidders/offerors who were not selected for the award. The Contracts Officer will send a notice to proceed to the successful proposer/bidder following execution of a contract. If SACOG implements a contract award announcement procedure for federally funded procurement for goods or services (including construction services), the announcement should specify the amount of federal funds that will be used to finance the acquisition in any announcement of the contract award for such goods or services.

Appendices
- Post-Award Notice to Unsuccessful Proposers (Appendix 21)
- Notice to Proceed (Appendix 22)

SECTION 029 – CONTRACT PROVISIONS

All contracts should include provisions to define a sound and complete agreement. In addition, contracts and subcontracts should contain contractual provisions or conditions that allow for:

1. Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, including sanctions and penalties as may be appropriate, for all contracts in excess of the small purchase threshold.
2. Termination for cause and for convenience, including the manner by which it will be affected and the basis for settlement.

Appendices

- None

SECTION 030 – CARDINAL CONTRACT CHANGE

1. A cardinal contract change is a significant change in contract work (goods or services) that causes a major deviation from the original purpose of the work or the intended method of achievement or causes a revision of contract work so extensive, significant, or cumulative that, in effect, the contractor is required to perform very different work from that described in the original contract. Such practices are sometimes informally referred to as “tag-ons.” A change within the scope of the contract (sometimes referred to as an “in-scope” change) is not a tag-on or a cardinal change.

2. A cardinal change cannot be identified easily by assigning a specific percentage, dollar value, number of changes, or other objective measure that would apply to all cases. The following guidance should be used, however, in order to determine if a change is a cardinal change and if such a change will therefore constitute a sole source. Legal Counsel should be consulted to make a final determination regarding whether a particular contract change will constitute a cardinal change.

   a. Changes in Quantity. To categorize virtually any change in quantity as a prohibited cardinal change (sometimes referred to as an “out-of-scope” change) fails to account for the realities of the marketplace and unnecessarily restricts a recipient from exercising reasonable freedom to make minor adjustments contemplated fairly and reasonably by the parties when they entered into the contract. The U.S. Supreme Court decision in Freund v. United States, 260 U.S. 60 (1922) supports this policy.

   b. Customary Marketing Practices. Marketing practices can influence the determination of which changes will be “cardinal.”

   c. Balancing Test. Based on the nature and extent of the work to be performed; the amount of effort involved; whether the change was originally contemplated at the time the original contract was entered into; or the cumulative impact on the contract’s quantity, quality, costs, and delivery terms, is the change significant? Generally, a change that causes the contract value to exceed the advertised potential contract value by more than 25 percent will be considered a cardinal change.

   d. Rolling Stock. In the case of rolling stock, a major change in quantity or a substitution of major end items not contemplated when competition for the original award took place would generally be a cardinal change. Another cardinal change would, at this time, include a change from a high-floor to a low-floor vehicle. Changing an engine might result in a cardinal change depending on the circumstances surrounding the project and whether a compatible replacement could be obtained through competition. FTA, however, considers changes to seating, fabrics, and colors, exterior paint schemes, signage, and floor covering, and other similar changes to be permissible changes.

   e. Federal Procurement Standards. The broader standards applied in federal contracting practice reflected in Federal court decisions, federal boards of contract appeals decisions, and comptroller general decisions provide guidance in determining whether a change would be treated as a cardinal change. SACOG will not necessarily treat these federal procurement decisions as controlling, however, SACOG intends to consider
the collective wisdom within these decisions in determining the nature of third-party contract changes along the broad spectrum between permissible changes and impermissible cardinal changes.

f. Managing A&E Contracts and Task Orders. When maximum values are set forth in a contract or TO, the contract manager must carefully track the dollar value capacity to avoid exceeding the stated maximum amount(s). The Contracts Officer will verify capacity of funds and time prior to preparation of the amendment or TO. Amendments or task orders issued in excess of the stated maximum time or amount in the contract may be treated as sole source procurements. The intent of the parties at origination of a contract or TO that is intended to cover a phased project should contain a description of the plan for future deliverables or services by amendment or additional TOs in order to avoid the need for sole source documentation. Such a plan should be described in the contract or TO so as to clearly establish that such future deliverables and/or services are conditioned upon applicable matters within SACOG’s discretion such as availability of funds, budget, contractor performance, and SACOG’s best interest.

Appendices

• None

SECTION 031 – STATUTORY AND REGULATORY REQUIREMENTS FOR FEDERALLY FUNDED CONTRACTS

1. A current (but not all-inclusive) list of statutory and regulatory requirements applicable to SACOG procurements (such as Davis-Bacon Act, DBE, Clean Air, and Buy America) is contained in SACOG contract templates. SACOG is responsible for evaluating these requirements for relevance and applicability to each procurement. For example, procurements involving the purchase of iron, steel, and manufactured goods will be subject to the “Buy America” requirements in 49 C.F.R. Part 661 if there is FTA funding, but different Buy America provisions will apply if there is FHWA funding in a procurement.

2. It is the responsibility of each person in the procurement process to ensure that all required clauses specific to the type of procurement and funding type are included in the contract boilerplate, that those federal clauses accompany all bid or proposal documents, that the bidder/offeror completes the required certifications and that the PO or contract includes reference to the clauses and contains signed certifications.

Appendices

• None

SECTION 032 – PURCHASE ORDERS AND BLANKET PURCHASE ORDERS

1. The Contracts Officer will determine if a BPO is feasible. A PO or BPO may not exceed the applicable small purchase threshold. A PO or BPO may not be used if the standard purchase order terms and conditions are not sufficient to protect SACOG’s interests. If tailored terms and conditions are needed due to the nature of the goods or services being purchased or the risks of the project, a contract is required. POs and BPOs are only intended to be used for goods and services that are ordered routinely and repeatedly.

2. POs must include applicable standard terms and conditions, which must be selected based on funding types and the items or services being procured.
3. Before a PO is selected as the method of procurement, a purchase order checklist will be used to ensure a PO is appropriate.

4. BPOs are intended to enable the rapid and routine procurement of various items without processing each order on a separate PO.

5. The requestor may suggest potential vendors if the simplified procurement process has been utilized. The Contracts Officer is ultimately responsible for reviewing the simplified procurement process used for a PO or BPO, including the ICE and record of negotiation (RON).

6. If a BPO is used, the vendor is given the BPO number assigned and the dollar limit which covers a fiscal-year period. A BPO may be requested at any point during the year, but will only be in effect for the fiscal year. Additional years may be approved by the Contracts Officer so long as the approval is consistent with Board policies concerning procurements.

7. Once a BPO is established, the requestor will place each individual order, ensure proper expense account coding, and approve the amount to be paid from the BPO. The CEO or his/her designee should confirm that goods or services have been received by signing the packing slip received with each order and include a copy with the invoice to be paid.

Appendices
- Procurement Requisition Form (Appendix 2)
- Method of Procurement Selection Form (Appendix 10)
- Purchase Order Checklist (Appendix 31)
- Notice of Intent to Award (Appendix 16)

SECTION 033 – DELEGATION OF AUTHORITY AND APPROVALS

All procurements MUST be approved by the SACOG CEO.

All procurements exceeding $15,000.00 must be approved by the CEO and by the Board of Directors. Transactions approved by persons without authority are void.

In the event of an emergency or urgent need, the CEO is authorized to take all necessary actions to prevent significant unnecessary loss to SACOG, a shut down of public services, or to address a situation threatening the health or safety of persons or property, including but not limited to, authorization to contract with a contractor or consultant on a sole sources basis, consistent with applicable state or federal law without prior approval from the Board of Directors. In the event such an emergency or urgent need occurs, the CEO will consult with the President of the Board and submit a report to the Board of Directors at its next regular meeting in order to obtain ratification for those actions.

Appendices
- None
SECTION 034 – PROCUREMENT CARDS

SACOG will maintain credit cards under the control of the Director of Finance and Administration which will allow for cost- and time-effective procurements. Use of credit cards is subject to the procurement requirements applicable to micro and small purchases as detailed in Section 22.

Appendices
- Credit Card Charges Summary (Appendix 35)

SECTION 035 – CLOSEOUT OF CONTRACT AND TASK ORDERS

At the conclusion of the work assigned to a contractor in a contract or task order, the project manager is responsible for notifying the Contracts Officer that the contract or task order is being closed out. An evaluation of the contractor should also be completed by the project manager and a copy provided to the Contracts Officer to include in SACOG’s records. When a contract or task order is being terminated, the project manager also must notify Director of Administration and Finance that the remaining funds in the contract or task order can be liquidated and unencumbered.

Appendices
- None

SECTION 036 - DISADVANTAGED BUSINESS ENTERPRISES AND EQUAL OPPORTUNITY

1. DBEs should have the maximum opportunity to participate in the performance of SACOG’s federally funded procurements and contracts. SACOG will fulfill its DBE obligations in its DBE plan by ensuring fair and full utilization of DBEs in the purchase of equipment, materials, and supplies and in the performance of contracts and subcontracts.

2. The required DBE clauses will be included in any and all DOT-financed agreements executed by SACOG. It is the policy of the DOT and SACOG that DBEs as defined in 49 CFR Part 26 should have the maximum opportunity to participate in the performance of contracts financed in whole or part with federal funds. Consequently, the DBE requirements of 49 CFR Part 26 apply to such procurements. Contractors must agree to ensure that DBEs as defined in 49 CFR Part 26 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds. Contractors must not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

3. DBE Accountability
   a. SACOG should monitor DBE payments under POs, contracts, or any other method used to expend funds with a certified DBE firm.
   b. A DBE directory should be maintained.
   c. The Contracts Officer will request a listing of DBE vendors from the directory for all federally funded procurements when a formal solicitation is used. The Contracts Officer is to supplement SACOG’s bid list by adding a sufficient number of DBE firms so that the notice to offerors/bidders can be distributed to all firms on the bid list created for the specific procurement activity. When there is a subcontract opportunity or it is deemed appropriate, a contract goal should be defined and documented.
d. SACOG will monitor POs and contracts on an ongoing basis to assure compliance with the applicable DBE program(s).

e. The establishment of one or more contract goals for a formalized procurement will be documented by the Contracts Officer based on the availability of the Underutilized DBEs (UDBEs) in the geographical area for the specific type of procurement and the judgment that the goal can reasonably be met by the bidder/proposer.

f. If at the time of bid or proposal submittal the DBE/UDBE goal is not met and if required by law, the bid or proposal will be requested for review by the Contracts Officer or a consultant to assure that a good faith effort has been met. The Contracts Officer will document that the bidder/proposer was either found responsive to the DBE/UDBE requirements of the RFP/IFB or has been deemed non-responsive by completing the “responsive checklist” if DBE/UDBE provisions are applicable.

4. Records and Reports

SACOG provides data about its DBE programs as directed by DOT operating administrations. SACOG creates and maintains a bidders list by collecting the data from bidders or through surveys. This list provides accurate data about DBE/UDBE and non-DBE contractors and subcontractors who seek to work on SACOG’s federally assisted contracts for use in setting overall goals. SACOG will obtain the following information about these DBE/UDBE and non-DBE contractors and subcontractors:

a. Firm name;
b. Firm address;
c. Firm's status as a DBE/UDBE or non-DBE;
d. Age of the firm; and
e. The annual gross receipts of the firm – information is obtained by asking each firm to indicate into what gross receipts bracket they fit (e.g., less than $500,000; $500,000 to $1 million; $1 to 2 million; $2 to 5 million; etc.) rather than requesting an exact figure.

5. DBE Requirements

a. SACOG has to fulfill the DBE requirements for all DOT-funded projects receiving planning, capital, and/or operating assistance who will award prime contracts (excluding transit vehicle purchases) exceeding $250,000 in funds in a federal fiscal year.

b. SACOG must submit a DBE program to the concerned operating administration. Once the operating administration has approved the program, the approval counts for all DOT-assisted programs (except that goals are reviewed by the particular operating administration that provides funding for DOT-assisted contracts). SACOG also will enter into an implementation agreement for its DBE program when required by a funding agency.

c. Additional information regarding SACOG’s DBE programs can be found in its FTA and FHWA DBE programs documentation.

Appendices

- Responsive Bidder/Proposer Checklist for RFP/RFQ (Appendix 11)
- Subconsultant List (Appendix 13)
- Bidders List (Appendix 14a)
- Local Agency U/DBE Commitment Form (Appendix 14b)
- DBE/UDBE Information – Good Faith Efforts Form (Appendix 14c)
- U/DBE & SB Monthly Participation Progress Report (Appendix 14d)
- Final Report – Utilization of U/DBE and SB, First-Tier Subconsultants (Appendix 14e)
SECTION 037 – PROCUREMENT REQUISITIONS

6. The procurement process formally begins with the preparation and submission of a procurement initiation packet to the Contracts Officer. The procurement requisition packet consists of the following forms:
   a. Scope of work/statement of work (SOW)
   b. ICE or Engineer’s Estimate
   c. Project schedule
   d. Specification (if available)
   e. RON (for task orders)
   f. Sole Source or Limited Competition Justification form (if applicable)

7. The project manager will complete the procurement initiation form by providing the following information:
   a. Entering the requestor name, department, project number, procurement value, date the service is needed, justification for procurement, and ICE value, description of services or goods, funding source, (if it will be a sole source or agreement with another government agency) vendor information, and any other applicable information that is required on the procurement requisition.

8. The procurement will be assigned to the Contracts Officer who will be responsible for the following:
   a. Completing a draft document such as a task order, amendment, memorandum of understanding (MOU), etc. per the request
   b. Determining if a DBE/UDBE contract goal needs to be set or re-evaluated and arranging for the goal setting documentation to be prepared internally or by a consultant.
   c. Determining whether a pre-award is required and arranging for an auditor to carry out the audit.
   d. Setting the estimated procurement schedule when a formal procurement method is used.
   e. Reviewing any grants or agreements concerning the funding that will be used for the procurement and incorporating necessary provisions or referencing any pass-through obligations in the draft contract, task order, MOU, etc. so that document provisions can be tailored accordingly.
   f. Sending the final formatted contract to the consultant/contractor for signature.
   g. Once the signed contract is received, routing the signed document for final signature per the Director Delegation and/or Red Flag approval process.
   h. Sending a copy of the executed contract to the consultant/contractor.

9. When a credit card is used, a sales receipt must be attached with the signature of the person taking possession of the goods attesting to such receipt.

10. The MOP form is intended to assist project managers and the Contracts and Procurement Department in determining the rationale for the selection of procurement method and cost type of a solicitation and should be filled out in accordance with Section 042 of this manual.

Appendices

- Procurement Requisition Form (Appendix 2)
- Method of Procurement Selection Form (Appendix 10)
SECTION 038 – INDEPENDENT COST ESTIMATE (ICE)

1. In the FTA Circular 4220.1.F, it is specified that grantees should perform a cost or price analysis in connection with every procurement action including change orders, contract modifications and sole source procurements.

2. The intent of the Circular 4220.1.F, with respect to cost and price analysis (which logically begins with an in-house cost estimate) is to capture every procurement, not just “major” procurements. The degree of the analysis and the degree of detail of the in-house cost estimate depend on the size and complexity of the procurement. An ICE or EE should be developed for every procurement and the estimate must be documented using the appropriate standardized SACOG form. A consultant not otherwise involved in the procurement, who has signed appropriate conflict of interest forms including a Form 700 and does not have a conflict, may prepare and sign the ICE if SACOG staff member will be involved in negotiating the final price, level of effort, or other cost issues.

3. A cost analysis should be used when a price analysis will not provide sufficient information to determine the reasonableness of the contract cost. For example, when the offeror submits elements (such as labor hours, overhead, materials) of the estimated cost, (such as professional consulting and A&E contracts); when price competition is inadequate; when only a sole source is available, even if the procurement is a contract modification or; in the event of a change order. SACOG, however, need not obtain a cost analysis if it can justify price reasonableness of the proposed contract based on a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation.

   a. Establishing Indirect Cost Rates. For contracts other than A&E contracts, if the contractor or subcontractor does not have an approved government indirect cost rate agreement, the contract’s dollar value should determine how that rate is verified.

      i. Contracts of $5 million or less. The audit recommendations of the contractor’s certified public accountant or indirect cost information in the contractor’s annual statement to their stockholders, shareholders, or owners or examples of acceptance of their rates by other governmental agencies within the last six months should be used.

      ii. Contracts exceeding $5 million. If federal funding is being used, the Defense Contract Audit Agency, another federal cognizant audit agency, or an accounting firm approved by the federal government to perform audits for the federal government must verify the contractor’s rates.

   b. Profit. Profit should be negotiated as a separate element of the cost for each contract or task order in which there has been no price competition and in all acquisitions in which SACOG performs or acquires a cost analysis. To establish a fair and reasonable profit, SACOG considers the complexity of the work to be performed, the risk undertaken by the contractor, the contractor’s investment, the amount of subcontracting, the quality of the contractor’s record of past performance, and industry profit rates in the surrounding geographical area for similar work.

4. If SACOG determines that competition was adequate, a price analysis (rather than a cost analysis) should be used to determine the reasonableness of the proposed contract price. SACOG may use an abbreviated price analysis for micro and small purchases in most cases. One method to record this price analysis is through the use of a preprinted form on which the Contracts Officer can annotate a finding of fair and reasonable pricing.
and check off the most common reasons why this would be so, such as catalog or market prices offered in substantial quantities to the general public, regulated prices (for example, for many utilities purchases), or a comparison with recent prices for similar goods and services.

Appendices

- Procurement Requisition Form (Appendix 2)
- Independent Cost Estimate (ICE) Justification for Small Procurements (Appendix 23a)
- Independent Cost Estimate, Scope of Work, Summary, and Staffing Plan (Appendix 24)

SECTION 039 – INSURANCE REQUIREMENTS

It is the policy of SACOG to require that third-party contractors or consultants maintain insurance coverage to meet insurance standards contained in specific contract boilerplate. Proof of insurance coverage shall be documented by the Contracts Officer.

Appendices

- None

SECTION 040 – METHOD OF PROCUREMENT SELECTION (MOPS) FORM

The Contracts Officer is responsible for attaching and completing all required sections of a MOPS Form, and related memos if needed to ensure satisfactory documentation of the competitive procurement decision making process is enclosed in the contract folder.

Appendices

- Method of Procurement Selection Form (Appendix 10)

SECTION 041 – PROCUREMENT DOCUMENTS

At a minimum the contract folder should include:

1. Solicitation document (IFB, RFQ, or RFP)
2. Contract (agreement/MOU/lease/letter agreement/PO/etc.)
3. Amendments
4. Task orders
5. Documentation establishing reasonableness of procurement method (MOPS, procurement requisition, Purchase Order Checklist, Sole Source Approval form, Limited Competition Approval form)
6. Documentation establishing reasonableness of amount paid (ICE, RON, evaluation committee score sheets)
7. Documentation of required federal forms and U/DBE compliance
SECTION 042 – REVISIONS TO MANUAL

Unless otherwise noted in this manual, revisions or waivers to any of the procedures in this manual may only be approved by the:

9. The CEO; or
10. The Board (if such revisions conflict with current Board policy).

SECTION 043 – ADVERTISING OF SOLICITATIONS

1. All RFPs, RFQs, and IFBs (collectively “solicitations”) will be advertised, at a minimum, as set forth elsewhere in this manual depending on the type and amount of the procurement. If the complexity or the specialized nature of the procurement warrants additional advertising, the Contract Officer should be consulted. All solicitations in excess of the applicable small purchase threshold, which are not sole source or limited competition procurements, will be advertised on SACOG’s webpage.

2. A notice of solicitation will be sent to all firms identified as interested in the type of project being advertised. If no clear category for the type of project is maintained, then the project manager and Contracts Officer should use their best judgment in selecting multiple categories to ensure an adequate response to the solicitation.

3. The preferred publication for the advertisement of construction and A&E procurements is the County Trade Journal. Additional publications, in a newspaper of general circulation and at least one DBE/small business directed or trade newspaper published in the county, is required for competitive procurements over $100,000.

SECTION 044 – DISTRIBUTION OF ADVERTISED SOLICITATION DOCUMENTS

1. All of SACOG’s solicitation documents for procurements in excess of the applicable small procurement threshold are made available on its website including map, drawings, and other documents. At the time that the solicitation documents are posted, businesses that have requested notice of solicitations of the type being posted via registration on SACOG’s website, as well as any other qualified business SACOG staff desires a proposal from, should be sent a solicitation notification.

2. When SACOG staff provides solicitation documents to someone not currently in SACOG’s online vendor database, SACOG should request the proposer to register in SACOG’s online vendor database.

3. For construction bids, SACOG staff will add the contractor to the bidders list and request that the contractor register in SACOG’s online vendor database.
APPENDICES

1. Sole Source Approval Form
2. Procurement Requisition Form
3. SACOG Standard of Conduct Policy
4. Contractor’s Statement of Experience and Financial Condition
5. Protest Procedures for Procurements
6. Recommendation for the Selection of a Contractor Memo Template
7. SACOG Evaluator (Consultant/Contractor Evaluation Committee) Guidelines
8. Declaration Concerning Conflicts for Evaluators
9. Sample - Cost Proposal
10. Method of Procurement Selection Form
11. Responsive Bidder/Proposer Checklist for RFP/RFQ
12. Bid Summary
13. Subconsultant List
14. U/DBE Information
   14a. Bidders List
   14b. Local Agency U/DBE Commitment Form
   14c. DBE/UDBE Information – Good Faith Efforts Form
   14d. Final Report – Utilization of U/DBE and SB, First-Tier Subconsultants
15. Solicitation Notification
16. Notice of Intent to Award
   16a. IFB Notice of Intent to Award
16b. Notice of Intent to Award RFP’s

17. Notice of Intent to Enter Negotiations with Another Proposer

18. Notice to Short-Listed Proposers

19. Notice to Proposers Not Making Short-List

20. Request for Cost Proposal

21. Post-Award Notice to Unsuccessful Proposers

22. Notice to Proceed

23. Independent Cost Estimate (ICE) Justification

   23a. Independent Cost Estimate (ICE) Justification for Small Procurements

   23b. Independent Cost Estimate (ICE) Justification for Project-Specific/Regulated-Rate Procurements

24. Independent Cost Estimate Scope of Work, Summary, and Staffing Plan

25. Limited Competition Approval Form

26. Procurement Closeout and Encumbrance Liquidation

   26a. Contracts, Task Orders and Job Orders - Close-Out Instructions

   26b. SACOG Consultant Performance Evaluation Tool


27. Record of Negotiation

28. On-Call Consultant Selection Form Sample

29. Purchasing Schedule Worksheet

30. Contract Payment Type Selection Form

31. Purchase Order Checklist
32. DBE Complaint Procedures and DBE Complaint Process Description for Staff
33. Cost Analysis Form
34. Price Analysis
35. Credit Card Purchase Form
36. Micro-Purchase Justification Form
SOLE SOURCE APPROVAL

Project Manager: ____________________________ Date: ________________
Contractor/Consultant/Vendor: ________________________________
Project Number: ____________________________ Contract Amount: $ ________________

Project Description:

Notice: Contracting without providing for full and open competition is prohibited unless justified on one or more of the boxes below. A requisition must be attached to this form.

<table>
<thead>
<tr>
<th>THE FOLLOWING MUST BE ANSWERED AFFIRMATIVELY</th>
</tr>
</thead>
<tbody>
<tr>
<td>BY MARKING THE BOXES BELOW, YOU ARE AFFIRMING THAT THE FOLLOWING STATEMENTS ARE TRUE.</td>
</tr>
<tr>
<td>☐ The need for a sole source is not due to a failure to plan or a lack of advanced planning.</td>
</tr>
<tr>
<td>☐ The need for a sole source is not due to concerns about the amount a Federal assistance available to support the procurement (for example, expiration of Federal assistance available for award).</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>JUSTIFICATION FOR AWARD OF SOLE SOURCE CONTRACT (WITH FEDERAL FUNDING)</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Staff solicited competitive bids and was unable to obtain a responsive bidder.</td>
</tr>
<tr>
<td>☐ The grantor agency providing the federal funds has approved sole source procurement.</td>
</tr>
<tr>
<td>☐ The service is only available from a single source because contractor will be required to use confidential information, intellectual property, or trade secrets owned by contractor.</td>
</tr>
<tr>
<td>☐ The federal grantor agency made the award of funds being used based on SACOG’s use of a particular team of contractors, and the contractor listed above is one of the team members identified in the funding application.</td>
</tr>
<tr>
<td>☐ The work is necessary to continue development or production of highly specialized equipment or components thereof, and it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition or when it is likely that award to another contractor would result in unacceptable delays in fulfilling SACOG’s needs.</td>
</tr>
<tr>
<td>☐ Sole source is authorized by statute, or only one contractor can comply with specific statutory requirements.</td>
</tr>
<tr>
<td>☐ A national emergency exists, and a particular facility or contractor is needed to achieve mobilization. The disclosure of SACOG’s needs in a public procurement process would compromise national security.</td>
</tr>
<tr>
<td>☐ A particular expert or neutral person’s services are needed for a current protest, dispute, claim, or litigation.</td>
</tr>
<tr>
<td>☐ A competitive procurement is precluded by the terms of an international agreement or treaty or the written directions of a foreign government providing reimbursement for the cost of the supplies or services.</td>
</tr>
<tr>
<td>☐ To establish or maintain an educational or other nonprofit institution or a federally funded research and development center that has or will have an essential engineering, research, or development capability.</td>
</tr>
<tr>
<td>ADDITIONAL JUSTIFICATIONS FOR AWARD OF SOLE SOURCE CONTRACT (W/NO FEDERAL FUNDING)</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>☐ Only one contractor/consultant/vendor who can provide unique/highly specialized item/service.</td>
</tr>
<tr>
<td>☐ Economy or efficiency supports award to existing contractor/consultant as a logical follow-on to work already in progress under a competitively awarded contract.</td>
</tr>
<tr>
<td>☐ Cost to prepare for a competitive procurement exceeds the cost of the work or item.</td>
</tr>
<tr>
<td>☐ The item is an integral repair part or accessory compatible with existing equipment.</td>
</tr>
<tr>
<td>☐ The item or service is essential in maintaining research or operational continuity.</td>
</tr>
<tr>
<td>☐ The item/service is one with which staff members who will use the item/service have specialized training and/or expertise and retraining would incur substantial cost in time and/or money.</td>
</tr>
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</table>

EXPLANATION:
Appendix 2

PROCUREMENT REQUISITION
(STARTS THE PROCUREMENT PROCESS FOR A PURCHASE OR CONTRACT)

Contract #: Contract Amendment # (If applicable)

Is this procurement a sole source? YES NO

Task Order # (If applicable): Task Order Amendment # (If applicable)

Contract #: Contract Amendment # (If applicable)

Is this procurement a sole source? YES NO

COMPLETE ALL APPLICABLE FIELDS BEGINNING HERE DOWN TO THE CONFIRMATION SIGNATURE SECTION

Requestor Name: Date:

Department: Extension:

OWP Number(s): Cost Code:

Total Contract: $ UDBE % DBE % Not Applicable

This Task Order: $ UDBE % DBE % Not Applicable

Procurement Justification:

Independent Cost Estimate (ICE): $

Every procurement requires a cost or price analysis that begins with an ICE. Procurements less than $5,000 may use a simplified ICE form. Procurements over $50,000 should use a standard ICE form listing hours, classifications, and rates by tasks. By approving this requisition, the requester attests that the ICE is a fair and reasonable estimation of costs that was independently prepared prior to solicitation.

QTY – use “1” U/M – use “lot” DESCRIPTION – describe services or product UNIT COST – individual cost EXTENDED COST – QTY multiplied by UNIT COST

<table>
<thead>
<tr>
<th>QTY</th>
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<th>DESCRIPTION</th>
<th>UNIT COST</th>
<th>EXTENDED COST</th>
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</table>

SUBTOTAL $0

ATTACHMENTS (as applicable):

☐ Scope of Work and Schedule ☐ Payment/Fee Schedule ☐ Quotes
☐ ICE ☐ RON ☐ Sole Source Justification
☐ Other (SPECIFY):

Funding Source: (CHECK/DEFINE ALL THAT APPLY)

☐ Federal YES NO ☐ FTA ☐ FHWA ☐ Other (DEFINE):
☐ State YES NO ☐ Caltrans or Other State Funding Description:
☐ Local YES NO ☐ Other (DEFINE):

Contract Number (for grant): ☐ Grant Number: $ Amount:

Grant YES NO Grant Description:

Grantor Pass-Thru Funding Obligations? YES NO

VENDOR INFORMATION

Name: 
Address: 
Tax ID: 
Phone: Fax:

CONFIRMATION/APPROVAL SIGNATURE(S)

*By approving the requisition, project manager asserts that the SOW for this procurement is within the SOW of the underlying agreement.

Project Manager: Date:
Finance Director: Date:
CEO: Date:
SACOG Standard of Conduct

I. Introduction and Applicability

This document established the standard of conduct applicable to all SACOG staff.

II. Guide to Ethical Decision Making

To assist in fostering a climate of ethical awareness, conduct, and decision making at SACOG, staff may find it useful to refer to or consider, either by themselves or if they are uncertain, in conjunction with the CEO and SACOG legal counsel, the following five questions:

1. Is the decision or conduct lawful?
2. Is the decision or conduct consistent with SACOG’s policies and goals?
3. Can the decision or conduct be justified in terms of public interest and would it withstand public scrutiny?
4. What will the outcome be for the staff member, other staff, SACOG, and others?
5. Do these outcomes raise a conflict of interest or lead to private gain to the staff member or the staff member’s family at SACOG expense?

Recognizing a Conflict of Interest

1. In addition to the provisions of the Political Reform Act, as enforced by the Fair Political Practices Commission, conflict of interest exists when it is likely that a staff member could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their duties of employment. Conflict of interest that leads to biased decision making may constitute corrupt conduct.

2. No staff member shall participate in the selection, or in the award or administration of, a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the staff member, any member of his or her immediate family, his or her partner, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

3. Some related interests that may give rise to a conflict of interest include:
   a. Personal beliefs or attitudes that influence the impartiality of advice given;
   b. Personal relationships with the people SACOG is dealing with that go beyond the level of a professional working relationship;
   c. Secondary employment that compromises the integrity of the employee and SACOG.

4. In all purchases for SACOG, any practices which might result in unlawful activity are prohibited including, but not limited to, rebates, kickbacks, or other unlawful considerations. SACOG staff are
specifically prohibited from participating in the selection process when those staff have a close personal relationship, family relationship, or business relationship with a person or business entity seeking a contract. An individual employee may often be the only person aware of the potential for conflict. It is, therefore, their responsibility to avoid any financial or other interest that could compromise the impartial performance of their duties, and disclose any potential or actual conflict of interest to the CEO.

5. If a staff member is uncertain whether a conflict exists, he/she should discuss the related interest matter with the CEO and attempt to resolve any conflicts of interest that may exist. To resolve any conflict of interest that occurs, or could occur, a range of options is available, depending upon the significance of the conflict. These options include:
   a. Recording the details of the disclosure and taking no further action because the potential for conflict is minimal or can be eliminated by disclosure or effective supervision;
   b. The staff member relinquishing the personal interest;
   c. The staff member being removed from the task/activity/situation where the conflict could occur.

6. Disputes over alleged conflicts of interest should be resolved by the CEO.

**Prohibition Against Financial Interest in a Contract**

1. It is unlawful for any Designated Staff to be financially interested in any contract made by them in their official capacity.

2. It is unlawful for any contract to be made by the SACOG Board or any committee established by SACOG’s Board or a committee if any individual member of the body has a financial interest in the contract.

3. For purposes of the prohibitions set forth above in subsections 1 and 2 of this section, the term financial interest means any interest, other than a remote interest as prescribed in California Government Code section 1091 or a non-interest prescribed in California Government Code section 1091.5, which would prevent the Designated Staff involved from exercising absolute loyalty and undivided allegiance to the best interests of SACOG.

4. Any Designated Staff with a remote interest in a prospective contract of SACOG’s must disclose the existence of the remote interest to the committee or other body on which the Designated Staff is a member if that committee has any role in creating, negotiating, reviewing, or approving the contract; and the Designated Staff must abstain from influencing or anticipating in the creation, negotiation, review, or approval of the contract.

**Prohibition Against Influencing SACOG Decisions Affecting Economic Interests**

1. It is unlawful for any Designated Staff to knowingly influence a SACOG decision if it is reasonably foreseeable that the SACOG decision will have a material financial effect on:
a. the Designated Staff or a member of his or her immediate family, if the material financial effect is distinguishable from its effect on the public generally; or

b. any of the following economic interests:
   1) any business entity in which the Designated Staff or a member of the Designated staff’s immediate family has invested $2,000 or more; and
   2) any business entity for which the Designated Staff or a member of the Designated Staff’s immediate family is a director, officer, partner, trustee, employee, or holds any position of management; and
   3) any real property which the Designated Staff or a member of the Designated Staff’s immediate family has invested $2,000 or more; and
   4) any person from whom a Designated Staff or a member of the Designated Staff’s immediate family has received (or by whom you have been promised) $500 or more in income within twelve months prior to the municipal decision; and
   5) any person from whom a Designated Staff or a member of the Designated Staff’s immediate family has received gifts which total $420 or more within twelve months prior to the municipal decision. This gift threshold is subject to adjustment as set forth in Title 2, section 18940.2, of the California Code of Regulations; and
   6) the personal expenses, income, assets, or liabilities of a Designated Staff or a member of the Designated Staff’s immediate family.

2. For purposes of this section, “material financial effect” has the same meaning as that term is used in Title 2, sections 18705 through 18705.5 of the California Code of Regulations.

Prospective Employment of Designated Staff

1. It is unlawful for any Designated Staff to make, participate in making, or use his or her official position with SACOG to influence a SACOG decision involving the interests of a person with whom he or she is seeking, negotiating, or securing an agreement concerning future employment.

2. It is unlawful for any person who has a matter pending before SACOG to negotiate, directly or indirectly, knowingly or willfully, the possibility of future employment of a Designated Staff who is making, participating in making, or using his or her official position to influence, a SACOG decision concerning that matter.

Restrictions Concerning Contracts and Procurements by Current and Former Employees

1. Notwithstanding any other section of this Policy, SACOG shall not contract with, and shall reject any bid or proposal submitted by, the persons or entities specified below, unless the CEO finds that special circumstances exist which justify the approval of such contract:
   a. Persons employed by SACOG;
   b. Profit-making firms or businesses in which SACOG employees serve as officers, principals, partners, or major shareholders;
c. Persons who, within the immediately preceding six (6) months, were employed by SACOG and (1) were employed in positions of substantial responsibility in the area of service to be performed by the contract, or (2) participated in any way in developing the contract or its service specifications; and

d. Profit-making firms or businesses in which the former employees described in subsection (c) serve as officers, principals, partners, or major shareholders.

III. Definitions

- **Compensation**: The receipt of any monetary or non-monetary payment for the services or time of a person. Compensation includes, but is not limited to, salary, wages, fees, and any discount or economic opportunity not made available in the regular course of business to members of the public.

- **Confidential Information**: (a) At the time of the use or disclosure of the information, the disclosure is prohibited by a statute, regulation, or rule which applies to SACOG; or (b) the information is not general public knowledge and will have, or could reasonably be expected to have, a material financial effect on any source of income, investment, or interest in the real property of SACOG; or (c) the information pertains to pending contract, labor, or real property negotiations and disclosing the information could reasonably be expected to compromise the bargaining position of SACOG; or (d) the information pertains to pending or anticipated litigation and disclosing the information could reasonably be expected to compromise the ability of SACOG to successfully defend, prevail in, or resolve the litigation.

- **Designated Staff**: Any SACOG staff member who is required to file a statement of economic interests pursuant to the California Political Reform Act of 1974 (Form 700), as amended.

- **Person**: Means any individual, business entity, trust, corporation, association, committee, or any other organization or group of persons acting in concert, whether for profit or not for profit.

- **Public Agency**: Means the United States or any of its agencies; the State of California; a city; any political subdivision of the State, including counties and districts; or any public corporation, agency, or commission.

- **Position of Substantial Responsibility**: Means a position in which a person took part personally and substantially by rendering a decision, approval, or disapproval for a department’s projects; by making a formal written recommendation; by conducting an investigation; by rendering advice on a significant basis; or by using confidential information.

- **SACOG Decision**: (a) The drafting, introduction, consideration, reconsideration, adoption, defeat, or repeal of any ordinance or resolution; and (b) the amendment of any ordinance or resolution; and (c) a report by SACOG staff to the Board or a committee; and (d) contracts; and (e) quasi-judicial decisions, including: (1) any decision on a land development permit, map, or other matter; or (2) any declaration of debarment; and (f) any other decision of the Board or a SACOG committee.
IV. Goals and Objectives

SACOG staff, Board members and the community at large have a right to expect the business of SACOG to be conducted with efficiency, fairness, impartiality, and integrity. Employment at SACOG carries with it an obligation to the public interest. It requires standards of professional behavior from staff that promote and maintain public confidence and trust. At the same time, staff should not be subject to unnecessary restrictions simply because they work for SACOG. Staff has all the normal rights of persons under state and federal law. Although no one set of rules can answer all ethical questions, this Standard of Conduct provides SACOG staff with an ethical framework for their decisions, actions, and behavior. In this regard, it explains the principles covering appropriate conduct in a variety of contexts and outlines the minimum standard of behavior expected of staff. Staff is expected to comply with this policy as well as all other state and federal laws regarding employment by public agencies including, but not limited to, conflict of interest laws.

V. General Principles

Staff must abide by the following principles when doing their work:

1. Staff are to implement the policies and decisions of SACOG in an impartial manner. In particular, staff shall comply with all applicable laws regarding conflicts of interest, including, but not limited to, the California Political Reform Act, and the provisions of the California Government Code regarding Prohibited Interests in Contracts, as these laws may be amended from time to time.

2. Staff are to treat their colleagues and members of the public fairly and consistently, in a non-discriminatory manner with proper regard for their rights and obligations. In this regard, staff should perform their duties in a professional and responsible manner. They should ensure that their decisions and actions are reasonable, fair, and appropriate to the circumstance, based upon consideration of all the relevant facts and supported by adequate documentation.

3. Staff are to promote confidence in the integrity of SACOG and always act in the public interest and not in their private interest while conducting SACOG business. Staff should protect the reputation of SACOG. They should not engage in activities, at work or outside work that would bring SACOG into disrepute.

4. Staff are to provide relevant and responsible service to the public and other staff, providing necessary and appropriate assistance. They should provide information promptly and in an appropriate format that is easy for the recipient to understand. The information should be clear, accurate, and complete.

5. Staff should keep up to date with advances and changes in their area of expertise and look for ways to improve performance and achieve high standards of work. They should use their authority, available resources, and information only for the work-related purpose intended.

VI. Acceptance of Gifts, Benefits, or Gratuities

In addition to requirements set forth in the Political Reform Act, as enforced by the Fair Political Practices Commission, staff should not accept gifts or benefits that are intended to, likely to, or be perceived to cause staff to act in a partial manner in the course of their duties. Staff will neither solicit nor accept gifts, gratuities, favors, or anything of monetary value equal to or in excess of $50 on an annual, aggregate basis from potential or current consultants or contractors, parties to sub-agreements, or other contracting parties. General guidance regarding these limitations may be found below. Gifts: Staff are prohibited from accepting gifts from vendors or from representatives of any non-governmental
organization that provides, or is desirous of contracting with SACOG if the aggregate annual value of the gift or gifts will equal or exceed $50. This prohibition applies to any gift, gratuity, favor, entertainment, or loan, and includes such items as liquor, lodging, travel, food, and tickets to public functions (sports events, theater, etc.).

1. Business Related Functions: Acceptance of an invitation to join a vendor at a function being attended for official agency business may be permitted by the CEO. Included in this category are luncheon meetings, lunches incidental to a business meeting held before or after the lunch period, and business-related dinners.

2. Industry Meetings: At industry meetings, seminars, or other related functions where the employee’s attendance is being funded by SACOG, it is permissible to accept hospitality at activities that are provided for the benefit of all industry people and are commonly accepted as being a part of the group activities. The maximum annual aggregate amount of gifts an employee may accept from a particular vendor must be less than $50.

3. Entertainment: SACOG staff may not be guests of a vendor, purchaser, contractor, or representative of a service organization at a sports event, theater, etc. These activities are not connected with SACOG business and could be criticized by the public or competitors of the host. The reason a company would act as such a host could be because the vendor, purchaser, contractor, etc. wants to solidify its position, influence the decision of the guest, or show its appreciation. When confronted with doubtful situations, SACOG staff should refuse the offer. The possibility of placing oneself, or SACOG, in a compromising position is thus avoided.

VII. Reporting Corrupt Conduct

Staff is urged to report suspected corrupt conduct to the CEO.
Appendix 4

Contractor’s Statement of Experience and Financial Condition
CONFIDENTIAL Contractor’s Statement of Experience and Financial Condition
(Updated 2014)

To be submitted to the Sacramento Area Council of Governments (SACOG)

Submitted by: ____________________________________________________________
Name of Firm

Address: ___________________________________________________________________
Street or P.O. Box

City ___________________ State _______ ZIP Code _____________________________

Contractor Primary Point of Contact: _________________________________________

Telephone: ___________________ Email: ________________________________
(Area Code) xxx-xxxx

Contract No.: ____________________________

Contract Bid Amount: ___________________ Project CIP No.: ____________________

Bid Date: _____________________________
Submittal Date: _______________________

All pages of the questionnaires and financial statements should be marked “CONFIDENTIAL”.

SACOG 1415 L Street, Ste 300 Sacramento, CA 95814
Instructions for Submitting Contractor’s Statement of Experience and Financial Condition (CSOEC)  

FREQUENCY OF SUBMISSION  
A new CSOEC will be required each time a bidder responds to an invitation for bid for a SACOG project containing a requirement for submission of a CSOEC. The CSOEC will no longer be valid for one year. It shall be the contractor’s responsibility to ensure that the CSOEC will be applicable to the project for which the CSOEC is being submitted.
submitted and that all information in the CSOEFC is up to date and accurate.

**EVALUATION OF CSOEFC**

For Invitations for Bids (IFBs), SACOG shall only evaluate the CSOEFC of the apparent lowest bidder. If the apparent low bidder does not meet the required qualifications, only then will SACOG evaluate the next apparent lowest bidder.

**AGE OF FINANCIAL INFORMATION**

SACOG reserves the right to reject statements in which the financial condition shown is twelve months or more prior to the date the CSOEFC was required to be submitted.

**DATA REQUIRED**

All applicable portions of the form should be filled out completely, with schedules being attached if the space provided is not sufficient.

It will be acceptable, in lieu of completing the specific schedules in the financial portion of the statement, for the contractor to submit the customary accountant’s report and schedules, provided that they include all of the information specifically requested in the form.

It is essential that the questions regarding construction experience be completed as such experience is a major consideration in establishing qualifications.

**AFFIDAVITS**

The appropriate affidavit must be completely executed or the statement will be returned. Where a consolidated statement is submitted to obtain joint qualification of several organizations, an appropriate affidavit must be executed for each entity that is a part of the joint venture. If firms are bidding or responding as a joint venture and have no consolidated statement, each partner in the joint venture must submit their own CSOEFC.

**ACCOUNTANT’S CERTIFICATE**

The certificate of a Certified Public Accountant or Public Accountant will be required in all cases. A suggested form of unqualified certificate is included which may be used if appropriate. However, it will be acceptable for the accountant to submit a certificate in his own words, including such qualifications as may be necessary in view of the scope of this assignment; provided that such qualifications shall not be so extensive as to nullify the value of the statement or its usefulness to SACOG.

Bearing in mind that working capital and the dollar value of previous construction projects worked on are important factors in determining the qualification of a contractor, the accountant will perform a valuation service for his or her client and at the same time assist SACOG by furnishing supplementary schedules, or as a part of his or her certificate, any information not specifically called for by the statement which in the accountant’s opinion may be properly taken into consideration.

In the event that the contractor’s job income and expenditures are accounted on a completed-contract basis and the balance sheet includes an item reflecting the excess of costs-to-date over billings-to-date, or vice versa, the elements of “Accumulated Costs” and “Billings to Date” must be shown in support of the balance sheet item.

**LICENSING**

Contractor requirements shall be guided by Division 3 of the Business and Professional Code concerning the licensing of contractors.”

**COMPLETENESS**

All forms must be completed, or the bidder must note where the required information is reflected in the attachments.

**BIDDING INFORMATION**

1. Any contractor may download an Invitation for Bid (IFB) package free of charge from the SACOG website.
2. Should contractors desire to bid or respond jointly, a joint-qualification statement containing information regarding each of the contractors must be submitted. Attention is called to the “Contractors’ License Law” with respect to the license requirements for joint bids or responses.

**REVIEW PROCESS**

Qualification approvals are based on showing evidence of the availability of sufficient working capital, the dollar value of previous contracts worked on, and the successful completion of previous contracts exceeding five times the annual value of the SACOG contract, subject to adjustment upon consideration of experience, equipment, and performance factors.

Working capital may be augmented by submission of Statement of Bank Credit (See Exhibit 6).

**SACOG QUALIFICATION REGULATIONS**

SACOG requires a CSOECF for all contracts where the estimated cost exceeds $500,000. SACOG may require a CSOECF for projects where the estimated cost is under $500,000. When completed, the CSOECF shall be verified under oath by the bidder in the manner in which pleadings in civil actions are verified.

SACOG shall apply a uniform system of reviewing bidders on the basis of the CSOECF.

In no event shall any bidder be awarded a contract if such contract award would result in the bidder having under contract an amount of work in excess of that authorized by its qualification approval.

The CSOECFs will be treated as confidential records.

SACOG shall furnish to each bidder a bid booklet, which shall be filled out, executed, and submitted as the bid (Section 1.4.1). Bid proposals shall be presented on the forms furnished. SACOG shall review all bid proposals to determine which bidder is the lowest responsive and responsible bidder.
Contractor’s Statement of Experience and Financial Condition

EXHIBIT 1 – CONTRACTOR’S STATEMENT OF EXPERIENCE

A Corporation A Copartnership An Individual Combination

Name: ________________________________________________________________

(Name Must Correspond with Contractor’s License in Every Detail)
The signatory of this questionnaire guarantees the truth and accuracy of all statements and of all answers to Interrogatories hereinafter made.

1. Are you licensed as a contractor to do business in California? License No.  
   Type Classification (Type) of Specialty Contractor:

2. How many years has your organization been in business as a contractor under your present business name:

3. How many years’ experience in construction work has your organization had? (Type)
   (a) As a general contractor?  (b) As a Subcontractor?

4. Show the projects your organization has completed or are under construction during the last five years in the following tabulation. (Attach additional sheets as needed).

To assure maximum consideration for your qualification, be specific as to the nature of the work your firm actually performed.

<table>
<thead>
<tr>
<th>Year</th>
<th>Type of Work</th>
<th>Value of Work Performed</th>
<th>Location of Work</th>
<th>Project Duration (Months)</th>
<th>For Whom Performed and Phone Number to Contact for Verification</th>
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</thead>
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</tbody>
</table>

A contractor that wishes to bid on projects handled by SACOG shall be licensed in accordance with the laws and regulations of California. The licensing must correspond to the applicable types of work and organization. Corporations not incorporated in the State of California must take the necessary steps to register to conduct business in the state.

For Questions 5-13, please also provide name of owner, title of project, contract amount, location of project, date of contract, and name of bonding company as applicable (attach additional pages if needed). All references to “bidder” should be treated as a reference to “proposer” and all references to a “bid” as a reference to a “proposal” where applicable.

5. List how many construction projects your organization will be working on in conjunction with the SACOG
6. Bidder or proposer must submit a summary of all claims made in the last five years arising out of previous contracts listed (including all claims by owner against bidder or proposer or bidder or proposer against owner, and the final status of each claim):

   _____________________________________________________________

   _____________________________________________________________

7. Have you or your organization, or any officer or partner thereof, failed to complete a contract? _______ if so, give details:

   _____________________________________________________________

8. Have you, your organization, or any officer or partner thereof, defaulted on a construction project within the last two years? ______________________________

   _____________________________________________________________

9. Have you or your organization, or any officer or partner thereof, ever been terminated by an owner or client, or rejected from bidding or responding on a public works project in the last five years? ______________________________

   _____________________________________________________________

10. Has a surety ever completed any portion of work of your organization’s projects within the last five years: _______ 

    _____________________________________________________________

11. Have you or your organization, or any officer or partner thereof, been formally found to be a nonresponsive bidder by a public agency within the last two years? ______________________________

    _____________________________________________________________

12. List any violation of the Apprenticeship Requirements under a State Business and Professions Code or Labor Code found by an appropriate authority within the last two years? ______________________________

    _____________________________________________________________

13. Have you or your organization, or any officer to partner thereof, been found guilty of failure to pay required prevailing wages on a public contract within the last two years? ______________________________

    _____________________________________________________________

14. In what other liens of business are you financially interested? ______________________________

    _____________________________________________________________

15. Name the persons with whom you have been associated in business as partners or business associates in each of the last five years? ______________________________

    _____________________________________________________________

16. What is the construction experience of the principal individuals of your present organization?

<table>
<thead>
<tr>
<th>Individual’s Name</th>
<th>Length of Employment</th>
<th>Present position or office in our organization</th>
<th>Has individual been involved in the same level of responsibility on</th>
<th>Years of Construction Experience</th>
<th>Magnitude and Type of Work</th>
<th>In What Capacity?</th>
</tr>
</thead>
</table>
18. Attach a resume for the individuals listed above, including the name, title, address, and phone number of an individual or organization who could verify the individual’s experience.

19. Have you or your organization, or any officer or partner thereof, or any employee of such organization who has a proprietary interest in such organization ever been disqualified, removed, or otherwise prevented from bidding or responding on or completing a federal, state, or local government project because of a violation of a law or safety regulation? If so, please explain the circumstances below:

__________________________________________________________________________

__________________________________________________________________________
EXHIBIT 2 – AFFIDAVIT

WHERE PREQUALIFICATION IS BASED ON A COMBINATION OF ORGANIZATIONS, THE APPROPRIATE AFFIDAVITS BELOW MUST BE EXECUTED FOR EACH MEMBER OF SUCH COMINATION
AFFIDAVIT FOR INDIVIDUAL

(Name of Individual)

Doing business as: ________________________________

certifies and says: That she/he is the person submitting the statement of experience and financial condition: that she/he has read the same, and that the same is true of his/her own knowledge; that the statement is for the purpose of inducing SACOG to supply the submittor with plans and specifications, and that any depository, vendor, or other agency therein named is hereby authorized to supply said SACOG with any information necessary to verify the statement and that furthermore, should the foregoing statement at any time cease to properly and truly represent his financial condition in any substantial respect, she/he will refrain from further bidding on SACOG work until she/he shall have submitted a revised and corrected statement.

I certify and declare under penalty of perjury that the foregoing is true and correct.

Subscribed at ________________________________, State of ____________________________

(City) (County)

Note: Statement will be returned unless affidavit on ____________________________, 20__ Is complete including the date of signature

(Applicant must sign here)

AFFIDAVIT FOR CO-PARTNERSHIP

__________________________________________, certifies and says: That she/he/it is a partner of ________________________________ (Name of firm)

that said partnership submitted the statement of experience and financial condition: that she/he has read the same and that the same is true of his/her own knowledge; that the statement is for the purpose of inducing SACOG to supply the submittor with plans and specifications, and that any depository, vendor, or other agency therein named is hereby authorized to supply SACOG with any information necessary to verify the statement; and that furthermore, should the foregoing statement at any time cease to properly and truly represent the financial condition of said firm in any substantial respect, he/she/it will refrain from further bidding on SACOG work until he/she/it has submitted a revised and corrected statement.

I certify and declare under penalty of perjury that the foregoing is true and correct.

Subscribed at ________________________________, State of ____________________________

(City) (County)

Note: Statement will be returned unless affidavit on ____________________________, 20__ Is complete including the date of signature

(Member of firm must sign here)

(Remaining members of firm sign here) (Name of firm)

AFFIDAVIT FOR CORPORATION

__________________________________________, certifies and says: That she/he is ____________________________ (Name of Officer)

(Official Capacity)
Of the

(Name of Firm)

the corporation submitting the statement of experience and financial condition; that she/he has read the same, and that the same is true of his/her own knowledge; that the statement is for the purpose of inducing SACOG to supply the submittor with plans and specifications, and that any depository, vendor, or other agency therein named is hereby authorized to supply said SACOG with any information necessary to verify the statement; and that furthermore, should the foregoing statement at any time cease to properly and truly represent the financial condition of said corporation in any substantial respect, it will refrain from further bidding on SACOG work until it shall have submitted a revised and corrected statement.

I certify and declare under penalty of perjury that the foregoing is true and correct.

Subscribed at ____________________________, ____________________________, State of ____________________________

(City) (County)

Note: Statement will be returned unless affidavit is complete, including the date of signature on ____________________________, 20___

(Note: use full corporate name and attach corporate seal)

CONTRACTOR’S COMMENTS

EXHIBIT 3 – INDEPENDENT AUDITOR’S REPORT
We have audited the accompanying balance sheet of ________________ as of ________________, and the related statements of income and retained earnings and cash flows for the year then ended. These financial statements are the responsibility of the Company’s management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with generally accepted auditing standards. Those standards required that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion. In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of ________________ as of ________________, and the results of its operations and its cash flows for the year then ended in conformity with generally accepted accounting principles.

________________________________________  __________________________
Signature                                      Date

Special Note to Accountant:

The above Certificate of Accountant must not be made by any individual who is in the regular employ of the individual, co-partnership, or corporation submitting this statement, nor by any individual who is a member of the concern, unless she/he discloses his/her financial interest therein. A determination will be made by SACOG if the financial interest is excessive.

THE CERTIFICATE OF A LICENSED ACCOUNTANT WILL BE REQUIRED IN ALL CASES.

ACCOUNTANT COMMENTS

________________________________________

EXHIBIT 4 – CONTRACTOR’S FINANCIAL STATEMENT

NAME:________________________________________________________

Condition at close of business__________________________, 20__________
<table>
<thead>
<tr>
<th>ASSETS</th>
<th>DETAIL</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Assets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Cash</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Notes Receivable</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Accounts receivable from completed contracts</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Sums earned on incomplete contracts</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Other accounts receivable</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Advances to construction joint ventures</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Materials in stock not included in Item 4</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Negotiable securities</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Other current assets</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td></td>
</tr>
<tr>
<td>Fixed and Other Assets</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Real Estate</td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Construction plant and equipment</td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>Furniture and fixtures</td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Investments of a non-current nature</td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>Other non-current assets</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total Assets</strong></td>
<td></td>
</tr>
<tr>
<td>Current Liabilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>Current portion of notes payable, exclusive of equipment obligations and real estate encumbrances</td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>Accounts payable</td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>Other current liabilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td></td>
</tr>
<tr>
<td>Other Liabilities and Reserves</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18.</td>
<td>Real estate encumbrances</td>
<td></td>
</tr>
<tr>
<td>19.</td>
<td>Equipment obligations secured by equipment</td>
<td></td>
</tr>
<tr>
<td>20.</td>
<td>Other non-current liabilities and non-current notes payable</td>
<td></td>
</tr>
<tr>
<td>21.</td>
<td>Reserves</td>
<td></td>
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<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td></td>
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<tr>
<td>Capital and Surplus</td>
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<tr>
<td>22.</td>
<td>Capital Stock Paid Up</td>
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<tr>
<td>23.</td>
<td>Surplus (or Net Worth)</td>
<td></td>
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<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total Liabilities and Capital</strong></td>
<td></td>
</tr>
<tr>
<td><strong>CONTINGENT LIABILITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24.</td>
<td>Liability on notes receivable, discounted or sold</td>
<td></td>
</tr>
<tr>
<td>25.</td>
<td>Liability on accounts receivable, pledged, assigned or sold</td>
<td></td>
</tr>
<tr>
<td>26.</td>
<td>Liability as bondsman</td>
<td></td>
</tr>
<tr>
<td>27.</td>
<td>Liability as guarantor on contracts or on accounts of others</td>
<td></td>
</tr>
<tr>
<td>28.</td>
<td>Other contingent liabilities</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Total Contingent Liabilities</strong></td>
<td></td>
</tr>
</tbody>
</table>

Note: Show details under main headings in that column, extending totals of main headings to second column.
<table>
<thead>
<tr>
<th>Name of Bank</th>
<th>Location</th>
<th>Deposit in Name of</th>
<th>Amount</th>
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<tbody>
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<table>
<thead>
<tr>
<th>Notes Receivable:</th>
<th>(a) Due within one year</th>
<th>$</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>(b) Due after one year</td>
<td>$</td>
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<tr>
<td></td>
<td>(c) Past Due</td>
<td>$</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Receivable From</th>
<th>For What</th>
<th>Date of Maturity</th>
<th>How Secured</th>
<th>Amount</th>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Receivable From</th>
<th>Type of Work</th>
<th>Amount of Contract</th>
<th>Amount Receivable</th>
</tr>
</thead>
</table>

Have any of the above been assigned, sold, or pledged? _________ If so, state amount, to whom, and reason

EXHIBIT 4 (CONTINUED) – DETAILS RELATIVE TO ASSETS

<table>
<thead>
<tr>
<th>Receivable From</th>
<th>Type of Work</th>
<th>Amount of Contract</th>
<th>Amount Receivable</th>
</tr>
</thead>
<tbody>
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</tr>
</tbody>
</table>

Have any of the above been assigned, sold, or pledged? ____ If so, state amount, to whom, and reason

*List separately each item amounting to 10 percent or more of the total and combine the remainder.
### Accounts receivable not from construction contracts

<table>
<thead>
<tr>
<th>Receivable From</th>
<th>For What</th>
<th>When Due</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

What amount, in any, is past due? $ ________________

Assigned, sold, or pledged $ ________________

### Advances to construction joint ventures

<table>
<thead>
<tr>
<th>Name of Joint Venture</th>
<th>Type of Work</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

What amount, in any, has been assigned, sold or pledged? $ ________________

### Materials in stock and not included in Item 4

- (a) For use on incomplete contracts (inventory value) $ ________________
- (b) For future operations (inventory value) $ ________________
- (c) For sale (inventory value) $ ________________

### VALUE

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
<th>For Incomplete Contracts</th>
<th>For Future Operations / For Sale</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

What amount, in any, has been assigned, sold, or pledged? $ ________________

If so, state amount, to whom, and reason $ ________________

### Negotiable Securities (List non-negotiable items under Item 13)

- (a) Listed – Present market value For use on incomplete contracts (inventory value) $ ________________
- (b) Unlisted – Present value $ ________________

<table>
<thead>
<tr>
<th>Issuing Company</th>
<th>Class</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Book Value | Present Value (Actual or Estimated)

<table>
<thead>
<tr>
<th>Issuing Company</th>
<th>Class</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Who has possession? If any are pledged

or in escrow, state form whom and reason

*List separately each item amounting to 10 percent or more of the total and combine the remainder.*
Important: items listed under this heading will be given no consideration as working capital unless actual or estimated market value is furnished.

<table>
<thead>
<tr>
<th>9</th>
<th>Other current assets</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bid deposits, prepaid expenses, cash value of life insurance, accrued interest, etc. $</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>10*</th>
<th>Real Estate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(a) Used for business purposes $</td>
</tr>
<tr>
<td></td>
<td>(b) Not used for business purposes $</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
<th>Held in Whose Name</th>
<th>Value</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>11</th>
<th>Construction plant and equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

| 11A | What is your approximate annual income from rental of equipment owned by you, Exclusive of such income from associated concerns having same ownership $ |

<table>
<thead>
<tr>
<th>12*</th>
<th>Furniture and Fixtures</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>13</th>
<th>Investments of non-current nature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>14</th>
<th>Other non-current assets</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
</table>

**Total Assets** $ _______________________

*Show book value (Cost less Depreciation) unless an appraisal schedule prepared by an independent appraiser is attached; in which case, appraised value may be shown.
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Current portion of Notes Payable, exclusive of equipment obligations and real estate obligations</td>
<td>$</td>
</tr>
<tr>
<td>To Whom Payable</td>
<td>What Security</td>
<td>When Due</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>Accounts Payable: (a) Not past due</td>
<td>$</td>
</tr>
<tr>
<td>(b) Past due</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>To Whom Payable</td>
<td>What Security</td>
<td>When Due</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>Other current liabilities</td>
<td>$</td>
</tr>
<tr>
<td>Accrued interest, taxes, insurance, payrolls, etc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>Amount</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>Real Estate encumbrances</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>Construction Equipment obligations</td>
<td></td>
</tr>
<tr>
<td>Secured by equipment:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Total payments due within six months</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>(b) Total payments due after six months</td>
<td>$</td>
<td></td>
</tr>
<tr>
<td>To Whom Payable</td>
<td>How Payable**</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20</td>
<td>Other non-current liabilities and non-current notes payable</td>
<td>$</td>
</tr>
<tr>
<td>Description</td>
<td>For What</td>
<td>When Due</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Reserves</td>
<td>$</td>
</tr>
<tr>
<td>Description</td>
<td>Amount</td>
<td></td>
</tr>
</tbody>
</table>
SACOG

Amounts owing to officers or stockholders of a corporation may be considered as advances of capital, and may be added to net worth for approval purposes, in those cases where verified subordination agreements are executed stating:

The amount of $_____________ due me from ________________________________

______________________________
(Name of Corporation)

Represents an advance of Working Capital and will not be withdrawn without prior notice to SACOG nor during the life of any contract with said SACOG on which the corporation may be the successful bidder or proposer.

______________________________
(Signature of Creditor)

(Date)
EXHIBIT 6 – GENERAL STATEMENT OF BANK CREDIT

In connection with the prequalification of ____________________________,
(Name of Contractor)
a contractor seeking to be awarded a contract(s) with SACOG, we hereby declare that said contractor has been extended a line of credit in a total amount exceeding $____________________, and that such credit will not be withdrawn or reduced without notice to SACOG.

This letter is signed with the understanding that it is a document to be used by SACOG for the purpose of determining the financial resources of said contractor available for use in performing work under contracts which may be awarded to him by SACOG during the term of his prequalification.

This General Statement of Bank Credit will EXPIRE with the Contractor’s Statement of Experience and Financial Condition for which the line of credit was issued.

__________________________________
(Name of Bank)

__________________________________
(Address)

By _________________________________

__________________________________
(Title)

PLEASE NOTE: The above form may be used to augment you Working Capital and completed by your bank, or if they prefer, one with substantially the same provisions may be issued on their own letterhead, referencing the contract number.
(SACOG USE ONLY)

CONTRACTOR’S STATEMENT OF EXPERIENCE AND FINANCIAL CONDITION (CSOEFC) REVIEW SHEET

1. Contract: ____________________________________________________________

2. Contract Bid Amount: $ __________________________

   Remarks

   __________________________________________________

3. Total Working Capital $ [Current Assets – Current Liabilities]

   __________________________

4. Statement of Bank Credit $ See Exhibit 6

   __________________________

5. Subtotal $ __________________________

6. Subtotal x 10 (Line 5 x 10) $ __________________________

7. Is Line 6> Line 2? yes / no (Circle one)

8. Does the largest value of all work bidder or proposer has had under contract over a previous similar time frame as the subject contract meet or exceed the total amount bid? If so, please explain.

9. Does the dollar value of at least one of the previous individual contracts listed have at least 50 percent of the dollar value bid on the SACOG contract? If so, please explain.

10. Has the bidder or proposer successfully completed contracts during the previous five years that together exceeds five times the annual value of the SACOG contract? If so, please explain.
SACOG USE ONLY

I have reviewed the contractor-furnished information contained in the CSOECF and have determined that the submittal is in compliance with SACOG Policy No.____. Therefore, this firm can be recommended for the award of this contract.

Initial Review Completed by__________________________, Firm Name:_________________________ Date:_________

[Enter person name, role and Firm Name here if applicable]

Experience Reviewed and Checked for Completeness by___________________________ Date:_______________

Contracts & Procurement

Financials Approved by___________________________ Date:___________________________ Finance/Accounting Dept.

Experience Reviewed by___________________________ Date:___________________________
PROTEST PROCEDURES FOR PROCUREMENTS

I. PROTESTS

The following procedures shall be used by SACOG to fairly and promptly respond to any protests received regarding third-party contracts or the contracting process. SACOG will consider all protests or objections regarding the contracting process or the award of an Agreement received by SACOG by 4 p.m. on the deadlines discussed below. SACOG will review only protests submitted by an actual or prospective Proposer. Protests by prospective subcontractors will be rejected. A protest by any adversely affected Proposer must be made in writing and must be mailed or hand delivered to SACOG. A protest which does not strictly comply with the SACOG protest procedures will be rejected.

A. Protests Before Bid/Proposal Opening

Protests relating to the content of the solicitation (i.e., RFP, IFB, RFQ), including protests related to DBE/UDBE requirements, must be filed within five (5) business days after the date the solicitation or addendum with the revised content is released to the public by SACOG. Failure to file a protest concerning the content of the solicitation or addendum prior to this deadline constitutes a waiver of any protest on these grounds.

B. Protests Related to Determination of Responsiveness

In the event the RFP contains a DBE/UDBE goal and SACOG makes a determination that Proposer has not met the goal or good faith effort requirements set forth in this RFP, SACOG will send the Proposer a Notice of Non-Responsiveness. Protests relating to any Notice of Non-Responsiveness must be filed within five (5) business days after the date of such notice. Failure to file a protest concerning the non-responsiveness determination prior to this deadline constitutes a waiver of any protest on these grounds and SACOG shall not be obligated to send Proposer any further notices.

C. Protests After Bid/Proposal Due Date

After Proposers are shortlisted and/or selected for negotiations, notices will be sent to all relevant Proposers. Protests relating to failure to make the shortlist must be filed within five (5) business days following protester’s receipt of a notice regarding the shortlisting. Protests relating to the intent to make an award must be filed within five (5) business days following protester’s receipt of the notice regarding the intent to negotiate. The date of filing shall be the date SACOG receives the protest. Untimely protests will be rejected. If deemed necessary, SACOG shall notify all Proposers of record that a protest has been filed and the award has been postponed until further notice. If necessary, Proposers will be asked to extend the time for acceptance of their proposal in order to avoid the need for readvertisement of the solicitation.
D. Protest Contents

A letter of protest must set forth detailed grounds for the protest and be fully supported with technical data, documentary evidence, names of witnesses, and other pertinent information related to the subject being protested. The protest also must state the law, rule, regulation, or policy upon which the protest is based. Protests concerning the relative weight of the evaluation criteria or the formula used in assigning points to make an award determination will be rejected. The protester must allege or establish a clear violation of a specific law, rule, regulation, or policy. If the protester considers that the protest contains proprietary material that should be withheld, a statement advising of this fact must be affixed to the front page of the protest document, and alleged proprietary information shall be so identified wherever it appears. Protests shall be mailed to:

The Protest Administrator

Reference: SACOG Contract Solicitation No. Solicitation #

E. Role Of The Protest Administrator

If a protest raises solely a question of law, the CEO shall retain the services of SACOG legal Counsel to serve as the Protest Committee. SACOG Legal Counsel will prepare a recommendation regarding the protest, in writing, to the SACOG CEO within ten (10) business days.

The Protest Administrator shall review each protest to determine if it is in compliance with the deadline, format, content, and notice requirements set forth in this Section. If a protest does not meet such requirements if may be rejected without further consideration. A written notice of such rejection shall be sent to the protester.

If the protest requires resolution of questions of fact, the Protest Administrator, his/her designee will appoint individuals to participate on a Protest Committee. The Protest Administrator will endeavor to appoint at least one of the Protest Committee members from an outside agency, and no one may sit on the Protest Committee that has a known and direct connection to the procurement that is the subject of the protest. The Protest Administrator also will appoint a chairperson for the Protest Committee. The Protest Administrator will gather the documents that the Protest Committee will need for its investigation and prepare a memo to the Protest Committee containing background information regarding the protest. Any communication regarding the protest between the protester and SACOG shall be through the Protest Administrator during the protest proceedings. Protesters may not contact anyone at SACOG other than the Protest Administrator. Protest Committee

The Protest Committee shall ensure the protest was received within the timeline specified and review the protest to determine if it itemizes in appropriate detail each matter contested as well as any factual reason(s) for the requested protest. The Committee chairperson shall schedule the date of the Protest Committee meeting, contact the Committee panel members, and distribute all protest documentation.

F. Reply To Protest

The Protest Committee will review all qualifying protests in a timely manner and may hold an informal hearing if deemed necessary in order to complete its investigation. The Protest Committee will prepare a recommendation regarding the protest, in writing, to SACOG’s CEO within ten (10) business days of the date of receipt of the protest. All materials included with the
original protest at time of submittal will be considered. Supplemental materials filed by a protester after the protest deadline will not be considered unless there are extenuating circumstances in the opinion of the Protest Committee. Protest documents will not be withheld from any interested party outside of SACOG, with the exception that information will be withheld when required by law or regulation. The CEO or his/her designee will either sustain or reject the protest in writing based upon the recommendation of the Protest Committee and the best interests of SACOG. This decision will be communicated in writing to the protestor and/or the party whose proposal is the subject of the protest and delivered by email or overnight delivery.

G. Results Of The Protest

If the protest relating to a contract award is sustained, the original Notice of Intent to Award may be withdrawn after the deadline for protest reconsideration has passed. SACOG then may issue a new Notice of Intent to Award to a different bidder/Proposer and a new protest period will commence using the same timelines discussed above. If the protest is rejected, the original Notice of Intent to Award will stand and SACOG will continue with contract negotiations with the awardee.

H. Federal Transit Administration Requirements Not Applicable in the absence of FTA Funding

1. FTA Review of Protests
   a. In the case of contracts funded by the FTA, the FTA will review only protests regarding the alleged failure of SACOG to have written protest procedures or alleged failure to follow such procedures.
   b. Alleged violations on other grounds are under the jurisdiction of the appropriate state or local administrative or judicial authorities. Alleged violations of a specific federal requirement that provides an applicable complaint procedure shall be submitted and processed in accordance with that federal regulation. See Buy America Requirements, 49 C.F.R. 661.15; Participation by Minority Business Enterprise in DOT Programs, 49 C.F.R. 26.
   c. The FTA will review only protests submitted by an interested party defined as an actual or prospective bidder or Proposer whose direct economic interest would be affected by the award of the contract or by failure to award the contract in accordance with FTA Circular 4220.1F. A subcontractor does not qualify as an “interested party.” (See FTA Circular 4220.1E, Chapter VII, Section I (1)(c)).”

2. Time for Filing
   a. Protesters shall file a protest with the FTA not later than five (5) business days after a final decision is rendered under the SACOG protest procedure. A copy of any protest documents filed with the FTA must be provided concurrently to SACOG. In instances where the protestee alleges that SACOG failed to make a final determination on the protest, protesters shall file a protest with the FTA not later than five (5) business days after the protestee knew or should have known of the failure of SACOG to render a final determination on the protest.
   b. SACOG shall not award a contract for five (5) business days following its decision on a bid protest except in accordance with the provisions and limitations of subparagraph 6.
After five (5) business days, SACOG shall confirm with the FTA that the FTA has not received a protest on the contract in question.

3. Submission of Protest to the FTA
   a. The protester must exhaust its administrative remedies by pursuing the recipient’s protest procedures to completion before appealing the recipient’s decision to the FTA. (FTA Circular 4220.1F, Page VII-3, November 1, 2008).
   b. Protests should be filed with the FTA Region 9 office and a copy must be sent to SACOG by the protester.
   c. The protest filed with the FTA shall:
      • Include name and address of protester
      • Identify SACOG as the grantee, the SACOG Contract Administrator, and number of the contract solicitation
      • Contain a statement of the grounds for protest and any supporting documentation. This should detail the alleged failure to follow protest procedures or the alleged failure to have procedures and be fully supported to the extent possible
      • Include a copy of the local protest filed with SACOG and a copy of the SACOG decision, if any

4. SACOG Response
   a. The FTA shall notify SACOG in a timely manner of receipt of a protest.
   b. SACOG shall submit the following information not later than ten (10) business days after receipt of notification by the FTA of the protest:
      • a copy of SACOG’s protest procedure
      • a description of the process followed concerning the protester's protest
      • any supporting documentation
   c. SACOG shall provide protester with a copy of the above submission.

5. Protester Comments
   The protester must submit any comments on the SACOG submission not later than ten (10) business days after the protester's receipt of the SACOG submission.

6. Withholding of Award
   When a protest has been timely filed with SACOG before award, SACOG shall not make an award prior to five (5) business days after the resolution of the protest, or if a protest has been filed with the FTA, during the pendancy of that protest, unless SACOG determines that:
a. The items to be procured are urgently required;

b. Delivery or performance will be unduly delayed by failure to make the award promptly; or

c. Failure to make prompt award will otherwise cause undue harm to SACOG or the federal government.

The FTA reserves the right not to participate in the funding of any contract awarded during the pendency of a protest.

7. FTA Action

Upon receipt of the submissions, the FTA will either request further information or a conference among the parties, or will render a decision on the protest.
MEMO

TO:             CEO
FROM:          Project Manager
SUBJECT:       Subject

1. **Introduction**

This memorandum contains the Insert Name Of Project Selection Committee’s recommendation for the selection of a contractor for Insert Description Of Project.

Copies of the RFP, legal notices, the proposal from the recommended consultant, sample evaluation form, and scoring/ranking of contractors are attached for your review. The Selection Committee’s recommendation is (state whether vote was unanimous or identify split of approval) and is in full compliance with SACOG’s policies and procedures for the procurement of such services.

The Selection Committee seeks your approval of its recommendation and authorization for staff to proceed with notification of the selected contractor and contract execution.

2. **Background**

[Include the dollar amount authorized for the project.] Date

3. **Procurement and Selection Process**

Include the following information:

- date RFP was sent out
- methods of publication of RFP
- whether a pre-posal meeting was held and if so, where and when it was held
- deadline for submitting proposals
- selection process used
- names and titles of individuals on selection committee
4. **Statement of Necessity and Lease Versus Purchase Analysis**

The sender of this Recommendation Memo asserts that the amount of property or services being procured does not exceed SACOG’s current and reasonably expected needs. To the best of the sender’s knowledge, this procurement does not include property or services that are duplicative or that are unlikely to be used. If this procurement concerns the procurement of equipment, supplies, or real property, the sender of this memo has analyzed the economic advantages and disadvantages of leasing versus purchasing and has concluded that [insert "leasing" or "purchasing"] is the best value for SACOG.

5. **Responsibility Determination**

The sender of this Recommendation Memo, with the assistance of the Contracts Officer has concluded that the selected consultant/contractor is responsible based on the following findings regarding the consultant/contractor:

- Has a satisfactory record of integrity and business ethics;
- Has not been debarred or suspended from Federal programs and is not listed on the Excluded Parties List System at [http://www.sam.gov](http://www.sam.gov);
- Is in compliance with Disadvantaged Business Enterprise requirements;
- Has the necessary organization, experience, accounting, operational controls, and technical skills, or the ability to obtain them;
- Is in compliance with applicable licensing and tax laws;
- Has or can obtain sufficient financial resources to perform the contract;
- Has or can obtain the necessary production, construction, and/or technical equipment and facilities to perform the contract;
- Is able to comply with the required delivery or performance schedule;
- Has a satisfactory current performance record;
- Has or can obtain key personnel with adequate experience and key subcontractors with adequate experience and past performance; and
- Has experience carrying out similar work.

6. **Contract Period Selection**

The duration of the contract period chosen for this procurement is [insert number] years with the possibility of [insert number] years of extensions. This contract period is reasonable for the following reasons [insert number].

7. **Recommendation**
[insert recommendation] [You must state the reasons the selected consultant/contractor was selected, including reasons why the consultant/contractor presents the best value to SACOG taking experience, price, and other evaluation factors into account.]

8. Approval

I hereby approve the recommendation of the [insert title of project] Selection Committee and staff, and authorize and direct staff to begin and contract negotiations with the selected consultant/contractor named above.

Approved:

________________________________________  __________________________
CEO                                      Date

Attachments: list attachment
             list attachment
Sacramento Area Council of Governments

Appendix 7

SACOG EVALUATOR GUIDELINES

I. PURPOSE

SACOG thanks you for your willingness to serve as one of its evaluators. Proposal and bid evaluators are tasked with assisting SACOG in selecting a grantee, consultant, or contractor through a competitive process. Non-SACOG members are invited to serve as evaluators when SACOG believes they can provide valuable additional experience and input that will assist in the ranking or selection process. These guidelines are intended to provide you with information regarding your responsibilities as an evaluator for SACOG.

II. ROLE AS AN EVALUATOR

You were most likely asked to assist SACOG in evaluating proposals or bids due to your experience and/or position as an elected official or as a representative of a public agency, regional interest group, or community stakeholder. The interests of the public with regard to the SACOG procurement or grant program may or may not coincide with the interests of the public or private organization you represent or with your personal interests. Since the funds used by SACOG to pay its grantees, consultants, and contractors are public funds, however, you will be expected to evaluate proposals or bids using objective standards that will best serve the interests of the public and SACOG.

You will be asked to review written proposals or bids from, and/or interview grantees, consultants, or contractors who would like to be awarded a grant or contract by SACOG using evaluation criteria or specifications that vary depending upon the type of grant or contract to be awarded. All of SACOG’s solicitations contain a section that sets forth specifications and/or assigned weights for each of the evaluation criteria.

If you are asked to review proposals, you will be given a score sheet and asked to evaluate each proposal based on the criteria in the solicitation. You must use only the criteria discussed in the solicitation when scoring the proposals. Only persons who are members of the evaluation committee may fill out a score sheet and have their scores tabulated as part of the selection process. You may or may not see the costs or bid portion of proposals, depending on the evaluation criteria and selection method determined by SACOG. You may be asked to take part in interviewing proposers after the written proposals are reviewed and scored. The weight of the interview portion of the evaluation process will be indicated in SACOG’s solicitation and interviewers will use standardized questions to ensure proposers compete on equal ground.

If you are asked to review all or a portion of the bid documents, you will be limited to advising SACOG of whether the bid is responsive to the specifications or contains errors. You must use only the criteria discussed in the solicitation.

SACOG staff may carry out additional tasks as part of the evaluation process that you will not be involved in, such as checking proposers’ references and holding additional meetings among SACOG staff to further evaluate the proposals. After the evaluation process is complete, a recommendation memo will be prepared for SACOG’s CEO. Evaluation committee members do not have authority to approve entry into negotiations or a grant or contract award with a particular proposer or bidder.

From time to time a proposer or bidder who is not selected for contract award is disgruntled regarding the evaluation process and files a protest with SACOG. SACOG has protest procedures for dealing with this scenario. If a protest is filed, the objectivity of the evaluators and the integrity of the evaluation process may be closely scrutinized by persons outside of SACOG. Additionally, all proposals, bids, and evaluation score sheets are potentially public records subject to disclosure to the public. Therefore, evaluators should exercise
care so that their score sheets and other evaluation documents are legible and do not contain comments that could be perceived as ambiguous, discriminatory, or derogatory.

III. CONFLICTS OF INTEREST

Conflicts of interest may arise as a consequence of the many and varied roles you play in our community. One of the goals of these Guidelines is to manage real or perceived conflicts of interest. SACOG has determined that a system of self-disclosure is most effective since conflicts of interest must be dealt with on a case-by-case basis. Discussion and disclosure generally can resolve issues related to conflict of interest.

A conflict of interest occurs when there is or could be a divergence between an individual's professional, private, or personal relationships or interests and his/her obligations to SACOG as an evaluator such that an independent observer might reasonably question whether the evaluator's actions or decisions are determined by considerations of private benefit, gain, or advantage. A conflict of interest or the appearance of it depends on the situation, and not necessarily on the character or actions of the individual. The appearance of a conflict of interest can be as damaging or detrimental as an actual conflict.

Potential conflicts of interest are not unusual and must be addressed. For example, sometimes people from the private sector are selected to serve as a member of one of SACOG’s evaluation committees because of their experience in a particular industry. Therefore, it is expected that situations may arise where a person that has served as an evaluation committee member may work for a private sector employer or client that will in the future want to submit a proposal or bid to SACOG in response to a solicitation. In order to prevent an actual or perceived conflict of interest, a person serving as an evaluator must disqualify him or herself and the private organization he/she is employed by from submitting a proposal/bid to SACOG or receiving compensation from SACOG for a prospective period of one year for work related to the project for which SACOG is conducting its competitive solicitation. The foregoing sentence will not apply, however, if your organization is under contract with SACOG to perform proposal/bid evaluation work as part of its scope of work following a conflict evaluation related to your contract. This one-year bar also applies to persons who were employed in the public sector when serving as an evaluator, but who eventually take a position as a consultant for, employee of, or owner of a private sector firm. California law states that certain financial interests are automatically a conflict of interest. SACOG has listed these prohibited interests as well as others that it chooses to avoid in the attached Declaration Concerning Conflicts.

It is wrong for an individual's actions or decisions made in the course of his or her SACOG activities to be determined by considerations of personal financial gain or illegal bias. Such behavior calls into question the professional objectivity and ethics of the individual and it also reflects negatively on SACOG. As a SACOG evaluation committee member you must respect SACOG’s status as a recipient of public funds and conduct your affairs in ways that will not compromise SACOG’s integrity.

For all of the above reasons, evaluators must fill out the attached “Declaration Concerning Conflicts” and return it to SACOG before they begin evaluating any proposals or bids, and must report potential conflicts that may arise during the evaluation process. Potential conflicts must be reported up until the time a contract or grant is actually awarded or until an evaluator’s role in the evaluation process is complete, whichever occurs first, so that appearances can be separated from reality. If an evaluator believes she/he may have a potential conflict and it arises subsequent to submitting the Declaration Concerning Conflicts, the evaluator has an affirmative duty to immediately disclose any potential conflict of interest to the SACOG project manager or contract analyst. Notification of the actual or potential conflict should be given to the project manager or contract analyst. Evaluators with an actual or potential conflict of interest will be excused from assisting in the evaluator process.
IV. CONFIDENTIAL INFORMATION

Proprietary or other confidential information that a SACOG evaluator may be exposed to at SACOG may never be used in external activities or disclosed to others unless written approval is given in advance by SACOG’s CEO or designee.

V. PROHIBITION AGAINST DISCRIMINATION AND HARASSMENT

SACOG has a policy of nondiscrimination as required by federal and state law due to SACOG’s use of federal and state money to fund contracts. This policy applies to the selection of consultants and contractors. SACOG’s policy prohibits discrimination on the basis of sex, age (over 40), religion, creed, race, nationality, color, disability, sexual orientation, or marital status. All evaluators are expected to abide by this policy when evaluating consultants. SACOG’s policies prohibiting harassment, discrimination, or violence when dealing with SACOG’s employees or using SACOG’s facilities or property also apply. Evaluators suspected of actual or potential discrimination in violation of SACOG policy will be excused from assisting in the evaluation process.
DECLARATION CONCERNING CONFLICTS FOR EVALUATORS

INSTRUCTIONS

Please review the language in this declaration carefully prior to signing below. Once you have signed the declaration, please enclose it in an envelope marked “confidential” and submit it to the SACOG project manager or to the contracts officer who requested that you serve on SACOG’s evaluation committee.

For purposes of this declaration “interest in a firm” means having a financial interest (either personal or organizational) including, but not limited to, owning stock or having an investment or profit-sharing interest in, receiving commissions or fees from, owning property with, or having a management or policy making position with a firm.

For purposes of this declaration “relationship with a firm” means employee, consultant, officer, attorney, agent, broker, supplier of services or goods, landlord or tenant, or officer or employee of a firm.

For purposes of this declaration “firm” means a person, corporation, or unincorporated association.

DECLARATION

I, ________________________________, have been asked to serve as a member of SACOG’s evaluation committee for proposals or to help evaluate bids submitted for:

____________________________________ (“the Project”).

I have reviewed the SACOG EVALUATOR GUIDELINES. I understand that I cannot serve as an evaluation committee member or as a bid evaluator if I have an actual or potential conflict of interest or am unwilling or unable to serve without discriminating against proposers/bidders on the basis of sex, age (over 40), religion, creed, race, nationality, color, disability, sexual orientation, or marital status. I understand that I will be expected to abide by SACOG policy prohibiting discrimination when serving as an evaluator. I also understand that SACOG’s policies prohibiting harassment, discrimination, or violence when dealing with SACOG’s employees or using SACOG’s facilities or property will also apply to me.

SACOG has provided me with a list of the firms who have submitted proposals or bids for the Project and any firms that may have assisted SACOG with the preparation of any development criteria, specifications, scope of work, grant solicitation, request for proposals or request for qualifications, or bid documents related to the Project.
Appendix 8

The name of my employer is: ________________________________.

My employer is:
- a public agency
- a non-profit corporation
- a corporation
- a sole proprietorship
- an unincorporated association (partnership, joint venture, LLC, LLP, etc.).

Mark the box below that applies:

☐ I do not have an interest in, or relationship with, any firm awarded a contract by SACOG in the last calendar year; or

☐ I do have an interest in, or relationship with, a firm awarded a contract by SACOG in the last calendar year and the names of those firms and the scope of work performed by each are:

________________________________________________________________________

or;

☐ I do not know if I have an interest in, or relationship with, a firm awarded a contract by SACOG in the last calendar year.

I understand that I must immediately report any potential conflicts of interest that I become aware of after signing this declaration to SACOG’s project manager or contract analyst.

In order to affirmatively establish that I do not have an actual or potential conflict interest, I make the following statements of fact:

1. I do not have an interest in, or relationship with, a firm that has submitted a proposal or bid to SACOG for the Project.

2. I have not received a gift with a value in excess of $50 during the last calendar year from a firm that has submitted a proposal or bid for the Project.

3. Neither my spouse nor children (if applicable) have an interest in, or relationship with, a firm that has submitted a proposal or bid to SACOG for the Project.

4. I do not have, and do not plan to have, a direct or indirect interest in a business, transaction, or professional activity that is in substantial conflict with the proper discharge of my duties as an evaluator that would interfere with my ability to serve SACOG’s best interests in objectively selecting a consultant/contractor/grantee for the Project.

5. I have not, and do not plan to incur, an obligation of any nature in a business or transaction or professional activity that is in substantial conflict with the proper discharge of my duties as an evaluation committee member or bid evaluator to serve SACOG’s best interests in objectively selecting a consultant/contractor/grantee for the Project.
I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct to the best of my knowledge on this _____ day of __________________________, 20____.

Signature of Declarant  
Printed Name of Declarant

☐ No conflict of interest issues; or  
☐ Potential conflict of interest issue – referred to Deputy General Counsel for review

Signature of Contract Officer  
Date

☐ Conflict of interest confirmed  
☐ Potential conflict of interest issue reviewed and no conflict of interest was found.

Notes:

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

Signature of CEO  
Date
### Task 1.

<table>
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<th>Loaded Rate*/HR</th>
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Other Direct Cost

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**Prime Consultant Total Hours**: 0

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**Prime Consultant Other Direct Cost**: $0.00

**Prime Consultant Total Cost**: $0.00

**Subconsultant Total Hours**: 0

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**Subconsultant Other Direct Cost**: $0.00

**Subconsultant Total Cost**: $0.00

**TOTAL PROJECT COST**: $0.00

*Includes Labor Overhead, Fringe Benefit and General Administrative Expenses (% of Total Direct Labor Cost)

Loaded Hourly Rate Calculation: $ Actual Hourly Rate X (1+Combined of Overhead & Fringe%) X (1+Fee%)
### Cost Proposal

**Combined Overhead (%) =** [0.00%]  
**Fee (%) =** [ ]

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**Other Direct Cost**

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<tr>
<th>Item</th>
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<tbody>
<tr>
<td>Item 1</td>
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</tbody>
</table>

| Subconsultant Total Hours | 0 | Subconsultant Total Labor Cost | $0.00 |
| Subconsultant Total Other Direct Cost | | $0.00 |

**SUBCONSULTANT TOTAL COST** $0.00

---

*Loaded Hourly Rate: Includes Labor Overhead, Fringe Benefit and General Administrative Expenses (% of Total Direct Labor Cost)*

Loaded Hourly Rate Calculation: $ Actual Hourly Rate X (1+Combined of Overhead&Fringe%) X (1+Fee%)
This form shall be used to document how the method of procurement was selected. To best determine which method of procurement is suitable, classify the situation by checking off the appropriate boxes below. All elements must apply to use selected method.\(^1\)

### COMPETITIVE SOLICITATIONS

<table>
<thead>
<tr>
<th>SMALL PURCHASE (INFORMAL IFB OR RFP)</th>
<th>SEALED BID (FORMAL IFB)</th>
<th>REQUEST FOR PROPOSALS (FORMAL RFP)</th>
<th>TWO STEP PROCUREMENT (QUALITATIVE BASED RFQ FOLLOWED BY RFP)</th>
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<tbody>
<tr>
<td>- Price or rate quotes can be obtained from an adequate number of qualified sources</td>
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<td></td>
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<tr>
<td>- Procurement has not been divided or reduced to keep within small purchase category</td>
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</tr>
<tr>
<td>- Conforms to informal IFB or informal RFP elements listed below</td>
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</tr>
<tr>
<td>- Supplies, construction, or property more than $25,000</td>
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<tr>
<td>- Bids can be publicly solicited and advertised</td>
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<tr>
<td>- Award can be made to the lowest responsive and responsible bidder who conforms to all material terms and conditions of solicitation</td>
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<tr>
<td>- Performance or functional specification</td>
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<td></td>
</tr>
<tr>
<td>- Need for discussion following receipt of proposals</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>- Evaluation factors and relative importance can be specified in solicitation</td>
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<tr>
<td>- Award can be made to the responsible offeror whose proposal is most advantageous to SACOG with price and other factors considered</td>
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<tr>
<td>- Ability to evaluate technical qualifications of proposers to make prequalified selection (Step 1)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>- Ability to solicit and review bids or proposals submitted by prequalified firms (Step 2)</td>
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<tr>
<td>- Proposals can be solicited from at least three qualified firms</td>
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#### INFORMAL IFB

- Supplies or property less than $25,000
- Bids can be publicly solicited and advertised
- Award can be made to the lowest responsive and responsible bidder who conforms to all material terms and conditions of solicitation
- Complete, adequate, precise, and realistic specification or purchase description is available
- Two or more responsible bidders are willing to compete
- Successful bidder can be selected on basis of price alone
- Discussions with one or more bidders after bids have been submitted are unnecessary

#### INFORMAL RFP

- Professional services less than $5,000
- Nature of procurement does not lend itself to sealed bidding
- More than one source will be willing to submit a proposal
- Performance or functional specification
- Need for discussion following receipt of proposals
- Evaluation factors and relative importance can be specified in solicitation
- Award can be made to the responsible offeror whose proposal is most advantageous to SACOG with price and other factors considered
- Services are directly in support of, directly connected to, directly related to, or lead to construction, alteration, or repair of real property
- Price is excluded as an evaluation factor
- Qualifications are evaluated to determine contract award

---

\(^1\) FTA Circular 4220.1F, Chapter V and Chapter VI, Section 29
## Appendix 10

### METHOD OF PROCUREMENT SELECTION (MOPS)

<table>
<thead>
<tr>
<th>JOINT PROCUREMENT (SACOG IS NOT LEAD AGENCY)</th>
<th>STATE OR LOCAL GOVERNMENT PURCHASING SCHEDULE</th>
<th>ASSIGNMENT OF CONTRACT RIGHTS FROM ANOTHER AGENCY (PIGGYBACK)</th>
<th>INTERGOVERNMENTAL (MOU/MOA)</th>
<th>SOLE SOURCE</th>
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</thead>
<tbody>
<tr>
<td>☐ and one or more other purchasers agreed from the outset to use a single solicitation document</td>
<td>☐ A purchasing arrangement will be used that a State or local government has established with several vendors</td>
<td>☐ Original contract was competitively procured</td>
<td>☐ Another governmental agency can provide the goods or services</td>
<td>☐ Is not due to a failure to plan or a lack of advanced planning</td>
</tr>
<tr>
<td>☐ Entities entered into a single contract with a vendor for delivery of property or services in a fixed quantity</td>
<td>☐ The vendors agreed to provide an option to or a category of agencies falls within to acquire specific goods or services in the future at established prices</td>
<td>☐ Contract is still in effect</td>
<td>☐ All Federal requirements, required clauses, and certifications have been properly followed and included (if federally funded)</td>
<td>☐ Is not due to concerns about the loss or amount of federal assistance available to support the procurement</td>
</tr>
<tr>
<td>☐ Solicitation was not drafted for the purpose of accommodating the needs of other parties that may later want to participate in the benefits of the contract</td>
<td>☐ Soliciting agency sought the agreement of the vendor to provide the listed goods or services to others with access to the schedule, or if permitted the vendor to determine whether or not it wished to do so</td>
<td>☐ Specifications in contract will meet needs</td>
<td>☐ Meets the requirements of the Sole Source Approval form (attach form)</td>
<td></td>
</tr>
<tr>
<td>☐ Ability to obtain goods and services that match each participant’s requirements are better than those likely to be available through an assignment of another recipient’s contract</td>
<td>☐ All State and Federal requirements, required clauses, and certifications have been properly followed and included depending on funding and type of recipient.</td>
<td>☐ Terms and Conditions are acceptable</td>
<td></td>
<td></td>
</tr>
<tr>
<td>☐ All State or Federal requirements, required clauses, and certifications have been properly followed and included depending on funding and type of recipient.</td>
<td></td>
<td>☐ Requirement needed by are within original contract scope</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I hereby affirm that the procurement method selected above complies with all the elements noted for the selected method.

| Contracts Officer |
| Print Name | Signature | Date |

---

1. FTA Best Practices Procurement Manual Section 1.3.3.5
2. This original signed document shall be filed with the solicitation. Any resulting contracts or purchase orders shall contain copies of this form for informational purposes only.
<table>
<thead>
<tr>
<th>Company Name</th>
<th>Proposal Clearly Marked</th>
<th>Submitted to Correct Location</th>
<th>Submitted on Time</th>
<th>Sufficient Copies</th>
<th>Signed Transmittal Letter</th>
<th>Signed Transmittal Letter by SUBs</th>
<th>DBE Information</th>
<th>DBE Good Effort</th>
<th>Organizational Chart</th>
<th>Required Forms</th>
<th>Exceptions to RFP or Agreement</th>
</tr>
</thead>
<tbody>
<tr>
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</tr>
</tbody>
</table>

Rev. April 2013
<table>
<thead>
<tr>
<th>Bidder Name</th>
<th>Schedule A</th>
<th>Schedule B</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lowest Bidder</td>
<td>$X,XXX,XXX</td>
<td>$X,XXX,XXX</td>
<td>$X,XXX,XXX</td>
</tr>
<tr>
<td>Second Bidder</td>
<td>$X,XXX,XXX</td>
<td>$X,XXX,XXX</td>
<td>$X,XXX,XXX</td>
</tr>
<tr>
<td>Third Bidder</td>
<td>$X,XXX,XXX</td>
<td>$X,XXX,XXX</td>
<td>$X,XXX,XXX</td>
</tr>
</tbody>
</table>

*Apparent low bid

RTPA Estimate: $__________________

Name of Project Manager  
Name of Contracts Officer
SEE PAGE 2 FOR LIST OF SUBCONTRACTORS FOR EACH BIDDER.

PROJECT NAME

CONTRACT NUMBER

Bid Opening date:

LISTED SUBCONTRACTORS

<table>
<thead>
<tr>
<th>Lowest Bidder Name*</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$X,XXX,XXX</td>
</tr>
<tr>
<td>Subcontractor 1, City, State (Type of Work)</td>
<td>$XX,XXX</td>
</tr>
<tr>
<td>Subcontractor 2, City, State (Type of Work)</td>
<td>$XX,XXX</td>
</tr>
<tr>
<td>Subcontractor 3, City, State (Type of Work)</td>
<td>$XX,XXX</td>
</tr>
<tr>
<td>Subcontractor 4, City, State (Type of Work)</td>
<td>$XX,XXX</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Second Lowest Bidder Name</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$X,XXX,XXX</td>
</tr>
<tr>
<td>Subcontractor 1, City, State (Type of Work)</td>
<td>$XX,XXX</td>
</tr>
<tr>
<td>Subcontractor 2, City, State (Type of Work)</td>
<td>$XX,XXX</td>
</tr>
<tr>
<td>Subcontractor 3, City, State (Type of Work)</td>
<td>$XX,XXX</td>
</tr>
<tr>
<td>Subcontractor 4, City, State (Type of Work)</td>
<td>$XX,XXX</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Third Lowest Bidder Name</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>$X,XXX,XXX</td>
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<tr>
<td>Subcontractor 1, City, State (Type of Work)</td>
<td>$XX,XXX</td>
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<tr>
<td>Subcontractor 2, City, State (Type of Work)</td>
<td>$XX,XXX</td>
</tr>
<tr>
<td>Subcontractor 3, City, State (Type of Work)</td>
<td>$XX,XXX</td>
</tr>
<tr>
<td>Subcontractor 4, City, State (Type of Work)</td>
<td>$XX,XXX</td>
</tr>
</tbody>
</table>

Etc.

*Apparent low bid
The proposal shall include a complete list of all proposed subconsultants. All subconsultants listed must be provided a meaningful element of work within the defined scope of work. Changes to this Subconsultant List will not be allowed without prior written approval from SACOG.

**PROPOSED SUBCONSULTANTS**

<table>
<thead>
<tr>
<th>Subconsultant Firm Name and Address</th>
<th>Scope of Work</th>
<th>Dollar Amount of Work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name Address</td>
<td></td>
<td>$0.00</td>
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<tr>
<td>Name Address</td>
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<td>$0.00</td>
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<td>Name Address</td>
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<td>Name Address</td>
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<td>$0.00</td>
</tr>
<tr>
<td>Name Address</td>
<td></td>
<td>$0.00</td>
</tr>
</tbody>
</table>

Name of Firm

Printed Name and Title of Signatory

Signature  Date
BIDDERS LIST

The U.S. Department of Transportation (DOT) requires the SACOG to create and maintain a Bidders List containing information about all firms (Disadvantaged Business Enterprise (DBEs) and non-DBEs) that bid, propose, or quote on the SACOG DOT-assisted contracts in accordance with 49 C.F.R. 26.11. The Proposer is to complete all requested information for every firm that submitted a bid, proposal, or quote, including the Proposer itself and any proposed subconsultants. The Bidders List form shall be submitted with the proposal. SACOG will utilize this information to assist in the Overall Annual DBE Goal Setting process. The Bidders List content will not be considered in evaluating the proposal or determining award of any contract.

[NOTE: Delete the text box above and use the following one instead if this document does not need to be provided until the Agreement or Task Order execution stage because the DBE commitment will be decided at a later date.]

The DOT requires SACOG to create and maintain a Bidders List containing information about all firms (DBEs and non-DBEs) that bid, propose, or quote on the SACOG DOT-assisted contracts in accordance with 49 C.F.R. 26.11. Prior to the time a Task Order is executed, Consultant will be required to complete all requested information for every firm that submitted a bid, proposal, or quote, including the Consultant itself, and any proposed subconsultants. SACOG will utilize this information to assist in the Overall Annual DBE Goal Setting process.

### Proposer’s Information

<table>
<thead>
<tr>
<th>Name of Prime’s Firm:</th>
<th>Phone: ( ) -</th>
</tr>
</thead>
<tbody>
<tr>
<td>Firm Address:</td>
<td>Fax: ( ) -</td>
</tr>
<tr>
<td></td>
<td>Type of work/services/materials provided:</td>
</tr>
<tr>
<td>City</td>
<td>ST</td>
</tr>
<tr>
<td>Number of years in business:</td>
<td></td>
</tr>
<tr>
<td>Contact Person:</td>
<td>Title:</td>
</tr>
<tr>
<td></td>
<td>Check the box below for your firm’s annual gross receipts last year:</td>
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<tr>
<td></td>
<td>□ Less than $1 million</td>
</tr>
<tr>
<td></td>
<td>□ Less than $5 million</td>
</tr>
<tr>
<td></td>
<td>□ Less than $10 million</td>
</tr>
<tr>
<td></td>
<td>□ Less than $15 million</td>
</tr>
<tr>
<td></td>
<td>□ More than $15 million</td>
</tr>
</tbody>
</table>

RFP No: 5XXXXXX
### RFP ATTACHMENT 10
**PROPOSER U/DBE COMMITMENT**
(AKA CALTRANS LAPM EXHIBIT 10-O1 - CONSULTANT PROPOSAL DBE COMMITMENT)

(Inclusive of all U/DBEs listed at proposal/Task Order stage. Refer to instructions on the next page.)

<table>
<thead>
<tr>
<th>Proposer to Complete this Section</th>
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</thead>
<tbody>
<tr>
<td>1. Local Agency Name: SACOG</td>
</tr>
<tr>
<td>2. Project Location:</td>
</tr>
<tr>
<td>3. Project Description:</td>
</tr>
<tr>
<td>4. Proposer Name:</td>
</tr>
<tr>
<td>5. Contract DBE Goal %:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DBE Commitment Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Description of Services to be Provided</td>
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<tr>
<td>------------------------------------------</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Local Agency to Complete this Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>16. SACOG Contract Number:</td>
</tr>
<tr>
<td>17. Federal-Aid Project Number:</td>
</tr>
<tr>
<td>18. Proposed Contract Execution Date:</td>
</tr>
<tr>
<td>19. SACOG Representative Name (Print)</td>
</tr>
<tr>
<td>20. SACOG Representative Signature</td>
</tr>
<tr>
<td>22. SACOG Representative Title</td>
</tr>
<tr>
<td>10. Total % Claimed</td>
</tr>
<tr>
<td>11. Preparer’s Signature</td>
</tr>
<tr>
<td>12. Preparer’s Name (Print)</td>
</tr>
<tr>
<td>13. Preparer’s Title</td>
</tr>
</tbody>
</table>

**Distribution:**
(1) Original – Proposer submits to local agency with proposal
(2) Copy – SACOG files
INSTRUCTIONS - CONSULTANT PROPOSAL DBE COMMITMENT

Consultant Section
1. Local Agency Name – SACOG has been entered as the agency that is funding the contract.
2. Project Location - Enter the project location as it appears on the project advertisement.
3. Project Description - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc.).
4. Consultant Name - Enter the Consultant’s firm name.
5. Contract DBE Goal % - Enter the contract DBE goal percentage, as it was reported on the Exhibit 10-I Notice to Proposers DBE Information form. See LAPM Chapter 10.
6. Description of Services to be Provided - Enter item of work description of services to be provided. Indicate all work to be performed by DBEs including work performed by the prime consultant’s own forces, if the prime is a DBE. If 100 percent of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
7. DBE Firm Contact Information - Enter the name and telephone number of all DBE subcontracted consultants. Also, enter the prime consultant’s name and telephone number, if the prime is a DBE.
8. DBE Cert. Number - Enter the DBEs Certification Identification Number. All DBEs must be certified on the date bids are opened. (DBE subcontracted consultants should notify the prime consultant in writing with the date of the decertification if their status should change during the course of the contract.)
9. DBE % - Percent participation of work to be performed or service provided by a DBE. Include the prime consultant if the prime is a DBE. See LAPM Chapter 9 for how to count full/partial participation.
10. Total % Claimed – Enter the total DBE participation claimed. If the Total % Claimed is less than item “6. Contract DBE Goal,” an adequately documented Good Faith Effort is required (see Exhibit 15-H DBE Information - Good Faith Efforts of the LAPM).
11. Preparer’s Signature – The person completing this section of the form for the Consultant’s firm must sign their name.
12. Preparer’s Name (Print) – Clearly enter the name of the person signing this section of the form for the Consultant.
13. Preparer’s Title - Enter the position/title of the person signing this section of the form for the Consultant.
14. Date - Enter the date this section of the form is signed by the preparer.
15. (Area Code) Tel. No. - Enter the area code and telephone number of the person signing this section of the form for the Consultant.

Local Agency (SACOG) Section
16. Local Agency Contract Number - Enter the SACOG Contract Number.
17. Federal-Aid Project Number - Enter the Federal-Aid Project Number.
18. Contract Execution Date - Enter date the contract was executed and Notice to Proceed issued. See LAPM Chapter 10, Page 23.
19. Local Agency Representative Name (Print) - Clearly enter the name of the person completing this section.
20. Local Agency Representative Signature - The person completing this section of the form for SACOG must sign their name to certify that the information in this and the Consultant Section of this form is complete and accurate.
21. Date - Enter the date the SACOG Representative signs the form.
22. Local Agency Representative Title - Enter the position/title of the person signing this section of the form.
23. (Area Code) Tel. No. - Enter the area code and telephone number of the SACOG representative signing this section of the form.
EXHIBIT K - CONSULTANT CONTRACT U/DBE COMMITMENT INFORMATION
(AKA CALTRANS LAPM EXHIBIT 10-O2 - CONSULTANT CONTRACT DBE INFORMATION)

(Inclusive of all U/DBEs listed at Agreement/Task Order award. Refer to instructions on the next page.)

<table>
<thead>
<tr>
<th>Selected Consultant to Complete this Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Local Agency Name: SACOG</td>
</tr>
<tr>
<td>2. Project Location:</td>
</tr>
<tr>
<td>3. Project Description:</td>
</tr>
<tr>
<td>4. Total Contract Award Amount: $</td>
</tr>
<tr>
<td>5. Consultant Name:</td>
</tr>
<tr>
<td>6. Contract DBE Goal %:</td>
</tr>
<tr>
<td>7. Total Dollar Amount for all Subconsultants: $</td>
</tr>
<tr>
<td>8. Total Number of all Subconsultants:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Award DBE/DBE Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Description of Services to be Provided</td>
</tr>
<tr>
<td>10. DBE/DBE Firm Contact Information</td>
</tr>
<tr>
<td>11. DBE Cert. Number</td>
</tr>
<tr>
<td>12. DBE Dollar Amount</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Local Agency to Complete this Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>20. SACOG Contract Number:</td>
</tr>
<tr>
<td>21. Federal-aid Project Number:</td>
</tr>
<tr>
<td>22. Contract Execution Date:</td>
</tr>
<tr>
<td>SACOG certifies that all DBE certifications are valid and the information on this form is complete and accurate:</td>
</tr>
</tbody>
</table>

| 23. SACOG Representative Name (Print)        |
| 24. SACOG Representative Signature           |
| 25. Date                                    |

| 26. SACOG Representative Title 27. (Area Code) Tel. No. |

<table>
<thead>
<tr>
<th>Caltrans to Complete this Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Caltrans District Local Assistance Engineer (DLAE) certifies that this form has been reviewed for completeness:</td>
</tr>
</tbody>
</table>

| 28. DLAE Name (Print) 29. DLAE Signature 30. Date |

| 13. Total Dollars Claimed $ |
| 14. Total % Claimed ________% |

| 15. Preparer’s Signature |
| 16. Preparer’s Name (Print) |
| 17. Preparer’s Title      |


3
Distribution:

(1) Copy – Email a copy to the Caltrans District Local Assistance Engineer (DLAE) within 30 days of contract award. Failure to send a copy to the DLAE within 30 days of contract award may result in delay of payment.
(2) Copy – Include in award package sent to Caltrans DLAE
(3) Original – SACOG files
INSTRUCTIONS - CONSULTANT U/DBE COMMITMENT INFORMATION

Consultant Section
1. **Local Agency Name** – SACOG name entered as agency that is funding the contract.
2. **Project Location** - Enter the project location as it appears on the project advertisement.
3. **Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc).
4. **Total Contract Award Amount** - Enter the total contract award dollar amount for the prime consultant.
5. **Consultant Name** - Enter the Consultant's firm name.
6. **Contract DBE Goal %** - Enter the contract DBE goal percentage, as it was reported on the Exhibit 10-I Notice to Proposers DBE Information form. See LAPM Chapter 10.
7. **Total Dollar Amount for all Subconsultants** – Enter the total dollar amount for all subcontracted consultants. SUM = (DBE's + all Non-DBE's). Do not include the prime consultant information in this count.
8. **Total number of all_subconsultants** – Enter the total number of all subcontracted consultants. SUM = (DBEs + all Non-DBEs). Do not include the prime consultant information in this count.
9. **Description of Services to be Provided** - Enter item of work description of services to be provided. Indicate all work to be performed by DBEs including work performed by the prime consultant’s own forces, if the prime is a DBE. If 100 percent of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
10. **DBE Firm Contact Information** - Enter the name and telephone number of all DBE subcontracted consultants. Also, enter the prime consultant’s name and telephone number, if the prime is a DBE.
11. **DBE Cert. Number** - Enter the DBE’s Certification Identification Number. All DBEs must be certified on the date bids are opened. (DBE subcontracted consultants should notify the prime consultant in writing with the date of the decertification if their status should change during the course of the contract.)
12. **DBE Dollar Amount** - Enter the subcontracted dollar amount of the work to be performed or service to be provided. Include the prime consultant if the prime is a DBE, and include DBEs that are not identified as subconsultants on the Exhibit 10-O1 Consultant Proposal DBE Commitment form. See LAPM Chapter 9 for how to count full/partial participation.
13. **Total Dollars Claimed** – Enter the total dollar amounts for column 13.
14. **Total % Claimed** – Enter the total DBE participation claimed for column 13. SUM = (item “14. Total Participation Dollars Claimed” divided by item “4. Total Contract Award Amount”). If the Total % Claimed is less than item “6. Contract DBE Goal”, an adequately documented Good Faith Effort is required (see Exhibit 15-H DBE Information - Good Faith Efforts of the LAPM).
15. **Preparer's Signature** – The person completing this section of the form for the Consultant's firm must sign their name.
16. **Preparer’s Name (Print)** – Clearly enter the name of the person signing this section of the form for the Consultant.
17. **Preparer’s Title** - Enter the position/title of the person signing this section of the form for the Consultant.
18. **Date** - Enter the date this section of the form is signed by the preparer.
19. **(Area Code) Tel. No.** - Enter the area code and telephone number of the person signing this section of the form for the Consultant.

Local Agency (SACOG) Section
20. **Local Agency Contract Number** - Enter the SACOG Contract Number.
21. **Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
22. **Contract Execution Date** - Enter the date the contract was executed and Notice to Proceed issued. See LAPM Chapter 10, Page 23.
23. **Local Agency Representative Name (Print)** - Clearly enter the name of the person completing this section.
24. **Local Agency Representative Signature** - The person completing this section of the form for SACOG must sign their name to certify that the information in this and the Consultant Section of this form is complete and accurate.
25. **Date** - Enter the date the SACOG Representative signs the form.
26. **Local Agency Representative Title** - Enter the position/title of the person signing this section of the form.
27. **(Area Code) Tel. No.** - Enter the area code and telephone number of the SACOG representative signing this section of the form.

Caltrans Section:
Caltrans District Local Assistance Engineer (DLAE) shall:
28. **DLAE Name (Print)** – Clearly enter the name of the DLAE.
29. **DLAE Signature and Date** – DLAE must sign this section of the form to certify that it has been reviewed for completeness. Enter the date that the DLAE signs this section of the form.
U/DBE INFORMATION-GOOD FAITH EFFORTS

(TO BE SUBMITTED BY PROPOSER/BIDDER [WITH PROPOSAL/BID [OR] AT TIME OF TASK/JOB ORDER PROPOSAL])

ALL PROPOSERS/BIDDERS

Proposers/Bidders who do not intend to meet the U/DBE goal must complete and submit this form in order to be deemed responsive. All references to "proposer/bidder" in this form will also be treated as a reference to Consultant/Contractor if applicable.

<table>
<thead>
<tr>
<th>Contract Number</th>
<th>Task/Job Order Number</th>
<th>Proposal Submittal Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>(if applicable)</td>
</tr>
</tbody>
</table>

SACOG has established a Disadvantaged Business Enterprise (DBE) or an Underutilized Disadvantaged Business Enterprise (UDBE) goal of insert percentage% for this RFP/IFB [or Task/Job Order]. The information provided herein shows that a good faith effort was made by proposer/bidder to meet this goal.

Proposers/bidders should complete this U/DBE Information-Good Faith Efforts, even if the Local Agency U/DBE Commitment form indicates that the proposer/bidder has met the U/DBE goal. This will protect the proposer/bidder’s eligibility for award of the Agreement [or Task/Job Order] if SACOG determines that the proposer/bidder failed to meet the goal for various reasons, e.g., a U/DBE firm was not certified at proposal/bid due date, or the proposer/bidder made a mathematical error. Submittal of only the Local Agency U/DBE Commitment form may not provide sufficient documentation to demonstrate that adequate good faith efforts were made.

ALL PROPOSERS/BIDDERS

Proposers/bidders that have not committed to meet the U/DBE goal utilizing the Local Agency U/DBE Commitment form must complete and submit this form and demonstrate adequate Good Faith Efforts to meet the U/DBE goal in order to maintain their eligibility for award.

A. The names and dates of each publication in which a request for U/DBE participation for this Project was placed by the proposer/bidder (please attach copies of advertisements or proofs of publication)

<table>
<thead>
<tr>
<th>Publications</th>
<th>Dates of Advertisement</th>
</tr>
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<tbody>
<tr>
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</table>
B. The names and dates of written notices sent to certified U/DBEs soliciting proposals/bids for this Project [or Task order] and the dates and methods used for following up initial solicitations to determine with certainty whether the U/DBEs were interested (please attach copies of solicitations, telephone records, fax confirmations, etc.):

<table>
<thead>
<tr>
<th>Names of U/DBEs Solicited</th>
<th>Date of Initial Solicitation</th>
<th>Follow-up Methods and Dates</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

C. The items of work which the proposer/bidder made available to U/DBE firms, including, where appropriate, any breaking down of the Agreement [or Task order] work items (including those items normally performed by the proposer/bidder with its own forces) into economically feasible units to facilitate U/DBE participation. It is the proposer/bidder's responsibility to demonstrate that sufficient work to facilitate U/DBE participation was made available to U/DBE firms.

<table>
<thead>
<tr>
<th>Items of Work</th>
<th>Proposer/Bidder Normally Performs Item</th>
<th>Breakdown of Items</th>
<th>Amount ($)</th>
<th>Percent of Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>□ Yes □ No</td>
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<td>□ Yes □ No</td>
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</tbody>
</table>

D. The names, addresses, and phone numbers of rejected U/DBE firms, the reasons for the proposer/bidder's rejection of the U/DBEs, the firms selected for that work (please attach copies of quotes from the firms involved), and the price difference for each U/DBE if the selected firm is not a U/DBE:
E. Efforts made to assist interested U/DBEs in obtaining bonding, lines of credit or insurance, and any technical assistance or information related to the plans, specifications and requirements for the work which was provided to U/DBEs:

____________________________________________________________________________________________________
____________________________________________________________________________________________________
____________________________________________________________________________________________________
____________________________________________________________________________________________________
____________________________________________________________________________________________________

F. Efforts made to assist interested U/DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services, excluding supplies and equipment the U/DBE subconsultant/subcontractor purchases or leases from the proposer/bidder or any affiliate:

____________________________________________________________________________________________________
____________________________________________________________________________________________________
____________________________________________________________________________________________________
____________________________________________________________________________________________________
____________________________________________________________________________________________________

G. The names of agencies, organizations or groups contacted to provide assistance in contacting, recruiting, and using U/DBE firms (please attach copies of requests to agencies and any responses received, i.e., lists, web page download, etc.):

<table>
<thead>
<tr>
<th>Name or Agency/Organization</th>
<th>Method/Date of Contact</th>
<th>Results</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

H. Any additional data to support a demonstration of good faith efforts (use additional sheets if necessary):

____________________________________________________________________________________________________
____________________________________________________________________________________________________
____________________________________________________________________________________________________
____________________________________________________________________________________________________
____________________________________________________________________________________________________

NOTE: USE ADDITIONAL SHEETS OF PAPER IF NECESSARY.
### Monthly Participation Progress Report

**Contract Number**

<table>
<thead>
<tr>
<th>Contract Award Date</th>
<th>Contract Termination Date</th>
<th>Original Contract Amount</th>
<th>Amended Total Contract Amount</th>
</tr>
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<tbody>
<tr>
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</table>

<table>
<thead>
<tr>
<th>Task/Job Order Number</th>
<th>Task/Job Order Issue Date</th>
<th>Task Order Issue Date</th>
<th>Original Task/Job Order Amount</th>
<th>Amended Total Task/Job Order Amount</th>
</tr>
</thead>
<tbody>
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</tr>
</tbody>
</table>

**Prime Contractor/Consultant Information**

- **Company Name:**
- **Tax ID Number:**
- **City:**
- **State:**
- **Zip Code:**
- **E-mail:**

**Business Ownership by Minority Code**

<table>
<thead>
<tr>
<th>SB - Black American</th>
<th>SB - Hispanic American</th>
<th>SB - Native American</th>
<th>SB - Asian Pacific Islander</th>
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</thead>
<tbody>
<tr>
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</table>

**SUBCONTRACTORS/PRIME-ONLY IF DBE/UDBE/GBE**

<table>
<thead>
<tr>
<th>Subcontractor</th>
<th>DBE</th>
<th>UDBE</th>
<th>Goal</th>
<th>CUCP #</th>
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<td></td>
<td>UDBE</td>
<td>DBE</td>
<td>Goal</td>
<td>CUCP #</td>
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</table>

**Total Payments**

- **DBE**
- **UDBE**
- **Goal**

<table>
<thead>
<tr>
<th>subcontractor</th>
<th>DBE</th>
<th>UDBE</th>
<th>Goal</th>
<th>CUCP #</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>UDBE</td>
<td>DBE</td>
<td>Goal</td>
<td>CUCP #</td>
</tr>
</tbody>
</table>

**Minority Type**

- **Type is required for DBE/UDBE firms and is optional for SB firms, although we would like to have this information for reporting purposes.**

**Contractor/Consultant will be required to input the information via an internet browser once D-CIMS is implemented.**

*Minority Type is required for DBE/UDBE firms and is optional for SB firms, although we would like to have this information for reporting purposes.*

**Contractor/Consultant will be required to input the information via an internet browser once D-CIMS is implemented.**

I certify under penalty of perjury that payments to subcontractors/subconsultants and suppliers have been made from previous payments received under this Project, and timely payments have been made in accordance with the Prompt Payment Provisions set forth in the Contract, DBE Program, and the California Public Contract and Business Professions Codes.

**Contractor/Consultant Representative’s Name and Title**

**Phone:**

**E-mail:**

**Address:**

**City, State, Zip Code:**

**E-mail:**

**Name:**

**Address:**

**City, State, Zip Code:**

**Telephone Number:**

**E-mail:**

<table>
<thead>
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<th>Task/Job Order</th>
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<th>Contract</th>
<th>Task/Job Order</th>
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<th>Contract</th>
<th>Task/Job Order</th>
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<table>
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<tr>
<th>Contract</th>
<th>Task/Job Order</th>
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</tbody>
</table>

**Total Payments**

- **DBE**
- **UDBE**
- **Goal**

**Type of Work**

**Performed (Scope)**
<table>
<thead>
<tr>
<th>SUBCONTRACTOR</th>
<th>CERTIFICATE</th>
<th>TOTAL PAYMENTS</th>
<th>TOTAL PAYMENTS BY MINORITY GROUP</th>
<th>CONTRACT/TASK/JOB ORDER PAYMENTS</th>
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<tr>
<td></td>
<td>SB Cert #</td>
<td>DBE Cert #</td>
<td>SB* UDBE *</td>
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<td></td>
<td></td>
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<td>(FTA Only)</td>
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<td>APA BA</td>
<td>HA NA SCA</td>
<td>W</td>
<td>Date Work Complete</td>
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<tr>
<td></td>
<td>(UDBE)</td>
<td>(UDBE) (UDBE)</td>
<td>(UDBE)</td>
<td>Performed &amp; Material Provided</td>
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<td>Name</td>
<td>Address</td>
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<tr>
<td>Original UDBE/DBE/SCB Commitment</td>
<td>$</td>
<td>$</td>
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<td>$</td>
</tr>
</tbody>
</table>

The decision of which column to be used for entering the UDBE/DBE dollar value is based on the program(s) the firm is certified. This program status is determined by the Caltrans Civil Rights Certification Unit based on ethnicity, gender, ownership, and control issues at time of certification. DBE program status may be obtained by accessing the Civil Rights website DBE, SWBE, DBE, SBME, SWBE (www.dot.ca.gov/hq/bep/) and downloading the Calcert Extract or by calling (916) 227-2207.

List all first-tier subcontractors, SB, DBEs, and Underutilized DBEs, regardless of tier, whether or not the firms were originally listed for goal credit. If actual UDBE utilization (or item of work) was different than that approved at the time of award, provide comments on a separate page. List actual dollar amount paid to each entity.

**I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT**

<table>
<thead>
<tr>
<th>CONSULTANT REPRESENTATIVE NAME</th>
<th>BUSINESS PHONE NUMBER</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>TO THE BEST OF MY KNOWLEDGE THE ABOVE INFORMATION IS COMPLETE AND CORRECT</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SACOG PROJECT MANAGER’S NAME</th>
<th>BUSINESS PHONE NUMBER</th>
<th>DATE</th>
</tr>
</thead>
</table>
TO: Interested Firms

FROM: Sacramento Area Council of Governments (SACOG)

SUBJECT: Notification of insert type of Procurement for Project Name, Agreement Number Agreement ####

The Sacramento Area Council of Governments (SACOG) is soliciting Procurement Type from qualified firms for Program Name and Description, Agreement Number Agreement ####. Procurement Type are due by Closing Date.

Insert paragraph providing project background and add'l project description.

A copy of the Procurement Type has been posted on SACOG’s World Wide Web site at www.SACOG.org.

[If a pre-Procurement Type meeting will be held include the following paragraph.]

A pre-Procurement Type meeting will be held on [Date, Time and Location]. Attendance at the pre-proposal meeting is mandatory. [Delete this last sentence if the pre-proposal meeting will not be mandatory.]

A summary of the questions and answers from this meeting will be posted on the Web page noted above by [Posting Date].

If your firm is interested, please print the Procurement Type for more information and detail. If you do not have Web Wide Web access, a copy of the Procurement Type can be mailed to you. A summary of the pre-Procurement Type meeting questions and answers can also be mailed to you. [Delete this last sentence if there will not be a pre-proposal meeting.]

Please contact [Name of Project Manager], Project Manager, at SACOG, address and telephone number or e-mail [E-mail Address]@SACOG.org if you have any questions or would like this information mailed to you.

Thank you for your interest in providing services to SACOG.

AUTHOR'S INITIALS/
DATE

Contract No. xxxx

Mr./Mrs. Contractor Full Name Here
Contractor Title
Company Name
Address 1
Address 2

Dear Mr. XXX:

Subject: NOTICE OF INTENT TO AWARD – ENTER PROJECT NAME HERE, CONTRACT #

On Enter BIDS DUE DATE, the Sacramento Area Council of Governments (SACOG) received [Enter total # of Bids received] for the above-referenced project. SACOG staff has determined that [Enter Lowest Responsible & Responsive Bidder Name Here] submitted the lowest responsive, responsible bid. Therefore, pursuant to SACOG policy, staff intends to recommend award of the contract to [Enter Lowest Responsible & Responsive Bidder Name Here].

This Notice of Intent to Award is not binding on SACOG; it is merely notice that [Enter Lowest Responsible & Responsive Bidder Name Here] has been identified as the lowest responsive, responsible bidder. No formal determination of the other bidders has been made at this time.

If you have any questions regarding the award of this contract, please call the Contracts Officer, CA Name, at (xxx) xxx-xxxx.

Sincerely,

Xxxxx

Cc: [Enter PM Name here]
Appendix 16a

Date

Address Block

Dear Mr./Ms./Mrs. Addressee Last Name:

SUBJECT: Notice of Intent to Award
Name of Project/Study

We have reviewed your proposal and have selected Name of Selected Proposer for contract negotiations. This Notice of Intent to Award is not binding on SACOG; it is merely notice that your company was selected for negotiations. If a contract with mutually-acceptable terms cannot be negotiated between Name of Selected Proposer and SACOG within a reasonable period of time, SACOG’s CEO may choose to cease negotiations with your company and pursue negotiations with the next highest-ranked proposer.

Project Manager of this office has been assigned the management responsibility for this project. All questions and administrative matters should be directed to Mr./Ms./Mrs. PM’s Last Name at the above address or at (831) 883-3750. In the coming weeks Mr./Ms./Mrs. PM’s Last Name will be working with you to negotiate the terms of the proposed contract. Name of Selected Proposer must forward all required insurance certificates and endorsements to Mr./Ms./Mrs. PM’s Last Name within 15 days.

[Add the following paragraph if applicable]

The Name of Project/Study will be funded in whole or in part with Federal funds. Therefore, a pre-award audit by SACOG will be necessary. During the pre-award audit SACOG will examine your accounting, administrative and estimating systems; proposed costs; quantities; and financial condition. The audit will be broad in scope and should take approximately 30 days if there are no complications. Detailed cost negotiations between SACOG and your company cannot commence until after SACOG has completed its audit and issued an Authorization to Proceed. SACOG expects Name of Selected Proposer to cooperate fully in order to expedite satisfactory completion of the audit.

We look forward to working with you to negotiate a contract that benefits both SACOG and Name of Selected Proposer.

Sincerely,

AUTHOR NAME

Author Title

Attachment/Enclosure
Dear Name:

SUBJECT: Notice of Intent to Enter Negotiations with Another Consultant for:

   Contract Number(s): Contract ###(s)
   Contract/Project Name or Description

Thank you for your response to the SACOG Request for Procurement Type for the above-referenced contract(s). SACOG received a number of high quality proposals and recognizes the hard work that went into preparing them.

Based on the written qualifications and interviews, your firm was not selected for contract negotiations. A final decision to award is not completed, but SACOG has issued a Notice of Intent to Award to the consultant(s) as follows:

If there is more than one contract awarded
list Consultants in alphabetical order.

Name of Selected Firm(s)

Protests regarding the prospective award to the selected Consultant(s) must be received by SACOG within five business days after the date of this notice. If you have any questions, please contact me at the number listed below. SACOG appreciates the interest shown by your firm.

Sincerely,

AUTHOR NAME
Author Title
Date

Click To Insert Address Block

Dear Mr./Ms./Mrs. Addressee Last Name:

SUBJECT: Notice to Short-Listed Proposers, Name of Project/Study, Agreement Number Insert Number

Congratulations! This letter serves as your notice that you have been placed on SACOG’s short-list of qualified proposers for the Name of Project/Study, Agreement Number Insert Number. Thank you for responding to SACOG’s Request for Proposals (RFP) or Qualifications (RFQ). We realize that a considerable amount of time must be spent to prepare a Proposal or Statement of Qualifications (SOQs) in response to an RFP or RFQ. SACOG’s consultant evaluation committee has reviewed and evaluated all of the RFPs or RFQs. The top-ranked proposers submitting a Proposal or SOQ have been placed on a short-list. For SOQs - Only the proposers on the short-list will be asked to submit a technical proposal and cost estimate. Enclosed with this letter is a request for Cost Proposal. Cost Proposals are due on Insert Date.

Project Manager of this office has been assigned the management responsibility for this project. All questions and administrative matters should be directed to Mr./Ms./Mrs. PM Last Name at the above address or at (xxx) xxx-xxx.

Sincerely,

AUTHOR NAME
Author Title
Dear Mr./Ms./Mrs. Addressee Last Name:

SUBJECT: Notice to Proposers Not Making Short-List

Name of Project/Study, Agreement Number Insert Number

Thank you for responding to SACOG’s Request for Proposals (RFP) or Qualifications (RFQ). We realize that a considerable amount of time must be spent to prepare a Proposal or Statement of Qualifications (SOQs) in response to an RFP or RFQ. SACOG’s consultant evaluation committee has reviewed and evaluated all of the Proposals or SOQs. The top-ranked companies submitting a Proposal or SOQ have been placed on a short-list. This letter will serve as your notice that you have not been placed on SACOG’s short-list of qualified proposers for the Name of Project/Study.

You will not receive any further notices from SACOG regarding the Name of Project/Study. Protests regarding lack of inclusion of your company on the short-list must be received by SACOG within five business days after the date of this Notice.

Project Manager of this office has been assigned the management responsibility for this project. All questions and administrative matters should be directed to Mr./Ms./Mrs. PM Last Name at the above address or at (xxx) xxx-xxxx.

Again, thank you for your interest in working with SACOG.

Sincerely,

AUTHOR NAME
Author Title
Date

Click To Insert Address Block

Dear Mr./Ms./Mrs. Addressee Last Name:

SUBJECT: Request for Cost Proposal for Name of Project/Study, Agreement Number insert number

Congratulations! This letter serves as your notice that you have been preliminarily selected as the top-ranked proposer for the Name of Project/Study, Agreement Number insert number. Thank you for responding to SACOG’s Request for Qualifications (RFQ). We realize that a considerable amount of time must be spent to prepare a Statement of Qualifications (SOQs) in response to an RFQ. SACOG’s consultant evaluation committee has reviewed and evaluated all of the SOQs. At this time, SACOG requests that you submit a cost proposal for the project. Please provide a cost proposal for the project by date. Failure to provide a complete and detailed cost proposal by the deadline may disqualify your firm from consideration.

Project Manager of this office has been assigned the management responsibility for this project. All questions and administrative matters should be directed to Mr./Ms./Mrs. PM Last Name at the above address or at (xxx) xxx-xxxx.

Sincerely,

AUTHOR NAME
Author Title
Date

Click To Insert Address Block

Dear Mr./Ms./Mrs. Addressee Last Name:

SUBJECT: Post-Award Notice

Name of Project/Study

Thank you for your response to the SACOG Request for Proposal (RFP) for Name or Description of RFP. SACOG received a number of high quality proposals and recognizes the hard work that went into preparing them.

On or about Date, SACOG sent you a Notice of Intent to Enter Negotiations with another Proposer. At that time we informed you that SACOG had commenced negotiations with Name of Selected Firm. Since that time, SACOG has finalized its contract negotiations with Name of Selected Firm.

Although your firm was not selected for this contract work, we hope you will respond again should similar opportunities become available at SACOG.

Please feel free to contact me at (xxx) xxx-xxxx if you have any questions. Again, thank you for your interest in contracting opportunities with SACOG.

Sincerely,

AUTHOR NAME
Author Title
Date

Click To Insert Address Block

Dear Mr./Ms./Mrs. Addressee Last Name:

SUBJECT: Notice to Proceed
    Name of Project/Study

This letter will serve as your Notice to Proceed, effective Date.

Project Manager of this office has been assigned the management responsibility for this project. All questions and administrative matters should be directed to Mr./Ms./Mrs. PM Last Name at the above address or at (xxx) xxx-xxxx.

We look forward to working with you in the development of a valuable and meaningful Outcome of Project/Study.

Sincerely,

AUTHOR NAME
    Author Title
INDEPENDENT COST ESTIMATE (ICE) JUSTIFICATION
FOR SMALL PROCUREMENTS

(Equipment and Supplies under $25,000; Services other than A&E under $5,000)

Date_________________________ ICE For Project: $________________

Project________________________________________________________________________

Project Manager ___________________ Please print ______________

The Small Procurement ICE may be used for simple procurements under the formal procurement thresholds as follows: for professional services other than A&E under $5,000 and for Supplies, Equipment and Construction under $25,000.

The ICE must be completed prior to requesting quotes from prospective vendors, contractors, and consultants.

Please indicate which of the statements apply with a check mark.

☐ I performed market research for the pricing of the products and/or services being procured through one or more of the following sources:

☐ Internet  ☐ Trade Show

☐ Catalog  ☐ Other Contracts

☐ I contacted other agencies that may have procurement knowledge/experience for the product or service being procured to determine the prices they paid.

☐ I reviewed/compared SACOG historical or established labor rates or product pricing in order to determine my estimate for this procurement.

☐ The service and cost already has been negotiated and approved in a SACOG contract.

☐ The service is being procured based on rates regulated by the government (i.e., utilities).

☐ Other (explain): ________

NOTE: A more detailed ICE may be required for more complex procurements.

Provide a brief explanation of your analysis that is the basis of your estimate.

Example: I found the price of a computer printer on the Internet at $50 each from Dell on 1/18/09. The total for 100 printers is $5,000 and was the basis of my estimate. A copy of the Internet ad is enclosed.

_________________________________________  __________________________
Signature                                                                 Title
Appendix 23b

INDEPENDENT COST ESTIMATE (ICE) JUSTIFICATION
PROJECT-SPECIFIC / REGULATED-RATE PROCUREMENTS

<table>
<thead>
<tr>
<th>Date</th>
<th>ICE for Project</th>
<th>$</th>
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</table>

Project

Project Manager

In accordance with recent revisions per the Federal Transit Administration Circular 4220, 1F, Third Party Contracting Guidance, the ICE is required for all professional services, including architecture and engineering services, construction services, and equipment/products. This project-specific ICE must be completed prior to requesting additional services from a consultant on already negotiated agreements.

Please indicate which of the statement(s) apply with a check mark.

☐ The service and cost already has been negotiated and approved in a SACOG contract.

☐ The service is being procured based on rates regulated by the government (i.e., utilities)

☐ Other (explain).

Provide a brief explanation of your analysis that is the basis of your estimate.
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<tr>
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<th>Work Breakdown Structure Codes</th>
<th>Description</th>
<th>Schedule</th>
<th>Hours</th>
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# Independent Cost Estimate Template

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24 Independent Cost Estimate Summary and Staffing.xls; Staffing Plan Worksheet
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Totals =
LIMITED COMPETITION APPROVAL

Project Manager: ________________________________  Date: ____________________

Contractor/Consultant/Vendor: ______________________________________________________

Project Number: ____________________________  Contract Amount: $ _______________

Project Description:

Notice: Contracting without providing for full and open competition is a violation of statute unless justified on one or more of the bases below.

THE FOLLOWING MUST BE ANSWERED AFFIRMATIVELY

BY MARKING THE BOXES BELOW YOU ARE AFFIRMING THAT THE FOLLOWING STATEMENTS ARE TRUE.

☐ The need for a limited scope procurement is not due to a failure to plan or a lack of advanced planning.

☐ The need for a limited scope procurement is not due to concerns about the amount a federal assistance available to support the procurement (for example, expiration of federal assistance available for award).

JUSTIFICATION FOR LIMITED COMPETITION PROCUREMENT

☐ Documentation is attached establishing that full and open competition in connection with a particular acquisition is not in the public interest.

☐ Documentation is attached establishing that an unusual and urgent need for the services exists, and SACOG would be seriously injured unless it is permitted to limit the competition.

☐ Documentation is attached establishing that public exigency or emergency will not permit a delay resulting from a full formal competitive procurement for the supplies or services.

☐ Acquisition of an expert or neutral person’s services are needed for a current or potential protest, dispute, claim, or litigation.

EXPLANATION:

DESCRIPTION OF PROPOSED LIMITED COMPETITION PROCESS:
Contracts, Task Orders, and Job Orders – Close-Out Instructions

PM Responsibilities:

Keep Track of Contracts & Task Orders - Keep track of the amount of contract capacity and contract expiration date to be sure work can still be done by the Consultant.

Use an Excel or other file noting the original contract amount. Add any amended amounts. Subtract any authorized payments. Know how much is left.

Speak to the PM in charge of the contract ("Contract Manager") before using their contract capacity.

Keep calendar reminders at least a few months before the actual date your contract / task order expires so that you have time to work with Contracts to extend the time before it has expired.

Remember you are not authorized to promise to pay or let the Consultant work before a Notice to Proceed.

Close Out Steps for Contracts, Task Orders and Job Orders

1. RTPA Consultant Performance Evaluation Tool
   Prepare an Evaluation of the Consultant/Contractor/Vendor and discuss with Consultant or email Consultant a copy.

2. Contract Close-Out Letter
   Prepare the Contract Closeout Letter and request that any final invoices be marked FINAL INVOICE from the Prime Consultant and all Subconsultants.

3. Final Report – U/DBE and SB, First-Tier Subconsultants
   For agreements with a DBE goal, final payment and release of retained funds cannot occur until the Consultant completes the Final Disadvantaged Business Enterprise Utilization Report and the PM submits it to the Contracts Inbox.

4. Finance Encumbrance Liquidation
   When the final invoice is approved, work with Administration and Finance to liquidate the encumbrance.
### RTPA CONSULTANT PERFORMANCE EVALUATION TOOL

*Please fill in all green-shaded fields. Comments are optional.*

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<th>___ Initial ___ Mid ___ Close</th>
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<td>Evaluation Prepared By:</td>
<td>Small or DBE (Yes or No)</td>
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#### 1) Quality / Technical Performance

- Met work product standards.
- Performed & documented according to approved plan.
- Met DBE/UDBE Goal/Commitment (if applicable).
- Managed subconsultants/DBEs effectively.

#### 2) Cost Performance

- Finished within Contract budget.
- Invoices were accurate & timely, according to contract.

#### 3) Schedule Performance

- Submitted accurate and timely deliverables.
- Met milestone or completion due date(s).

#### 4) Business Relations/Negotiations Performance

- Responded to customer needs.
- Conducted business in a professional manner.
- Provided effective verbal and written communication.

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<tr>
<td>Calculated Evaluation Score:</td>
<td>0%</td>
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</table>

RTPA Project Manager: __________________________ Printed Name: __________________________ Date: __________

Signature of PM confirms that the evaluation has been provided to Consultant. If applicable, Consultant comments may be attached to the final assessment.

mail completed evaluation to Consultant & submit copy to Director of Finance & Administration to Close Out Contrac
Appendix 27

**RECORD OF NEGOTIATION**

<table>
<thead>
<tr>
<th>Contract Number</th>
<th>Task Order Number</th>
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Consultant

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<thead>
<tr>
<th>Functional/Project Manager (Print Name)</th>
<th>Task Order Manager (Print Name)</th>
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<tr>
<th>Task Order Description</th>
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<tr>
<th>DATE</th>
<th>DESCRIPTION OF ACTION</th>
<th>OUTCOME – CHANGES MADE</th>
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</table>

I have explained any variance of 10% or more from the original ICE and in my opinion the price negotiated remains fair and reasonable as described above.

<table>
<thead>
<tr>
<th>Signature</th>
<th>Title</th>
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</table>

SACOG

Note: It is the intent that the record of negotiation covers the period from the development of the first draft of the task order through the submittal of the final draft of the task order.
ON-CALL TASK ORDER FIRM SELECTION FORM

(USE FOR CONTRACTS FOR SERVICES, DO NOT USE FOR A&E FIRMS)

Project Manager: ____________________________  Date: ____________________________

Task Order No.: ____________________________  Contract No.: ____________________________

Task Order Amount: ____________________________

Project Description/Title: ____________________________

You must compare all eligible on-call firms to each other. You may not select one firm and then simply state why it is qualified because, in almost all cases, more than one on-call firm is eligible and qualified for the work. Therefore, a comparison of the firms is required. You must document a comparison of the eligible firms and explain why the firm selected is the best choice among the eligible firms based on the selection factors discussed in the procurement document.

SECTION I

Are you using this document to establish use of a particular on-call firm for work that will go on beyond this Task Order on a Project-wide basis and will be of the best value to SACOG?  ☐ Yes  ☐ No

If you have marked the “No” box above, skip to Section II of this form. If you have marked the “Yes” box above, briefly describe the range of work that will be expected for the entire Project, beyond what is being awarded in the current Task Order:

(Explanation)

☐ The on-call firm identified below for award of this Task Order has already performed services on a Project that is in progress. The selected firm was evaluated as the best value to SACOG for the Project overall when price, qualifications, and other factors were considered previously in the Task Order Selection Form dated ____________________________. If this box is marked, skip to Section III of this form.

SECTION II

By marking the box below, you are affirming that the following statements are true.

☐ Selection of firm for this Task Order is based upon qualification(s) and cost (best value).

Describe any additional specialty qualifications and experience needed for Task Order or Project:

(Provide Brief Description of Qualifications and Experience)

If one or more eligible on-call firms were not considered for the work in this Task Order/Project, identify the firm(s) and provide an explanation for why the firms were not considered based on factors such as experience, rates, or past performance:

(Explanation)

Draft Scope of Work was discussed with or compared with the SOQs or proposal(s) of the on-call firms shown below:

☐ Name of Firm  ☐ Name of Firm  ☐ Name of Firm  ☐ Name of Firm

☐ Name of Firm  ☐ Name of Firm  ☐ Name of Firm  ☐ Name of Firm

☐ Name of Firm  ☐ Name of Firm  ☐ Name of Firm  ☐ Name of Firm

☐ Name of Firm  ☐ Name of Firm  ☐ Name of Firm  ☐ Name of Firm

☐ Name of Firm  ☐ Name of Firm  ☐ Name of Firm  ☐ Name of Firm
### Check all that apply for your comparison analysis. The selected firm:

- [ ] Offers the most relevant experience based on the complexity level of this Task Order/Project compared to the other firms evaluated.
- [ ] Can meet the schedule needed for completion of the scope of work for this Task Order/Project.
- [ ] Has availability to take on additional work without jeopardizing existing project deliverables and performance.
- [ ] Provides the most appropriately experienced and skilled key personnel for this Task Order/Project when compared to the other firms evaluated.
- [ ] Has prior work experience with this Project that will prevent work from being redone and; therefore, will provide a better value to SACOG compared to the other firms.
- [ ] Demonstrated best understanding of the Project and approach during interviews/discussions as compared to the other firms.
- [ ] Offered the best overall proposal for this Task Order/Project taking level of effort and rates into account.
- [ ] Was selected in previous documentation for the overall Project and has performed to SACOG’s satisfaction on prior work for the Project.
- [ ] Performance ratings of firm on previous work establish it has performed satisfactorily for SACOG.
- [ ] Other (see explanation below)

**Document discussions with on-call firms confirming information marked in boxes above and/or identifying information in proposals or other documents establishing that the qualifications and cost of selected firm for this Task Order/Project are the best value for SACOG’s needs. Make sure to discuss rates/costs of selected firm compared to other eligible firms.**

<table>
<thead>
<tr>
<th>(Explanation)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</table>

I am not aware of any conflicts of interest or organization conflicts that would arise as a result of choosing (name of firm) and believe it is best qualified for this Task Order/Project.

---

<table>
<thead>
<tr>
<th>Project (or Task Order) Manager</th>
<th>Date</th>
</tr>
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<tbody>
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</table>

<table>
<thead>
<tr>
<th>Accepted by Contracts Officer</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
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</tbody>
</table>
FTA grantees are encouraged to utilize available state and local intergovernmental agreements for procurement or use of common goods and services.\(^1\) FTA uses the term “state or local government purchasing schedule” to mean an arrangement that a State or local government has established with several or many vendors in which those vendors agree to provide essentially an option to the State or local government, and its subordinate government entities, to acquire specific property or services in the future at established prices.\(^2\)

In order to determine whether the utilization of a state or local government purchasing schedule is feasible, the following must be answered affirmatively by the Contracts Analyst and supporting documentation for each statement must be provided.

---

\(^1\) FTA BPPM Section 4.7.2.2

\(^2\) FTA Circular 4220.1F, Chapter V, Section 4

\(^3\) The FTA provisions must be included in the purchase order provisions and the vendor must sign the federal forms prior to the issuance of the purchase order.

\(^4\) FTA prohibits the use of geographical preference in competitive solicitations. A solicitation with geographical preference may not be used in the purchase will be paid for with federal funds.
## BY MARKING THE BOXES BELOW, YOU ARE AFFIRMING THAT THE FOLLOWING STATEMENTS ARE TRUE.

| ☐ | I have obtained quotations from each of the vendors who were awarded a contract and selected the vendor with the lowest price for the item(s) I am purchasing. |
|   | Required documentation: |
|   | • Quotations from all awarded vendors |
| ☐ | I have obtained a copy of the contract and the solicitation document, including the specifications. |
|   | Required documentation: |
|   | • Solicitation (RFP, IFB, etc.) including the specifications |
|   | • Addenda issued (if applicable) |
|   | • Legal notices/advertisements |
|   | • Successful bid/proposal |
|   | • Scoring summary (if RFP process was used) |
|   | • Notices of Award |
|   | • Summary of procurement (number of respondents, how award determination was made, if any proposals/bids were deemed non-responsive, if there were any protests and what the outcome was, and any other information summarizing the procurement process and award to the selected consultant/contractor/vendor.) |
|   | • Original Contract |
|   | • Contract Amendments (if applicable) |
| ☐ | The contract price remains fair and reasonable. |
|   | Required documentation: |
|   | • Market analysis demonstrating price is fair and reasonable. |
| ☐ | The contract term complies with the five-year term limit established by the FTA. |
|   | Required documentation: |
|   | • Contract start and end dates, including all option periods in effect. |
This form shall be used to document how the contracting type was selected. To best determine which contract type is suitable, classify the situation by checking off the appropriate boxes below. All elements must apply to use selected type.\(^1\) All references to “contractor” shall be treated the same as “consultant”.

<table>
<thead>
<tr>
<th>CONTRACT TYPE</th>
<th>Requirements to utilize contract type</th>
<th>SUBCONTRACT TYPE</th>
<th>Requirements to utilize subcontract type</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIXED PRICE</td>
<td>□ Commercial items, supplies, or low-risk service contracts with performance/functional/design specs</td>
<td>□ FIRM FIXED PRICE (LUMP SUM OR UNIT PRICE)</td>
<td>□ Contractor has complete responsibility for costs of performance and resulting profit/loss</td>
</tr>
<tr>
<td></td>
<td>□ Product/service must be delivered as specified and no payment can occur until the product/service that meets the contract specification is delivered</td>
<td>□ FIXED PRICE WITH ECONOMIC PRICE ADJUSTMENT</td>
<td>□ Contingencies in contracting period will occur or contract is high risk</td>
</tr>
<tr>
<td></td>
<td>□ Price that remains fixed irrespective of the contractor’s cost experience in performing</td>
<td></td>
<td>□ Doubt of stability of costs/prices over extended period of time</td>
</tr>
<tr>
<td>COST REIMBURSEMENT</td>
<td>□ Payment of allowable incurred costs to the extent prescribed in the contract</td>
<td>□ COMPLETION FORM</td>
<td>□ Price adjustment is based upon:</td>
</tr>
<tr>
<td></td>
<td>□ Estimate of total cost that contractor cannot exceed without a written amendment</td>
<td></td>
<td>□ Published indices</td>
</tr>
<tr>
<td></td>
<td>□ Uncertainties involved in contract performance do not permit costs to be estimated with sufficient accuracy to establish fixed prices</td>
<td></td>
<td>□ Actual contractor costs</td>
</tr>
<tr>
<td>TIME AND MATERIALS</td>
<td>□ Determination is made that no other type of contact is suitable</td>
<td>□ TERM FORM</td>
<td>□ Increase/decrease of published prices</td>
</tr>
<tr>
<td></td>
<td>□ Services or supplies</td>
<td></td>
<td>□ Contract defines circumstances under which economic price adjustment will be made and means by which it will be calculated</td>
</tr>
<tr>
<td></td>
<td>□ Payment of labor costs is on basis of fixed hourly billing rates specified in contract (including wages, indirect costs, general &amp; administrative expenses, and profit)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Labor hours are flexible</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Materials are billed at cost</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>□ Maximum obligation (ceiling price) is included in contract that cannot be exceeded without an amendment</td>
<td></td>
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</tbody>
</table>

Contract Officer Signature: ___________________________  Date: ___________________  

\(^1\) FTA Best Practices Procurement Manual, Section 2.4.3
PURCHASE ORDER CHECKLIST

This form shall be completed by the Contract Officer prior to routing a request for approval.

Contract Officer: ____________________________
Project Manager: ____________________________
Date submitted to Contract Officer: ____________

Purchase Order Details
Vendor Name: ____________________________
Brief description of goods/services: ____________
OWP Number(s): ____________________________
Requested Amount: $ ____________

For Purchase Order Amendments, complete the following and attach original PO and amendments.

PO Number: ____________________________
Original PO Issuance Amount: $ ____________
Current PO Amount (original and all amendments): $ ____________
New PO Total (after approval of this amendment request): $ ____________

Procurement Method
Attach completed Method of Procurement Selection (MOPS) form and required supporting documentation.

<table>
<thead>
<tr>
<th>Procurement Method</th>
<th>Required Supporting Documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Competitive Solicitation</td>
<td>Solicitation email including specifications¹, and at least 3 quotes</td>
</tr>
<tr>
<td>□ Invitation for Bid (IFB)</td>
<td>Solicitation email including specifications¹, best value criteria, and at least 3 quotes</td>
</tr>
<tr>
<td>□ Request for Proposal (RFP)</td>
<td>Solicitation email including specifications¹, best value criteria, and at least 3 quotes</td>
</tr>
<tr>
<td>□ Another Agency Procurement</td>
<td>Copy of solicitation and contract</td>
</tr>
<tr>
<td>□ Purchasing Schedule</td>
<td>Completed Purchasing Schedule Worksheet with related documentation</td>
</tr>
<tr>
<td>□ Assignment/Piggyback</td>
<td>Completed Piggyback Worksheet with related documentation</td>
</tr>
<tr>
<td>□ Noncompetitive Solicitation</td>
<td></td>
</tr>
<tr>
<td>□ Intergovernmental</td>
<td>Copy of underlying MOU or Agreement</td>
</tr>
<tr>
<td>□ Sole Source</td>
<td>Completed Sole Source Justification</td>
</tr>
</tbody>
</table>

Basis of Award:
□ Award has been made to the lowest responsive and responsible bidder who conformed to all material terms and conditions of the solicitation. This is the required method for all IFBs.
□ Award has been made to the responsible offeror whose proposal is most advantageous to SACOG with price and other factors considered. The evaluation criteria used to score the proposals must be included in the solicitation. This is the required method for all RFPs.

¹ When it was impractical or uneconomical to make a clear and accurate description of the technical requirements, a ‘brand name or equal’ description must have been used as a means to define the performance or other salient characteristics of the procurement. The specific features of the named brand which must be met by offerors must have been clearly stated in the IFB/RFP. – FTA BPPM
DOCUMENTATION TO REVIEW FOR PURCHASE ORDER REQUEST

Requisition

☐ The correct procurement requisition form is utilized.

☐ If the Purchase Order is related to an existing contract or formal procurement, the contract or solicitation number is listed and the document is attached. Also verify the items/services being purchased are within the scope of the underlying contract/solicitation.

☐ If the purchase order needs to be retroactively dated, a signed memo is included.

☐ The procurement justification clearly explains the purpose and benefit of the procurement.

☐ An Independent Cost Estimate (ICE) amount is listed and attached.

☐ The PM made and documented an independent cost estimate containing a line item breakdown of each type of cost within the overall price before receipt of quotes.

☐ The quantity, unit of measure, description, unit cost, and extended cost fields are filled in accurately and correctly. Be sure the numbers are calculated correctly.

☐ If the procurement will be split among more than one OWP, a breakdown of costs per budget shall be listed.

☐ If this is a multi-year purchase against an OWP, the amount to be encumbered per fiscal year shall be listed.

☐ The attachments are checked and accurate.

☐ A Record of Negotiation (RON) is included in the attachments, where applicable.

☐ Funding source(s) are checked and accurate.

☐ A printout of the current budget book is attached as verification of funding sources in the fiscal year(s).

☐ Funds are available for the cost code indicated.

☐ If FTA or FHWA funds, the vendor has completed and submitted the required Federal forms.

☐ The vendor information is filled in and a copy of SB/DBE certification is attached if applicable.

☐ The vendor is not debarred. Attach a printout from the Federal System for Award Management (SAM) website (http://www.sam.gov) as well as the State of California DLSE website (http://www.dir.ca.gov/dlse/debar.html)

☐ The correct signature block is used.

☐ The item(s) or service(s) being procured will not present a high risk to SACOG if the item(s) fail to perform as expected or the service(s) are not performed in compliance with industry standards.
A. Within 10 business days of being informed by SACOG that it is not responsive because it has not provided sufficient U/DBE documentation, a bidder/offeree may request administrative reconsideration. For DBE-related complaints arising during the administration of a contract or outside of the procurement process, the complaint must be filed within 30 days of the date of the alleged SACOG discretionary action forming the basis of the complaint. Complainants should make this request in writing to the following reconsideration official or his/her designee using the attached complaint form:

Disadvantaged Business Enterprise Liaison Officer
SACOG
address

B. The reconsideration official will not have played any role in the alleged discretionary action that is the basis for the complaint. The reconsideration official will review the administrative record concerning the reconsideration request (AR) and determine if it requires resolution by a committee or may be resolved by an appointed reconsideration person as the committee.

C. As part of this reconsideration, the complainant will have the opportunity to provide written documentation or argument concerning the issues. The complainant may also have the opportunity to meet in person with the reconsideration committee or official to discuss the issues.

D. The reconsideration committee and/or official will review the reconsideration request in a timely manner and may hold an informal hearing if deemed necessary in order to complete its investigation. The reconsideration committee or official will prepare a recommendation regarding the complainant's reconsideration request, in writing, to SACOG's CEO within 30 (thirty) calendar days of the date of receipt of the request. All materials included with the AR at time of submittal will be considered. The CEO will either sustain or reject the reconsideration document in writing based upon the recommendation of the administrative committee or official and the best interests of SACOG. This decision will be communicated in writing to the complainant.
E. The result of the SACOG reconsideration process is not administratively appealable to the Department of Transportation, however, the complainant may contact one or more of the following agencies that oversee various aspects of SACOG DBE Programs to file a complaint directly with those agencies:

Director, Office of Civil Rights
Federal Transit Administration
1200 New Jersey Ave, SE
Washington, DC 20590

Caltrans District Local Assistance:

(Insert appropriate district contact info above)

DBE Complaint Process Description for Staff

1. **INTRODUCTION**

These processes are intended to assist SACOG staff in managing DBE-related complaints arising out of or related to a contract between a consultant/contractor, SACOG and/or any DBE prime consultants/contractors/subcontractors/subconsultant. It is important to note that DBE dispute/complaint references provided herein are examples and are not intended to be inclusive of all issues that can arise from DBE requirements. These processes are intended to serve as
the framework for receiving, tracking, and resolving complaints, thereby creating an efficient method for handling these issues.

These procedures are meant to provide details for staff. The types of DBE complaints intended to be covered by these procedures, include, but are not limited to:

- Disputes related to whether a proposer/bidder has provided sufficient DBE documentation
- Disputes related to project participation by DBEs
- Termination of DBE contractor/subcontractor
- Nonpayment of a DBE firm
- Failure to provide a DBE the work to which the prime committed

The complaint resolution process will focus on gathering pertinent information, determining the responsibilities of the affected parties and achieving a thorough understanding of the issue(s) in dispute. SACOG staff should be committed to providing a timely response and resolution and evaluating complaints in accordance with the terms of the contract documents and applicable laws.

A. Governing Regulations and Statutes

All complaint resolution actions will be governed by any or all of the following non-exhaustive list of applicable laws, regulations, and documents:

- 49 CFR Part 26
- State of California Department of Industrial Relations Prevailing Wage Determinations
- California Labor Code
- SACOG solicitation documents
- SACOG contract documents

2. RECEIVING A COMPLAINT

Complaints addressed in these processes will typically originate from a compliance related issue/discrepancy discovered by SACOG or its authorized representative, as part of the standard DBE compliance monitoring review.

A. Evaluating a Complaint

Any contractor/consultant/subcontractor/subconsultant that believes that it has been subjected to a violation under DBE-related laws, regulations or contractual requirements as a result of a SACOG discretionary action, may file a complaint with SACOG. A complaint is a written or electronic statement concerning an allegation of noncompliance that contains a request for SACOG to take some type of remedial action. Complaints must be in writing and may be filed by mail or fax, in person, or online. Immediately upon receipt, the SACOG DBE Reconsideration Official should determine whether the correspondence constitutes a DBE-related complaint.
The following are examples of items that should not be considered a complaint:

(a) Anonymous correspondence;

(b) Inquiries seeking advice or information;

(c) Courtesy copies of correspondence or complaints filed with other agencies; and

(d) Oral allegations (exceptions should be made for people with disabilities or who require translation assistance on request).

Correspondence that is not a complaint but nevertheless potentially involves a DBE-related compliance deficiency should be recorded by SACOG staff as an inquiry if staff believes an issue might eventually evolve into a complaint.

B. Record and Track Complaint

A complaint (or potential complaint) should be date stamped by the receiving office immediately upon receipt. This step is important because the date that SACOG receives the complaint may affect a complainant's ability to seek redress. Once correspondence has been deemed a complaint, SACOG staff should document the appropriate information and assign a case or tracking number, and create an investigative case file to hold all documents and information pertaining to the complaint.

When recording a complaint, the following guidelines should be applied:

(a) Each complaint should be assigned a separate number;

(b) Complaints filed by more than one person that raise substantially identical allegations against the same recipient may be treated as one complaint and assigned one case number;

(c) Complaints filed by more than one person against the same entity should be assigned separate case numbers if they contain different allegations;

(d) New allegations filed by the same complainant against the same entity after the investigative process has begun should be reviewed on a case-by-case basis to determine whether the allegations should be added to the existing complaint or treated as a new complaint; and

(e) Complaints filed by entities, such as advocacy groups, where there are multiple complainants, but one entity handling all complaints should receive one case number.

C. Initial Considerations After Receipt of Complaint
Once SACOG concludes that correspondence is a complaint, staff should determine whether the complaint is “complete” in order to proceed with complaint processing and resolution. For a complaint to be complete, it should include the following information if applicable:

(a) A written explanation of the violation(s) of DBE-related laws, regulations or contractual requirements complainant believes has occurred and that involve SACOG

(b) Information necessary to contact the complainant (if the complaint is filed by e-mail, SACOG should request the sender’s actual name and address, if not provided)

(c) Identification of the person(s) or group(s) injured by the alleged violation

(d) Identification of the person(s) or organization(s) alleged to have committed the violation

(e) Sufficient information to understand the facts that led the complainant to a violation of DBE-related laws, regulations or contractual requirements occurred and when the violation took place

SACOG may contact the complainant by telephone or e-mail to obtain missing information. In instances in which further information is needed in writing, especially when the complainant cannot be reached by telephone, staff may wish to send the individual a complaint form. However, staff should always advise the complainant that he or she is not required to use the complaint form to submit the complaint or additional information, but rather may choose to provide the information it asks for in some other format.

Regardless of the method of contact or at what stage in the investigation information is requested, the complainant should be informed that SACOG will close the case if the information is not provided within 30 days. SACOG may extend the deadline depending on the extent of the information request or other special circumstances. The complainant should be notified in writing of closure of the investigation.

If the complaint contains sufficient information for at least one allegation, but lacks sufficient information for other allegations, staff should attempt to obtain the missing information, as described above. Complainant should be notified in writing that allegations lacking sufficient information that is not supplied within the 30-day timeframe will be closed;

Staff should work with each complainant to ensure receipt of sufficient information to evaluate the complaint. People with disabilities and limited English proficiency, in particular, may need assistance preparing complaint materials.

If the complaint is submitted on behalf of a complainant by an attorney, SACOG staff should call the attorney for additional information or to request permission to contact the complainant directly. In addition, if it appears the complainant may be represented by an attorney (especially if the complaint states that the matter raised has been or will be filed in court), staff should ask the complainant whether he or she is represented by an attorney concerning the complaint. If so, staff should contact the attorney for permission before further contacting the complainant directly.

D. Determining Whether the Complaint is Timely
SACOG DBE Complaint Procedures state that complaints that arise due to a proposer/bidder being found non-responsive due to failure to provide sufficient U/DBE documentation must be filed within 10 business days, and other types of DBE-related complaints must be filed within 30 days of the last date of the alleged discrimination. The filing date of the complaint is the earlier of: (1) the postmark of the complaint or (2) the date the complaint is received by SACOG’s main office.

If a complaint is not filed within these timeframes, SACOG staff the SACOG CEO may grant an extension under any of the following circumstances:

(a) The complainant could not reasonably be expected to know the act was a violation within the 30-day period, and the complaint was filed within 30 days after the complainant became aware of the alleged violation;

(b) The complainant was unable to file a complaint because of incapacitating illness or other incapacitating circumstances during the 30-day period, and the complaint was filed within 30 days after the period of incapacitation ended;

(c) The complainant filed a complaint alleging the same discriminatory conduct within the 30-day period with another Federal, state, or local civil rights enforcement agency, and filed a complaint with SACOG within 30 days after the other agency had completed its investigation or notified the complainant that it would take no further action;

(e) The violation is of a continuing nature.

E. Closing an Investigation

The SACOG reconsideration official/committee may decide to send a letter to the complainant informing him/her/it that SACOG will not proceed further with investigation or reconsideration, if one or more of the following conditions exist:

(a) The complaint is untimely filed;

(b) The complaint is so weak, insubstantial, or lacking in detail that it is without merit, or so replete with incoherent or unreadable statements that it, as a whole, cannot be considered to be grounded in fact;

(c) The complainant fails to respond to repeated requests for additional information needed to process the complaint;

(d) The complainant cannot be located after reasonable attempts;

(e) There is no statutory or alleged basis for the complaint, or the complainant does not allege any harm with regard to current programs or statutes;

(f) The complaint is a continuation of a pattern of previously filed complaints involving the same or similar allegations against the same recipient or other recipients that have been found factually or legally insubstantial;
The same allegations and issues of the complaint have been addressed in a recently resolved complaint or compliance review;

The complainant decides to withdraw his or her complaint. If the complaint included class allegations, the office may close out the entire complaint, pursue resolution of the class allegations, or use the information to target future compliance review activity;

Litigation has been filed raising the same allegations with the same basis(es) and issue(s) involved in the complaint;

The death of the complainant or injured party makes it impossible to investigate the allegations fully, or when the death of the complainant or injured party forecloses the possibility of relief because the complaint involved potential relief solely for the complainant or injured party;

3. INVESTIGATION OF COMPLAINT

Upon receiving the complaint statement, and after acknowledging receipt of complaint statement, SACOG staff should review the complaint statement and all supporting documentation provided.

The investigation should be confined to the issues and facts relevant to the allegations in the complaint, unless evidence shows the need to extend the issues

The investigation will take the following steps (at a minimum) to arrive at a prompt resolution. The specific steps include:

- Identify the appropriate contacts and names of all persons affected by the dispute.
- Identify and review all relevant documents, practices and procedures to determine appropriate resolution, including but not limited to relevant DBE regulations, DBE program documents, solicitation, contract, etc.
- If the complaint involves a discrepancy in payment, look for supporting documentation provided by the Contractor/Subcontractor, such as invoices that conflict with SACOG records.

After deciding to proceed with investigation of the complaint, staff should notify the complainant and other parties alleged to have violated a DBE requirement that the complaint has been accepted for investigation. The notification letter to should contain the following:

(a) SACOG understanding of the basis for the complaint;
(b) Brief statement of the allegations;
(c) Indication of when the parties will be contacted by SACOG;
(e) Cautionary statement that recipients or other persons shall not intimidate, threaten, coerce, or discriminate against the complainant because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation proceeding or hearing under Title VI or any other laws or regulations related to nondiscrimination;
If during the course of the investigation/analysis, the complainant or another involved party wishes to submit additional information concerning the dispute, SACOG staff should accept such information, so long as it is pertinent to resolving the pending issue.

4. DOCUMENTATION GUIDELINES

The following guidelines should be followed for keeping records and providing information when responding to Contractor/Subcontractor disputes, questions, and all other potential claims:

- Make sure that reports and documents (such as those submitted to SACOG counsel and the USDOT) are factual and accurate.
- The communication between SACOG and Contractor/Subcontractor concerning issue in dispute should be in writing.
- Record the full name and contact information of all Contractor/Subcontractor personnel (who work for the company raising the challenge).

5. RESPONSE

After the reconsideration official/committee comes to a decision, the recommendation(s) should be put in writing and provided to the CEO. The CEO should document whether she/he sustains or rejects the recommendation(s). The SACOG response to the complainant should include the following information:

- Information considered during the SACOG investigation
- Other parties with whom SACOG consulted
- Supporting documentation (USDOT or Caltrans decisions, regulations, laws, etc.)
- Final decision and recommendations for subsequent action by involved parties
## SACOG Cost Analysis Form

### Cost Analysis Summary

(For New Contracts Including Letter Contracts)
(See Instructions Below)

<table>
<thead>
<tr>
<th>Solicitation #</th>
<th>Supplies And/Or Services to be Furnished</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparer's Name, Department, Title Phone</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Division(s) and Location Where Work Is to Be Performed</th>
<th>Approval Signature</th>
</tr>
</thead>
</table>

### Detail Description Of Cost Elements

#### 1. Direct Material

<table>
<thead>
<tr>
<th>Vendor A Proposal</th>
<th>Vendor B Proposal</th>
<th>Independent Estimate</th>
<th>Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Purchased Parts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. Subcontracted Items</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Raw Material</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Standard Commercial Items</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Direct Material</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 2. Material Overhead (RATE % X $ Base*)

<table>
<thead>
<tr>
<th>Vendor A ($)</th>
<th>Vendor B ($)</th>
<th>Independent Estimate</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Material Overhead</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

#### 3. Direct Labor

<table>
<thead>
<tr>
<th>Estimated Hours</th>
<th>Rate/Hour</th>
<th>Vendor A ($)</th>
<th>Vendor B ($)</th>
<th>Independent Estimate</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Direct Labor</td>
<td></td>
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</tbody>
</table>

#### 4. Labor Overhead

<table>
<thead>
<tr>
<th>Vendor A ($)</th>
<th>Vendor B ($)</th>
<th>Independent Estimate</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Labor Overhead</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>OH Rate</th>
<th>$ Base (labor total above)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Labor Overhead</td>
<td></td>
</tr>
</tbody>
</table>

#### 5. Other Direct Costs

<table>
<thead>
<tr>
<th>Vendor A ($)</th>
<th>Vendor B ($)</th>
<th>Independent Estimate</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Other Direct Costs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Special Tooling/Equipment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. Travel</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) Transportation</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>2) Per Diem or Subsistence</td>
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<td></td>
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<tr>
<td>Total Travel</td>
<td></td>
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</tr>
</tbody>
</table>

### Detail Description Of Cost Elements (continued)

<table>
<thead>
<tr>
<th>Vendor A ($)</th>
<th>Vendor B ($)</th>
<th>Independent Estimate</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>C. Individual Consultant Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Individual Consultant Services</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Vendor A ($)</th>
<th>Vendor B ($)</th>
<th>Independent Estimate</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>D. Other</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Total Other</td>
<td></td>
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</tr>
</tbody>
</table>

#### 6. General and Administrative (G&A) Rate %

<table>
<thead>
<tr>
<th>Vendor A ($)</th>
<th>Vendor B ($)</th>
<th>Independent Estimate</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. General and Administrative (G&amp;A) Rate %</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>X $ Base (Use 5. E above)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Estimated Cost</td>
</tr>
</tbody>
</table>

#### 7. Royalties (if any)

<table>
<thead>
<tr>
<th>Vendor A ($)</th>
<th>Vendor B ($)</th>
<th>Independent Estimate</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Subtotal Estimated Cost</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 9. Contract Facilities Capital and Cost of Money

<table>
<thead>
<tr>
<th>Vendor A ($)</th>
<th>Vendor B ($)</th>
<th>Independent Estimate</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Contract Facilities Capital and Cost of Money</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 10. Subtotal Estimated Cost

<table>
<thead>
<tr>
<th>Vendor A ($)</th>
<th>Vendor B ($)</th>
<th>Independent Estimate</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Subtotal Estimated Cost</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 11. Fee or Profit

<table>
<thead>
<tr>
<th>Vendor A ($)</th>
<th>Vendor B ($)</th>
<th>Independent Estimate</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>11. Fee or Profit</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 12. Total Estimated Cost and Fee or Profit

<table>
<thead>
<tr>
<th>Vendor A ($)</th>
<th>Vendor B ($)</th>
<th>Independent Estimate</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. Total Estimated Cost and Fee or Profit</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

#### 13. Discounts

<table>
<thead>
<tr>
<th>Vendor A ($)</th>
<th>Vendor B ($)</th>
<th>Independent Estimate</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>13. Discounts</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 14. Option Costs (specify)

<table>
<thead>
<tr>
<th>Vendor A ($)</th>
<th>Vendor B ($)</th>
<th>Independent Estimate</th>
<th>Variance</th>
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</thead>
<tbody>
<tr>
<td>14. Option Costs (specify)</td>
<td></td>
<td></td>
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</tbody>
</table>

#### 15. Adjusted Cost
ANALYSIS GUIDELINES

A. DIRECT MATERIAL
   A. Analyze Purchased Parts: Provide a consolidated price analysis of material quantities included in the various tasks, orders, or contract line items being proposed and the basis for pricing (vendor quotes, invoice prices).
   B. Subcontracted Items: Analyze the total cost of subcontract effort and supporting written quotations from the prospective subcontractors.
   C. Other:
      (1) Raw Material: Review any materials in a form or state that requires further processing. Analyze priced quantities of items required for the proposal. Consider alternatives and total cost impact.
      (2) Standard Commercial Items: Analyze proposed items that the offeror will provide, in whole or in part, and review the basis for pricing. Consider whether these could be provided at lower cost from another source.

B. MATERIAL OVERHEAD
   Verify that this cost is not computed as part of labor overhead (Item 4) or General and Administrative (G&A) (Item 6).

C. DIRECT LABOR
   Analyze the hourly rate and the total hours for each individual (if known) and discipline of direct labor proposed. Determine whether actual rates or escalated rates are used. If escalation is included, analyze the degree (percent) and rationale used. Compare percentage of total that labor represents for each bid.

D. LABOR OVERHEAD
   Analyze comparative rates and ensure these costs are not computed as part of G&A. Determine if Government Audited rates are available.

E. OTHER DIRECT COSTS
   A. Special Tooling/Equipment: Analyze price and necessity of specific equipment and unit prices.
   B. Travel: Analyze each trip proposed and the persons (or disciplines) designated to make each trip. Compare and check costs.
   C. Individual Consultant Services: Analyze the proposed contemplated consulting. Compare to independent estimate of the amount of services estimated to be required and match the consultants’ quoted daily or hourly rate to known benchmarks.
   D. Other Costs: Review all other direct charge costs not otherwise included in the categories described above. (e.g., services of specialized trades, computer services, preservation, packaging and packing, leasing of equipment and provide bases for pricing.) Scan for duplication or omissions.

F. GENERAL AND ADMINISTRATIVE EXPENSE
   See notes on labor overhead above and check whether the base has been approved by a Government audit agency for use in proposals.

G. ROYALTIES
   If more than $250, analyze the following information for each separate royalty or license fee: name and address of licensor; date of license agreement; patent numbers, patent application serial numbers, or other basis upon which the royalty is payable; brief description (including any part of model numbers or each contract item or component on which the royalty is payable); percentage or dollar rate of royalty per unit; unit price of contract item; number of units; and total dollar amount of royalties.

H. SUBTOTAL ESTIMATED COST
   Compare the total of all direct and indirect costs excluding Cost of Money and Fee or Profit. Note reasons for differences.

I. CONTRACT FACILITIES CAPITAL AND COST OF MONEY
   Analyze the offerors’ supporting calculations and compare to known standards.

J. SUBTOTAL ESTIMATED COST
   This is the total of all proposed costs excluding Fee or Profit.

K. FEE OR PROFIT
   Review the total of all proposed Fees or Profit.

L. TOTAL ESTIMATED COST AND FEE OR PROFIT
   Analyze the range of total estimated costs including Fee or Profit, and explain variance to independent estimate. Identify areas for negotiation or areas to be challenged. Explain your conclusions regarding fair and reasonable pricing.

M. DISCOUNTS
   Review basis for Discounts and range between offers.
Appendix 34

PRICE ANALYSIS

PO/Contract: ________________________________

The evidence compiled by a cost/price analysis includes:

- Developing and examining data from multiple sources whenever possible that prove or strongly suggest the proposed price is fair.
- Determining when multiple data consistently indicate that a given price represents a good value for the money.
- Documenting data sufficiently to convince a third party that the analyst’s conclusions are valid.

DATE: ________________________________ PREPARED BY: ________________________________

The pricing quoted on the attached sheet(s) is deemed to be fair and reasonable based on the following type of analysis:

☐ Comparison with competing suppliers’ prices or catalog pricing for the same item. (Complete comparison matrix and attach supporting quotes or catalog pages.)

☐ Comparison of proposed pricing with in-house estimate for the same item. (Attach signed in-house estimate and explain factors influencing any differences found. Complete summary matrix.)

☐ Comparison of proposed pricing with historical pricing from previous purchases of the same item, coupled with market data such as Producer Price index or Inflation Rate over the corresponding time period. (Attach data and historical price record.)

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

SUMMARY MATRIX

<table>
<thead>
<tr>
<th>ITEM</th>
<th>Proposed or Pre-Negotiated Pricing</th>
<th>Average Market Price</th>
<th>Competitor A</th>
<th>Competitor B</th>
<th>In-House Estimate</th>
<th>Other</th>
</tr>
</thead>
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</tbody>
</table>

Attachments: Analysis/Conclusions:
## Credit Card Charges Summary (Last four Digits of Card______________)

<table>
<thead>
<tr>
<th>Date</th>
<th>Est. Amt</th>
<th>Actual Amt</th>
<th>Description and Purpose</th>
<th>Account and Work Element</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

* Each use of the card should be on a separate line.

Card Received by: ____________________________  Date Received: ____________________________

Project Manager Approval: ____________________________

CEO Approval: ____________________________

Finance Director Approval: ____________________________
Appendix 37

**MICRO PURCHASE JUSTIFICATION** (less than $3,000.00)
Determination of Fair and Reasonable Pricing

**Instructions:**

***This form must be completed and dated PRIOR to the time a micro purchase is made or ordered. After the invoice is received attach original documents (invoice, this form and green Request for Payment form) and forward to Finance/Accounts Payable. This form is not needed for the following types of purchases: Travel, Memberships, Licenses, Fees, Utilities, Local Conferences, Local Training, etc. (Please check with Contracts and Procurement if unsure)

For Credit Card purchases, the Credit Card holder also completes form prior to purchase but maintains form in their record log.

Contractor/Consultant/Vendor: ___________________________________________
Procurement Amount: $ ___________________________
Project Manager: ___________________________________________
Procurement Description: ___________________________________________

Notice: A competitive procurement is required for all procurements that exceed a value of $3,000. Consult with the Contracts and Procurement Department if you need assistance.

---

**THE FOLLOWING MUST BE ANSWERED AFFIRMATIVELY**

By marking the boxes below you are affirming that the following statements are true.

- [ ] In choosing this vendor, I considered the need to equitably distribute similar purchases among qualified suppliers.
- [ ] The utilization of a micro-purchase procurement is not due to the reduction or splitting of a procurement to comply within the micro purchase limit.

---

**JUSTIFICATION FOR PRICE REASONABLENESS**

- [ ] Historical information on previous purchase(s).
- [ ] Personal knowledge of item purchased.
- [ ] Found reasonable on recent purchase.
- [ ] Regulated rate (utility).
- [ ] Found competitive pricing on the internet.
- [ ] Obtained pricing from current catalog/price list which was competitively procured.
- [ ] Sales price from commercially available item.
- [ ] Other. Explanation: ___________________________________________

By signing below, I have determined the price of this micro purchase to be fair and reasonable.

Project Manager ___________________________
Date ***
SACOG Board of Directors

August 11, 2016

Approve Policies & Procedures for Administration of Subrecipient Agreements

Issue: Whether to adopt policies and procedures for administration of subrecipient agreements.

Recommendation: The Government Relations & Public Affairs Committee recommends that the Board approve the Policies & Procedures for Administration of Subrecipient Agreements.

Committee Action/Discussion: In June, staff discussed with the board an audit report received from Caltrans. Staff is working on an internal compliance review of SACOG’s policies and procedures. One of the issues identified is that SACOG does not have policies and procedures for the administration of subrecipient agreements. Staff has worked with Diane Eidam, a retired annuitant assisting with this review, to prepare the attached manual.

Subrecipients are a legally defined group of governmental entities, typically, who receive state or federal funds from a pass-through entity (SACOG) to carry out a Federal and/or State program. Cities, counties, transit agencies, and El Dorado County Transportation Commission and Placer County Transportation Planning Agency are examples of subrecipients.

Under new federal regulations enacted last year, pass-through entities are required to perform ongoing monitoring of subrecipients. The attached manual will help SACOG address these requirements. Two key requirements that a pass-through agency must perform are assessing the financial risk of a subrecipient and review annual financial and programmatic reports.

The attached Policies and Procedures comply with state and federal requirements. Caltrans received a copy of this draft in early July to ensure that it satisfies their requirements. Staff has not received final comments back from Caltrans in advance of the Board packet mailout.

Since June, staff has received training on subrecipient management. Project managers of subrecipients will receive additional training.

A complete copy of the proposed Policies and Procedures is provided in Attachment A.

Approved by:

Mike McKeever
Chief Executive Officer

MM:EJ:ts
Attachment

Key staff: Kirk E. Trost, Chief Operating Officer/General Counsel, (916) 340-6210
          Erik Johnson, Manager of Policy and Administration, (916) 340-6247
SACOG

Policies & Procedures Manual for the Administration of Subrecipient Agreements

April 2016

Table of Contents

CHAPTER 1: Monitoring Pass-Through Funds…………………………2
CHAPTER 2: Charging Costs to Federal Awards……………………13
CHAPTER 3: Accounting for Local Match…………………………18
CHAPTER 1: MONITORING PASS-THROUGH FUNDS

INTRODUCTION

SACOG is a Metropolitan Planning Organization (MPO) mandated by the Federal and State governments to develop regional plans for transportation, growth management, air quality and other issues of regional significance. SACOG functions as the MPO for six California counties: El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba.

SACOG receives Federal funds through the California Department of Transportation (Caltrans). Federal sources of funds primarily include the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) Consolidated Planning Grant funds (CPG). These funds are administered through the Master Fund Transfer Agreement (MFTA) between Caltrans and SACOG. (See Appendix A - MFTA.) CPG funds are a primary source of funding for SACOG's annual Overall Work Program (OWP) that is approved by FTA/FHWA.

The following fund sources are governed by the terms and conditions of the MFTA, as included in each annual Overall Work Program Agreement (OWPA) between SACOG and Caltrans:

- FHWA-- Metropolitan Planning
- FHWA-- Partnership Planning
- FTA Metropolitan Planning-- Section 5303
- FTA State Planning and Research-Section 5304
- Any other Federal or State Funds administered by and through Caltrans, Office of Regional and Interagency Planning

SACOG and its Subrecipients have access to the Regional Planning Handbook developed by the Caltrans Headquarters Office of Regional and Interagency Planning (ORIP) as a resource to describe the interactions between Caltrans District 3 staff, ORIP staff, Metropolitan Planning Organizations (MPOs), Regional Transportation Planning Agencies (RTPAs) on the Overall Work Program (OWP) and the Regional Transportation Plan (RTP).

1. PURPOSE

The purpose of this policy is to ensure that Subrecipients agree to comply with Code of Federal Regulations, Title 2, Chapter 2, Part 200. It is the intent of this policy to document SACOG’s procedures to ensure that grants awarded are consistent with Federal, State and SACOG priorities and that payments made to Subrecipients are for costs associated with activities and/or products identified in the Continuing Cooperative Agreement and that such costs are allowable and eligible for reimbursement. This manual also provides procedures that SACOG will follow to exercise oversight of the Subrecipients and the procedures that the Subrecipients will
follow to insure compliance with Federal and State laws and regulations.

Section I describes the Federal and State regulations and procedures SACOG will implement to insure compliance by Subrecipients receiving these grant funds.

Section II describes the responsibilities of the Subrecipients of SACOG grant awards.

2. APPLICABILITY

The procedures in this policy apply to SACOG and its Subrecipients seeking to receive grant funds from SACOG. All Subrecipients of Federal and/or State grant funds through SACOG are subject to the same Federal and State requirements as SACOG. (See Section I).

3. SUBRECIPIENTS

Subrecipients are non-Federal entities that expend Federal grant awards or State funds received from a pass-through entity to carry out a Federal and/or State program. A Subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency. A Subrecipient may also be a recipient of State funds directly from a State agency. Whether the Subrecipient receives awards from a Federal agency or State agency or a pass-through entity, the Subrecipient is subject to the same Federal and State regulations as the pass-through entity.

SACOG is considered a "pass-through entity" in relation to its Subrecipients, and as such requires that its consultants and Subrecipients comply with the applicable terms and conditions (flow-down provisions) of the MFTA and fund requirements. A "pass-through entity" is defined as a non-Federal entity that provides a Federal award to a Subrecipient to carry out a Federal program. (CFR Title 2, Chapter 2, Part 200)

SACOG's Subrecipients include, but are not limited to, transportation commissions, transit agencies, cities, counties, councils of government and other public, private and/or non-profit agencies. Agreements with these Subrecipients take the form of Memorandum of Understanding (MOU), Funding Agreements, or similar agreements. SACOG's agreements with its Subrecipients are documented through Continuing Cooperative Agreements (CCA). (See Appendix B, CCA Template).

SECTION I: REGULATORY PROCEDURES FOR SUBRECIPIENTS

Subrecipients are subject to the same Federal and State requirements as SACOG. SACOG's MFTA with Caltrans requires SACOG and its contractors, subcontractors and Subrecipients to comply with Federal and State requirements set forth in the MFTA.

Applicable Federal regulations include, but are not limited to, the following:

The Code of Federal Regulations, Title 2, Chapter 2, Part 200;
(a)(1) This part establishes uniform administrative requirements, cost principles, and audit requirements for Federal awards to non-Federal entities, as described in §200.101 Applicability. Federal awarding agencies shall not impose additional or inconsistent requirements, except as provided in §§200.102 Exceptions and 200.210 Information contained in a Federal award, or unless specifically required by Federal statute, regulation, or Executive Order.

(2) This part provides the basis for a systematic and periodic collection and uniform submission by Federal agencies of information on all Federal financial assistance programs to the Office of Management and Budget (OMB). It also establishes Federal policies related to the delivery of this information to the public, including through the use of electronic media. It prescribes the manner in which General Services Administration (GSA), OMB, and Federal agencies that administer Federal financial assistance programs are to carry out their statutory responsibilities under the Federal Program Information Act (31 U.S.C. 6101-6106).

(b) Administrative requirements. Subparts B through D of this part set forth the uniform administrative requirements for grant and cooperative agreements, including the requirements for Federal awarding agency management of Federal grant programs before the Federal award has been made, and the requirements Federal awarding agencies may impose on non-Federal entities in the Federal award.

(c) Cost Principles. Subpart E—Cost Principles of this part establishes principles for determining the allowable costs incurred by non-Federal entities under Federal awards. The principles are for the purpose of cost determination and are not intended to identify the circumstances or dictate the extent of Federal Government participation in the financing of a particular program or project. The principles are designed to provide that Federal awards bear their fair share of cost recognized under these principles except where restricted or prohibited by statute.

(d) Single Audit Requirements and Audit Follow-up. Subpart F—Audit Requirements of this part is issued pursuant to the Single Audit Act Amendments of 1996, (31 U.S.C. 7501-7507). It sets forth standards for obtaining consistency and uniformity among Federal agencies for the audit of non-Federal entities expending Federal awards. These provisions also provide the policies and procedures for Federal awarding agencies and pass-through entities when using the results of these audits.

(e) For OMB guidance to Federal awarding agencies on Challenges and Prizes, please see M-10-11 Guidance on the Use of Challenges and Prizes to Promote Open Government, issued March 8, 2010, or its successor.

Federal Transit Administration, Circular C 4220.1E, Third Party Contracting Requirements

This circular sets forth the requirements a grantee shall adhere to in the solicitation,
award and administration of its third party contracts.

**Federal Transit Administration, Circular C 5010.1C, Grant Management Guidelines**

The purpose of this circular is to provide guidelines and management procedures for Metropolitan Planning grants, Capital Program grants and Urbanized Area Formula grants for assistance programs of the Federal Transit Administration (FTA), after award.

**Federal Transit Administration, Circular C 8100.1B, Program Guidance and Application Instructions for Metropolitan Planning Grants**

This circular provides application instructions and program guidance instructions for the preparation of Metropolitan Planning Program (MPP) grant applications for funds authorized by 49 U.S.C. 5303.

The Code of Federal Regulations, Title 2, Chapter 2, Part 200 may be accessed on the Internet at [http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl)


Subrecipients have an affirmative duty to review the above Federal regulations so that they can comply with the requirements.

Subrecipients shall also comply with the Federal Certifications and Assurances, including the Lobbying Certification, published annually in SACOG's OWP, as required by the MFTA. (Appendix A).

Subrecipients shall also comply with the Caltrans Local Assistant Procedures Manual Chapter 5, Accounting/Invoicing (LPP 04-10) when seeking reimbursement of indirect costs or including indirect costs in the in-kind match amount. In instances where SACOG authorizes a Subrecipient to retain a consultant(s) to perform work, the consultant selection process shall comply with competitive selection requirements under CFR Title 2, Part 200 and State law and procedures, including the Caltrans Local Assistance Procedures Manual and Local Program Procedure (LPP 00-05) at [www.dot.ca.gov/hq/LocalPrograms/lam/lapm.htm](http://www.dot.ca.gov/hq/LocalPrograms/lam/lapm.htm). Further, Subrecipients shall incorporate all applicable flow-down requirements (from the CCA or other funding agreement between SACOG and the Subrecipient), including the Federal and State requirements described above, into such consultant(s) contracts.

Subrecipients shall also comply with SACOG's Policies and Procedures Manual as may be modified from time to time.

**A. SACOG SUBRECIPIENT MONITORING AND MANAGEMENT**
In accordance with CFR Title 2, Chapter 2, Part 200.331, SACOG performs Subrecipient monitoring and management. SACOG utilizes various methods to monitor Subrecipients and insure compliance with Federal and State regulations. SACOG oversees all procurement of consultants for Subrecipients to ensure that procurements are conducted in accordance with CFR Title 2, Chapter 2, Part 200.

SACOG will evaluate each Subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate Subrecipient monitoring. At a minimum, SACOG Subrecipient monitoring and management will include:

- The completion of a Subrecipient risk assessment which evaluates:
  1. Subrecipient financial stability;
  2. Quality of Subrecipient management systems and ability to meet management standards per CFR Title 2, Chapter 2, Part 200;
  3. Subrecipient history of performance in managing prior awards, including timeliness of compliance with reporting requirements and conformance with terms and conditions;
  4. Reports and findings from audits of Subrecipients;
  5. Subrecipient’s ability to implement regulatory or other requirements; and
  6. Subrecipient debarments and/or suspensions.

- The development of Overall Work Plan and corresponding Continuing Cooperative Agreements in sufficient detail to provide a clear understanding of activities, tasks, deliverables, cost and schedule for work to be done by sub-recipients.

- The review of each Subrecipient invoice to ensure that the work performed and costs billed are in compliance with the Continuing Cooperative Agreement and applicable State and Federal Regulations. To facilitate this review, subrecipients are required to submit sufficient invoice detail. Review and approvals will be documented by the Project Manager’s and Executive Director’s signature. The Director of Administration and Finance will initial the invoice to document the availability of funds.

- Payments will be withheld from sub-recipients for the following reasons:
  1. Insufficient detail to support the costs billed;
  2. Unallowable costs;
  3. Ineligible costs; and/or
  4. Incomplete work or work not completed in accordance with required specifications.

- Invoices will be date stamped upon receipt if received in hard copy. A record of the date of receipt will be maintained for those invoices sent electronically.
• Periodic training of SACOG and sub-recipient staff will be provided to ensure
currency and continued compliance with this policy.

B. SACOG PROJECT MANAGER SUBRECIPIENT OVERSIGHT RESPONSIBILITIES:

1. Encourage Subrecipients to submit monthly invoices;
2. Verify that invoices include progress reports;
3. Review progress reports to ensure project is progressing appropriately and on
schedule;
4. Compare invoice to agreement budget to ensure eligibility of costs and that costs
do not exceed budget;
5. Review invoice to ensure supporting documentation is included and invoiced
costs are within the scope of work for the project(s) being invoiced;
6. Obtain report, certification and supporting documentation of local (non-
federal)/in-kind match work from the Subrecipient;
7. Review Subrecipient match tasks for eligibility; and
8. Notify SACOG Director of Finance & Administration that invoice is approved or
disapproved.

C. SACOG SUBRECIPIENT PROJECT FILES

Subrecipient project files will contain, at a minimum, the following:

1. Project proposal (cooperative agreement tasks);
2. Project scope;
3. Correspondence, including communications log;
4. Meeting agendas, minutes, and attachments;
5. Progress reports;
6. Interim and final products;
7. Project close out form;
8. Copies of other applicable project documents as required, such as copies of
contracts or MOUs; and
9. Provide estimates to complete projects and the estimated completion date.

SECTION II: SUBRECIPIENTS RESPONSIBILITIES

A. PROJECT MANAGEMENT AND ADMINISTRATION

The Subrecipients shall designate a person as Subrecipient Project Manager who is
primarily responsible for the execution of the grant. Subrecipients shall insure that
their practices are in compliance with the guidelines discussed in Parts B through G.
In addition, Subrecipients and Subrecipient Project Managers have the following
responsibilities:
1. Provide SACOG with copies of Joint Powers Agreements or other founding legal documents and any changes to legal status;
2. Report to SACOG and provide copies of contracts when a new Executive Director is retained;
3. Keep SACOG informed on the project progress and request prior approval of any changes when necessary;
4. Inform SACOG of any issues that arise with the projects, at the earliest possible time, to insure that the projects are completed on schedule and within budget;
5. Submit accurate and complete invoices. These invoices shall show the costs incurred, in detail. If there are staff costs they shall show the name(s) of the staff, their hourly pay rates, fringe benefit rates and costs, and overhead rate, if applicable. The invoices shall also show the billing period, project (OWP) number and title, year to date budget and costs and the remaining budget for each project;
6. Provide a report, certification and supporting documentation of local (non-federal)/in-kind match (see Part B below for additional detail);
7. Obtain approval of indirect rates through submittal of Indirect Cost Rate Proposals prior to seeking reimbursement and provide SACOG with a copy of the approved rate from Caltrans or Federal Cognizant Agency;
8. Develop the scope of work for projects involving contractors;
9. Review the consultant's work products and providing progress reports,
10. Monitor the day-to-day activities of the consultant;
11. Recommend approval of payment of invoices from the consultant, promptly;
12. Track, monitor and report on all of their SACOG projects, whether staff or consultant projects;
13. Provide estimates to complete projects and the estimated completion date.

B. LOCAL (NON-FEDERAL) MATCH

CFR Title 2, Part 200.306 contains the Federal regulations for matching or cost sharing. A matching or cost sharing requirement may be satisfied by: 1. Allowable costs incurred by the grantee, subgrantee or a cost-type contractor under the assistance agreement, including allowable costs borne by non-Federal grants; 2. the value of third party in-kind contributions applicable to the period to which the matching requirements apply.

CGP funding requires a non-Federal match, currently 11.47 percent of the total funding of a project. The match is 11.47 percent of the total sum of Federal participation plus the required non-Federal participation amount. The match is calculated work element by work element, not on the total Federal funds in the OWP.

Match requirements are contained in the Caltrans Regional Planning Handbook. As mentioned above, one of the requirements for match funds is that they are not from Federal funds. Subrecipients shall be careful to insure that non-Federal funds are used for the match provided. The MFTA also notes the matching requirements in Article 1,
Section I-J. (See Appendix A, Page 3). SACOG also agrees, in the Overall Work Program Agreement (OWPA) with Caltrans, to comply with the Federal matching requirements for CPG funds. SACOG prescribes its requirements to Subrecipients for match funds in the CCA. This part gives the requirements for In-Kind Match Reports and Cash Matches (See Appendix B, Continuing Cooperative Agreement Template).

C. THIRD PARTY CONTRACTS

When work is contracted out, all Federal and State compliance responsibilities of SACOG apply to the consultant third party entities as they do to SACOG and shall be included in the consultant agreements. If portions of the work are further contracted out to subconsultants, the consultant shall include the Federal and State compliance responsibilities in the subconsultants' agreements.

D. INVOICING

The *Local Assistance Procedures Manual* and MFTA sets out the requirements for SACOG to obtain reimbursement for expenditures on Federal and State funded projects. SACOG is required to submit invoices to Caltrans for completed work. Invoices may be submitted monthly to Caltrans. Section 5 of the *Local Assistance Procedures Manual* describes the invoice process and requirements, which apply to Subrecipients as well as SACOG.

Invoices may vary in format but shall include the following information:
1. Invoice date;
2. Invoice number;
3. Progress reports;
4. Local (non-federal) match certification and supporting documentation;
5. Supporting documentation to support invoice reimbursement request, including but not limited to, cancelled checks, reports from accounting system, i.e., general ledger, transaction reports, etc.;
6. Spreadsheets;
7. Documentation of accounting and internal control system, so that SACOG has a general knowledge regarding how costs are allocated and segregated;
8. Third party invoices; and
9. Any additional information that will support and substantiate allowable and eligible costs.

E. PROGRESS REPORTS

The Progress Reports prepared by the Subrecipient, and submitted for SACOG's review, shall include, but are not limited to, the following:

1. Information such as SACOG Manager/Project Manager;
2. Subrecipient Project Manager responsible for the project;
3. A brief contract description (if applicable);
4. The name of the consultant (if applicable);
5. Work planned for the quarter;
6. Work accomplished in the quarter;
7. Work planned for the next quarter;
8. Issues encountered;
9. Issue resolution;
10. Any proposed amendments;
11. Final products;
12. Percentage of work complete;
13. OWP completion date and current estimated completion date, with an explanation of any variance; and
14. Expenditures for the quarter and year to date and the funding split listed in the OWP.

All progress reports are due to Caltrans on the last business day of the month following the close of the quarter. SACOG will conduct a final review upon completion of the report to insure accuracy before submittal to Caltrans. The SACOG Project Manager shall brief the Caltrans Program Manager on the project so they can respond to any questions.

F. COMPLIANCE WITH FEDERAL REGULATIONS

Subrecipients are also required to be cognizant of, and insure that their practices conform to, the administrative requirements referenced above in Section I when accepting Federal funds. The administrative requirements include: CFR 2, Title 2, Chapter 2, Part 200; Federal Transit Administration Circulars and the Federal Certifications and Assurances as cited in the MFTA. (Appendix A).

1. The Code of Federal Regulations, Title 2, Chapter 2, Part 200

(a)(1) This part establishes uniform administrative requirements, cost principles, and audit requirements for Federal awards to non-Federal entities, as described in §200.101 Applicability. Federal awarding agencies shall not impose additional or inconsistent requirements, except as provided in §§200.102 Exceptions and 200.210 Information contained in a Federal award, or unless specifically required by Federal statute, regulation, or Executive Order.

(2) This part provides the basis for a systematic and periodic collection and uniform submission by Federal agencies of information on all Federal financial assistance programs to the Office of Management and Budget (OMB). It also establishes Federal policies related to the delivery of this information to the public, including through the use of electronic media. It prescribes the manner in which General Services Administration (GSA), OMB, and Federal agencies that administer Federal financial assistance programs are to carry out their statutory responsibilities under the Federal Program Information Act (31 U.S.C. 6101-6106).

(b) Administrative requirements. Subparts B through D of this part set forth the uniform administrative requirements for grant and cooperative agreements,
including the requirements for Federal awarding agency management of Federal grant programs before the Federal award has been made, and the requirements Federal awarding agencies may impose on non-Federal entities in the Federal award.

(c) Cost Principles. Subpart E—Cost Principles of this part establishes principles for determining the allowable costs incurred by non-Federal entities under Federal awards. The principles are for the purpose of cost determination and are not intended to identify the circumstances or dictate the extent of Federal Government participation in the financing of a particular program or project. The principles are designed to provide that Federal awards bear their fair share of cost recognized under these principles except where restricted or prohibited by statute.

(d) Single Audit Requirements and Audit Follow-up. Subpart F—Audit Requirements of this part is issued pursuant to the Single Audit Act Amendments of 1996, (31 U.S.C. 7501-7507). It sets forth standards for obtaining consistency and uniformity among Federal agencies for the audit of non-Federal entities expending Federal awards. These provisions also provide the policies and procedures for Federal awarding agencies and pass-through entities when using the results of these audits.

(e) For OMB guidance to Federal awarding agencies on Challenges and Prizes, please see M-10-11 Guidance on the Use of Challenges and Prizes to Promote Open Government, issued March 8, 2010, or its successor.

In addition, Subrecipients shall be in compliance with Federal Transit Administration (FTA) regulations, namely:

1. **FTA Circular C 4220.1E, Third Party Contracting Requirements**
   
   This Circular sets forth the requirements a grantee shall adhere to in the solicitation, award and administration of its third party contracts;

2. **FTA Circular C 5010.1C, Grant Management Guidelines**
   
   This Circular provides guidelines and management procedures for Metropolitan Planning grants, Capital Program grants and Urbanized Area Formula grants for assistance programs of the FTA after award;

3. **FTA Circular C 8100.1B, Program Guidance and Application Instructions for Metropolitan Planning Grants**
   
   This Circular provides application instructions and program guidance instructions for the preparation of Metropolitan Planning Program grant applications for funds authorized by 49 U.S.C. 5303.

**G. CONFLICT OF INTEREST RULES**

CFR Title 2, Part 200.318(c)(1) states that no employee, officer or agent of the
grantee or subgrantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- The employee, officer or agent,
- Any member of his immediate family,
- His or her partner, or
- An organization which employs, or is about to employ, any of the above,

has a financial or other interest in the firm selected for award. The CCA also requires Subrecipient to comply with the applicable provisions of SACOG's Conflict of Interest Policy, which incorporates Federal and State conflict of interest requirements. (Appendix B). Subrecipients shall comply with the provisions of the State conflict of interest laws, including California Government Code Sections 1090-1099. If SACOG determines that a Subrecipient comes within the definition of "consultant" under the Political Reform Act (Government Code Section 87100 et seq.), such Subrecipient shall complete and file, and shall require any other person doing work under the Subrecipient's Agreement to complete and file, a "Statement of Economic Interest" with SACOG disclosing Subrecipient's and/or such other persons' financial interests.

APPENDIX A: MASTER FUND TRANSFER AGREEMENT

APPENDIX B: CONTINUING COOPERATIVE AGREEMENT TEMPLATE

APPENDIX C: SACOG GRANT APPLICATION

APPENDIX D: RISK ASSESSMENT FORM
CHARGING COSTS TO FEDERAL AWARDS

BACKGROUND

In the performance of its mission, SACOG utilizes a number of funding sources including grants provided by the Federal Government. In order to utilize these funds for the reimbursement of costs, SACOG and its Subrecipients are required to follow CFR Title 2, Part 200, Subpart E - Cost Principles when accounting for expenditures.

POLICY

SACOG charges costs that are reasonable, allowable, and allocable to an award directly or indirectly. All unallowable costs shall be appropriately segregated from allowable costs in the general ledger in order to assure that unallowable costs are not charged to any awards. SACOG Subrecipients are required to follow these same practices.

PROCEDURES

Segregating Unallowable from Allowable Costs

The following steps shall be taken to identify and segregate costs that are allowable and unallowable with respect to each award:

1. The budget and grant or contract for each award shall be reviewed for costs specifically allowable or unallowable. In particular, accounting personnel should be knowledgeable of specific unallowable costs, such as alcoholic beverages, bad debts, contributions, fines, lobbying, etc. and those requiring advance approval from Federal agencies, such as equipment purchases.

2. No costs shall be charged directly to any award until the cost has been determined to be allowable under the terms of the award and/or CFR Title 2, Part 200, Subpart E - Cost Principles.

3. For each award, an appropriate set of general ledger accounts (or account segments) shall be established in the chart of accounts to reflect the categories of allowable costs identified in the award or the award budget.

4. All items of miscellaneous income or credits, including the subsequent write-offs of un-cashed checks, rebates, refunds, and similar items, shall be reflected for grant accounting purposes as reductions in allowable expenditures if the credit relates to charges that were originally charged to an award or to activity associated with an award. The reduction in expenditures shall be reflected in the
year in which the credit is received (i.e., if the purchase that results in the credit took place in a prior period, the prior period shall not be amended for the credit).

Criteria for Allowability

All costs shall meet the following criteria from CFR Title 2, Part 200, Subpart E - Cost Principles, in order to be treated as allowable direct or indirect costs under an award:

1. The cost shall be “reasonable” for the performance of the award, considering the following factors:
   a. Whether the cost is of a type that is generally considered as being necessary for the operation of the agency or the performance of the award;
   b. Restraints imposed by such factors as generally accepted sound business practices, arm’s length bargaining, federal and state laws and regulations, and the terms and conditions of the award;
   c. Whether the individuals concerned acted with prudence in the circumstances;
   d. Consistency with established policies and procedures of the agency, deviations from which could unjustifiably increase the costs of the award.

2. The cost shall be “allocable” to an award by meeting one of the following criteria:
   a. The cost is incurred specifically for an award;
   b. The cost benefits both the award and other work, and can be distributed in reasonable proportion to the benefits received; or
   c. The cost is necessary to the overall operation of the agency, except where a direct relationship to any particular program or group of programs cannot be demonstrated.

3. The cost shall conform to any limitations or exclusions of CFR Title 2, Part 200, Subpart E - Cost Principles or the award itself.

4. Costs shall be consistently treated over time.

5. The cost shall be determined in accordance with generally accepted accounting principles.

6. Costs may not be included as a cost of any other financed program in the current or prior periods.

7. The cost shall be adequately documented.

Direct Costs

Direct costs are costs that are incurred/performe primarily as a service to clients or the
general public, when significant and necessary to the organization’s mission. These costs are generally incurred for a specific objective and can be easily identified with a particular project (fund/contract) or activity. Direct costs should be identified and charged exclusively to each award or program receiving the benefit.

Each invoice shall be coded with the appropriate account reflecting which program received direct benefit from the expenditure. Invoices should be approved by the appropriate project manager and reviewed by accounting/administrative personnel and the Executive Director.

Time sheets or personnel activity reports are also submitted on a regular basis, reflecting employees' work and which programs directly benefited from their effort. Time sheets or personnel activity reports shall serve as the basis for charging salaries directly to Federal awards and non-Federal functions.

Equipment purchased for exclusive use on an award and reimbursed by an agency shall be accounted for as a direct cost of that award (i.e., such equipment shall not be capitalized and depreciated).

**Indirect Costs**

Indirect costs are those that have been incurred for common or joint objectives and cannot be readily identified with a particular grant or program but are necessary to the operation of the organization. Indirect costs may be allocated to benefiting grants through the use of an indirect cost rate.

**Indirect Cost Rate**

SACOG develops an annual indirect cost allocation plan/indirect cost rate proposal in accordance with CFR 2, Title 2, Chapter 2, Part 200 and procedures promulgated by Caltrans Division of Audits & Investigations. SACOG submits the indirect cost allocation plan/indirect cost rate proposal to Caltrans Division of Audits & Investigations for review and approval. In order to invoice for indirect costs, Subrecipients shall also have an indirect cost allocation plan/indirect cost rate approved by Caltrans Audits & Investigations or the appropriate Federal Cognizant Agency.

Examples of the types of expenditures normally included in the indirect cost pool are:

1. General administration
2. Salaries and benefits of the executive officers, fiscal, human resources and administrative personnel
3. Depreciation of equipment and buildings
4. Office rent and maintenance
5. General office repairs and maintenance

The following costs are unallowable as part of the indirect cost rate:
- Interest
- Equipment of $5,000 and greater except with prior approval
- Building improvements
- Building renovations

Compensation for the use of buildings and other equipment may be made through use allowances or depreciation.

**Accounting for Specific Elements of Cost**

Specific elements of costs are typically charged to Federal awards as direct or indirect costs as follows:

**Salaries and Wages** – Salaries and wages shall be charged directly and indirectly based on the functions performed by each employee, as documented on each employee’s timesheet. Project time should be charged direct and administrative time should be charged indirect.

Compensated absences (vacation leave earned, sick leave used, and holiday pay) are considered part of salary costs. The costs associated with compensated absences will be recorded as an indirect cost.

**Employee Benefits** – Eligible benefits typically include the following:

- FICA
- Unemployment insurance
- Worker’s compensation
- Health insurance
- Contributions to pension plan
- Accrued vacation fringe

Benefit costs should be charged directly and indirectly in the same proportion as each individual’s salaries and wages.

**Occupancy Expenses** – Monthly rent expense and related pass-through expenses shall be allocated indirectly.

**Utilities** – Utilities costs include electricity and water. Such utilities costs shall be charged indirectly.

**Supplies and Materials** – To the maximum extent possible, office supplies and materials are charged directly to the grant or program/function that uses the supplies or materials. All supplies and materials used by administrative staff shall be charged indirectly.

**Postage and Shipping** – To the maximum extent possible, postage and shipping costs
shall be charged directly to the grant or program/function that benefits from the postage or shipping costs.

**Photocopying and Printing** – Photocopying costs include all paper and copy supplies, copier maintenance charges and the actual lease cost or depreciation expense of the copier. Photocopying costs shall be charged directly and indirectly based on the activity.

All printing costs are charged directly to the benefiting grant or program/function when possible.

**Communications** – Communication costs include the costs of local telephone service and long-distance telephone charges, including charges associated with telephone calls, facsimile transmissions, and Internet connections. These costs are charged indirectly.

**Outside Services** – Outside services include the costs for audits, legal fees, etc. Outside service costs shall be charged as follows:

- **Audit fees** – Cost of the financial statement audit and preparation of applicable reports shall be charged as an indirect cost.

- **Legal fees** – Legal fees shall be charged directly to the program/work element that benefits from the services. Legal fees that are not identifiable with specific direct grants or work elements shall be charged indirectly.

- **Consultants** – Costs associated with consultants shall be charged directly to the program/work element that benefits from the services. Fees that are not identifiable with specific direct grants or work elements shall be charged indirectly.

**Insurance** – To the extent that insurance premiums are associated with insurance coverage for specific grants or programs, those premium costs shall be charged directly. All insurance costs that are not identifiable with specific direct grants or work elements (such as SACOG’s general liability coverage) shall be charged indirectly.

**Credits** – The applicable portion of any credits resulting from cash discounts, volume discounts, refunds, write-off of stale outstanding checks, trade-ins, scrap sales or similar credits shall be credited directly or indirectly in the same manner as the purchase that resulted in the credit.
ACCOUNTING FOR LOCAL MATCH

BACKGROUND

In the performance of its mission, SACOG utilizes a number of funding sources including grants provided both by the State of California and by the Federal Government. Many of these fund sources require SACOG to provide a “match” in funding from local sources either as a cash match or from In-Kind services.

POLICY

SACOG is required to establish local match documentation procedures. This policy applies to all:

1. Programs that establish matching by SACOG or by partner entities (Sub-Recipients) receiving funds by contract with SACOG.

2. New contracts and amendments initiated after the effective date above.

PROCEDURES

Local Match Authorization and Approval Process

A. SACOG is required to submit an annual plan and budget that includes a description and the source of the match (i.e., third party in-kind contributions, board member volunteer hours, local cash) for its own as well as its sub-recipient grants that require local match.

1. Program managers shall:
   a. Create a plan and budget including input from local entities that includes a description of and the source of funds for local match.
   b. Review and, as appropriate, approve the local entity’s annual plan and budget.

   Note: Program managers are responsible for knowing the specific federal matching regulations related to the federal funding source.
   c. Determine how the local match will be accounted for by SACOG. For example, a local entity may make a cash payment for their share of a federal program or the local entity may certify they expended funds towards the non-federal share of allowable expenditures.
d. Verify that SACOG’s financial reporting system tracks matching funds at a level to support the use of funds that meets the level of documentation required by federal or state statutes.

e. Verify the local match was not used to meet match requirements of more than one federal award.

f. Verify that federal funds are not used as local match unless specifically authorized by law and SACOG receives written approval from the federal agency supplying the match.

g. Evaluate and approve only those contracts or inter-local agreements that satisfy all local matching requirements.

2. SACOG programs shall require Sub-Recipients to complete and submit a local match certification form prior to submitting RFR’s for reimbursement.

Third Party In-Kind Contributions

A. All in-kind contributions and valuation methods shall be documented.

For example, if an individual’s service or time is treated as an in-kind contribution for the match, this shall be documented as support for the in-kind contribution. For an individual’s time provided by an organization, the calculation of the wages and benefits shall be based on the same method that is used by the donating organization in paying the individual. If Fair Market Value (FMV) is used for equipment or facilities, the valuation method shall be documented.

The following are examples of third party in-kind contributions and the valuation method:

1. Volunteer services provided by individuals. These are based on fair market value of the service provided. The value is not based on the potential or actual earning ability of the volunteer who performed the service.

   For example, if an attorney assists with landscaping, the value of the attorney’s in-kind time cannot be based on the attorney’s hourly billing rate.

2. Services provided by employees of another organization. These are the actual cost incurred by the employing organization for salary and benefits. The value cannot include organizational overhead.

3. Donated supplies. These are based on FMV for the same products. The valuation shall take into consideration the volume of items and the condition of the items.

4. Donated equipment. If the title to the asset does transfer, then FMV needs to be determined. However, authorization shall be obtained from the
awarding agency if the entire FMV can be used as an in-kind contribution or if only the standard Use Allowance may be used.

If the title of the asset does not transfer, then the FMV of renting/leasing such asset may be used as an in-kind contribution.

5. Donated facilities. These shall be treated similar to that of donated equipment. Facility structures may be considered in-kind contributions if the structure is available to others to rent/lease and is not used as part of the organization’s daily operations.

a. For example, a non-profit organization owns a conference facility that is rented to the public.

b. If the non-profit donates the conference facility for program events, the FMV rental cost can be considered an in-kind contribution. However, if the non-profit has a meeting room within that facility that they use to discuss program events, the meeting room cannot be considered an in-kind contribution.

Accounting Procedures

A. Accounting for Local Match by Cash Receipt

1. After the local entity sends in the non-federal matching funds to SACOG in support of its local match requirement, SACOG records the receipt using a local revenue source.

B. Accounting for Local Match by Certification (On SACOG Records)

1. The Program Manager verifies that the local entity has the required match to support their Request for Reimbursement (RFR).

2. SACOG is the cognizant agency for the federal grant and reports the total expenditures on its federal claim (RFR).
Sacramento Area Council of Governments
Contract No. 74A0816
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STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION PLANNING

MASTER FUND TRANSFER AGREEMENT

Recipient: Sacramento Area Council of Governments

a Metropolitan Planning Organization (MPO)

Effective Date of this Agreement: January 1, 2015

Termination Date of this Agreement: December 31, 2024

FUND SOURCES COVERED BY THIS AGREEMENT MAY INCLUDE ALL OR SOME OF THE FOLLOWING FUND SOURCES AS IDENTIFIED IN EACH ANNUAL OVERALL WORK PROGRAM AGREEMENT

- Federal Highway Administration (FHWA)--Metropolitan Planning (PL)
- FHWA State Planning and Research--Partnership Planning
- Federal Transit Administration (FTA)--Metropolitan Planning Section 5303
- FTA State Planning and Research--Section 5304
- Any other Federal or State Funds administered by and through the California Department of Transportation, Office of Regional Planning

This Master Fund Transfer Agreement (MFTA), effective as of the date set forth above, is by and between the signatory public entity identified above, hereinafter referred to as MPO [as authorized in section 134 of Title 23 of the United States Code (23 USC Section 134), section 450.104 of the Code of Federal Regulations (23 CFR section 450.104), and Title 49 Code of Federal Regulations (49 CFR Part 18)], and the State of California, acting by and through its Department of Transportation, hereinafter referred to as STATE. This MFTA supersedes all previous Master Fund Transfer Agreements issued to MPO by STATE for all these types of funds.

RECITALS

A. These funds may include, without limitation, federal Consolidated Planning Grant, and any other Federal or State funds administered by and through the Department of Transportation, Office of Regional Planning.

Consolidated Planning Grant consists of four federal funding types and sources: (i) FHWA Metropolitan Planning (PL); (ii) FTA Metropolitan Planning (Section 5303), both of which are annually allocated to MPOs; (iii) FHWA State Planning and Research-Partnership Planning; and (iv)
FTA State Planning and Research (Section 5304), the last two of which are discretionary grants awarded through a grant application solicitation process.

B. Pursuant to Public Utilities Code sections 99311 and 99311.1, STATE is required to pass through federal and state funds made available for transportation planning to entities qualified to act as recipients of these funds in accordance with the intent of law and policy.

C. STATE is also required to encumber Federal and State funds made available for planning purposes to entities qualified to act as recipients of these federal and state funds in accordance with the intent of law and policy.

D. STATE agrees to notify MPO annually in writing of the anticipated level of State and Federal Planning funding that may be available to MPO for each subsequent year’s approved Overall Work Program, hereinafter referred to as the OWP.

E. STATE has prepared this MFTA, which hereby, together with the annual OWPA and annual Overall Work Program Agreement, hereinafter referred to as the annual OWPA, found in APPENDIX A, set forth the entire terms and conditions under which these funds are to be expended by MPO for the fiscal year period of that OWP and annual OWPA.

ARTICLE 1 - PROGRAM ADMINISTRATION

Section 1. Overall Work Program and Overall Work Program Agreement

A. MPO agrees to develop and submit an annual draft OWP, in compliance with 23 CFR 420, 23 CFR 450, and FTA Circular 8100.1C, for approval by STATE, FTA and FHWA, as applicable. This submittal, due no later than each March 1, shall describe MPO’s next Fiscal Year transportation planning program (Fiscal Year refers to the State Fiscal Year of July 1 to June 30).

B. Each annual OWPA will expressly adopt and incorporate the terms and conditions of this MFTA by reference.

C. MPO shall be responsible for the complete performance of the work contained in each OWP. All work shall be accomplished in accordance with applicable provisions of State and Federal law.

D. MPO will include a signed FHWA Annual “Metropolitan Transportation Planning Process Certification” form, a signed annual FTA “Certifications and Assurances for FTA Assistance” form (refer to Article IV, Section 1), and a signed California Department of Transportation Debarment and Suspension form in each annual OWP (APPENDIX E).

E. The annual OWPA is the approved OWP encumbrance document. Disbursement of funds by STATE will occur only after the execution of this MFTA; approval of the annual OWP by STATE, the FTA and FHWA; and execution of the annual OWPA. Funds will not be encumbered or reimbursed by STATE to MPO until the annual OWPA has been executed and the State Budget for that fiscal year has been passed.
F. No funds of any nature are allocated or encumbered in this MFTA unless included in an adopted and approved OWP by means of an approved and fully executed annual OWPA. Costs incurred prior to OWP approval are not eligible for reimbursement.

G. MPO agrees to satisfactorily complete all work element tasks, projects, and products as described in each approved annual OWP financed with State or Federal funds and encumbered by STATE via the annual OWPA.

H. MPO will identify in the OWP all work that is to be completed through a third-party contract and funded, in whole or in part, under the terms and conditions of this Agreement.

I. STATE agrees to pass through available funds and to reimburse allowable costs incurred in executing the tasks, projects, and products incorporated in the annually approved OWP funded from State and Federal sources and encumbered by STATE.

J. Only work performed during the term of, and consistent with, the work elements in the OWP may be reimbursed. Reimbursements are based upon the fiscal year, July 1 to June 30. All work performed subsequent to the end of each fiscal year (June 30) is subject to the approved OWP and annual OWPA for that corresponding fiscal year and reimbursed from the corresponding fiscal year budgeted funds.

K. MPO may incur costs against its approved annual OWP and may submit requests for reimbursement with the understanding that STATE is unable to approve any payments for reimbursement until such time as the funds are included in that Fiscal Year's Annual State Budget which is passed by the Legislature and is signed by the Governor.

L. MPO shall use non-federal funds to finance the local share of eligible costs to ensure compliance with all applicable matching requirements for federal funds described in this MFTA and actually encumbered against the annual OWPA. Credit for local match will be allowed only for work performed during the approved term of each annual OWPA. Third-party “in-kind” contributions are allowed as local match according to the provisions of 23 CFR 420.119 and 49 CFR 18.24.

M. MPO further agrees to ensure that amendments to a previously approved OWP and annual OWPA are adopted by the MPO Board and approved by STATE, FTA, and FHWA, as applicable, prior to initiating any work identified in those amendments. Changes requiring amendments generally include adding, deleting, or revising a work element; adding funds to, deleting funds from a work element; or revising a scope of work. If a work element or project will not be completed as approved, MPO will report this in its Quarterly Progress Report and amend the OWP/annual OWPA accordingly. OWP and annual OWPA amendments must be submitted to STATE and be fully executed no later than May 1 each year. Through administrative amendment, MPO will notify STATE of administrative OWP changes which do not affect overall funding, scope of work, or project schedule, although such changes shall not require STATE approval.
N. MPO acknowledges and agrees that MPO is the sole control and manager of the work proposed in the OWP and is solely responsible for complying with the funding and use restrictions established by State and Federal law and this MFTA.

O. MPO shall be free to copyright the material developed under work items identified in the OWP provided that STATE and FHWA/FTA, as applicable, reserve a royalty-free, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and authorize others to use, that work for government purposes.

Section 2. Quarterly Progress Reports

A. MPO agrees to submit to STATE, no later than thirty (30) calendar days after the close of each quarter, Quarterly Progress Reports that include all work elements for transportation planning tasks, projects, and products funded wholly or in part by any of the fund sources listed in the “Recitals” section of this MFTA. Quarterly Progress Reports submitted to STATE will identify all projects by work element number and title and shall contain, at a minimum, a budget table and/or short narrative describing the following:
   1. Comparison of actual performance with work element-level goals and deliverables;
   2. Progress in adhering to schedules;
   3. Status of expenditures in a format compatible with the work Program, including a comparison of budgeted (approved) amounts and actual costs incurred;
   4. Other pertinent supporting information, such as major products, challenges, etc.

B. STATE reserves the right to deem incomplete any Quarterly Progress Report that does not sufficiently document the above-required information and may withhold payment of Requests for Reimbursement submitted pending the submission of required documentation.

ARTICLE II - ALLOWABLE COSTS AND REIMBURSEMENT

Section 1. Requests for Reimbursement

A. Requests for Reimbursement must conform to either subpart 1 or subpart 2 hereinbelow for the entire State fiscal year:

1. MPO shall prepare and electronically submit to STATE, not more frequently than once a month, but at least quarterly, one signed Request for Reimbursement of actual allowable costs incurred and paid (expended) by MPO consistent with work elements described in the OWP (conforming to the format provided in APPENDIX B) and including the information required in part B of this section. The amount billed per each work element is not to exceed the total amount authorized for that work element in the OWP. Each Request for Reimbursement must demonstrate the expenditure of at least the minimum required rate of local match, if applicable. Reimbursements under this MFTA will be allowed if based upon actual costs expended and supported by MPO’s accounting system. MPO must not only have incurred the allowable project cost on or after the effective date of the annual OWPA and on or before its termination date, but must also have paid those expenses.
2. MPO shall prepare and electronically submit to STATE, not more frequently than once a month, but at least quarterly, one signed Request for Reimbursement of actual allowable costs incurred by MPO consistent with work elements described in the OWP (conforming to the format provided in APPENDIX B) and including the information required in part B of this section. The amount billed per each work element is not to exceed the total amount authorized for that work element in the OWP. Each Request for Reimbursement must demonstrate the expenditure of at least the minimum required rate of local funds, if applicable. Reimbursements under this MFTA will be allowed if based upon actual costs incurred and supported by MPO’s accounting system. Allowable incurred costs that are eligible for reimbursement by STATE are only those that are treated by MPO’s accounting system in accordance with Generally Accepted Accounting Principles as accrued due to such costs having been billed to MPO and recognized by MPO as valid, undisputed, due and payable.

By submitting accrued but unpaid costs for reimbursement, MPO agrees that within ten (10) working days of receipt of STATE’s reimbursement, the full amount of all cost items submitted as reimbursable accrued costs shall be paid to each billing entity. Any reimbursed accrued cost not paid within this ten (10) working day grace period shall accrue interest payable to STATE at the then present interest rate established by the State Treasurer’s Pooled Money Investment Account. Interest accrued must be timely remitted to STATE. Reimbursed accrued costs not paid to the billing entities by MPO within forty-five (45) days of MPO’s receipt of STATE’s reimbursement will thereafter be deemed unallowable. All unallowable costs must be immediately remitted to STATE.

If MPO is found, through audit or other means, not to have paid a billing entity its invoiced sums then owed within the ten (10) working day grace period, MPO must immediately revert to the reimbursement process described in subpart 1 above.

B. In order to receive reimbursements, MPO agrees to furnish with each billing, at a minimum, the information provided for in APPENDIX B2, and information from its accounting system which denotes that reimbursable costs, as well as those used for local match, were either expended or incurred, as applicable.

C. STATE agrees to make reimbursements to MPO, in conformance with Federal regulations, as promptly as STATE fiscal procedures will permit upon the receipt of a signed and electronically submitted Request for Reimbursement (conforming to the format provided in APPENDIX B) that includes all required information, as applicable, (provided in example APPENDIX B2) of actual allowable costs incurred for the period of time covered by that Request for Reimbursement. Incomplete or inaccurate requests for reimbursement shall be returned to MPO unapproved for correction as soon as errors are discovered.

D. No State and/or Federal funds administered under this MFTA will be dispersed on the advance basis defined in 49 CFR Part 18.21.
Section 2. Travel and Per Diem Reimbursement

A. Payments to MPO for travel and subsistence (per diem) expenses of MPO staff and its contractors and subcontractors claimed for reimbursement using funds administered through this Agreement or as local match credit shall not exceed rates authorized to be paid non-state employees under current State Department of Human Resources (CalHR) rules unless written verification is supplied that government hotel rates are not commercially available to MPO, or its contractors, its subcontractors, and/or its subrecipients, at the time and location required as specified in the California Department of Transportation’s Travel Guide Exception Process.

Section 3. Final Request for Reimbursement and OWP Closeout Documentation

A. MPO shall electronically submit an OWP/annual OWPA closeout documentation package to STATE no later than August 31st of each fiscal year. The closeout package shall conform to the format provided in APPENDIX C.

B. The closeout package must be attached to a transmittal letter, typed on MPO’s letterhead. If these documents are not received by August 31st of each fiscal year, STATE may withhold future apportionments and/or allocations to MPO. STATE’s election not to withhold future apportionments and/or allocations immediately after the end of one fiscal year shall not limit STATE’s ability to initiate subsequent withholdings.

C. Upon receipt of the required closeout documentation, STATE will issue a reconciliation letter to MPO stating the amount of unspent funds available to be carried over to the subsequent year’s OWP. MPO may amend some or all of these funds into the OWPA only upon signature of the reconciliation letter by the MPO executive director or his or her appointee, and submittal of the signed letter to STATE.

Section 4. Funding Contingencies

A. All obligations of STATE under the terms of the MFTA and each annual OWPA are subject to the availability of Federal and State funds, appropriation of resources by the Legislature, and the annual passage of the State Budget Act. The authorization and obligation of these funds by outside entities may be terminated, limited or otherwise adversely affected by factors which may include, but are not limited to, changes in State or Federal law regarding the encumbrance and reimbursement of the funds provided by each annual OWPA and this MFTA.

ARTICLE III - AUDITS AND REPORTS

Section 1. Cost Principles

A. MPO agrees to comply with Title 2, CFR, part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, as applicable.
B. MPO agrees, and will require that its contractors, subcontractors, and subrecipients be obligated to agree, that (a) the Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual project cost items (subrecipients shall refer to, 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards); and (b) all parties shall comply with Federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. Every sub-recipient receiving Project funds as a contractor, subcontractor, or sub-grantee under this MFTA shall comply with Federal administrative procedures in accordance with 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

C. MPO agrees and shall require that all of its agreements with contractors, subcontractors, and subrecipients contain provisions requiring adherence to this section in its entirety.

Section 2. Indirect Cost Agreement and Cost Allocation Plan (ICAP)

A. Prior to MPO seeking reimbursement of indirect costs, MPO must prepare and submit annually to STATE for review and acceptance an indirect cost rate proposal and a central service costs allocation plan (if any) in accordance with 2 CFR, Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards or applicable cost principles and Local Program Procedures Manual (Chapter 5).

B. Prior to MPO seeking reimbursement of subrecipient indirect costs, and when subrecipient cognizant federal agency, as defined in 2 CFR part 200, is USDOT and/or STATE, MPO agrees and will require subrecipient to comply with section 2A.

C. Prior to MPO seeking reimbursement of subrecipient indirect costs, and when subrecipient ICAP is approved by a cognizant federal agency other than USDOT, MPO agrees and will require subrecipient to submit to STATE a copy of the cognizant agency approval, the approved proposal, plan, subsidiary worksheets, and other relevant data on an annual basis as evidence of the approval.

D. If a submitted ICAP does not meet the requirements of 2 CFR Part 200, and is determined to be insufficient, STATE will advise MPO of additional documentation or changes needed to meet Federal and State requirements. MPO agrees to provide requested documentation or required changes, and if MPO is non-compliant the submissions may be returned to MPO if requested documentation is not provided or required changes are not made.

E. Material audit adjustments will require reimbursement to STATE or adjustment to subsequent years’ ICAP if proposals are later found to have included costs that are unallowable as specified by law or regulation, or the terms and conditions of this MFTA.

F. MPO agrees and shall require that all of its agreements with subrecipients contain provisions requiring adherence to this section in its entirety.
Section 3. Record Retention/Audits

A. MPO shall maintain, and shall require its subrecipients, contractors and its subcontractors to maintain all source documents, books and records connected with their performance of OWPA work initiated under this MFTA and each applicable annual OWPA for a minimum of three (3) years from the date of final payment to MPO or, if an audit is initiated within that timeframe, until audit resolution is achieved for each annual OWPA, whichever is later, and shall make all such supporting information available for inspection and audit by representatives of STATE, the Bureau of State Audits, or the Federal Government upon request. Copies will be made and furnished by MPO upon request at no cost to STATE. Scanned original documents in electronic form are suitable to meet this requirement.

B. MPO shall establish and maintain, and shall require that its subrecipients, contractors and subcontractors shall establish and maintain, an accounting system conforming to Generally Accepted Accounting Principles (GAAP) to support Requests for Reimbursement which segregate and accumulate the costs of work elements by line item (i.e. direct labor, other direct costs, subrecipients/subcontractor, etc.) and enable the determination of expenditures at interim points of completion, and provide support for reimbursement payment vouchers or invoices.

C. For the purpose of determining compliance with Title 2, California Government Code, Chapter 6.5, Article 2, Section 8546.7, in connection with the performance of MPO contracts and/or agreements with third parties, MPO, MPO’s sub-recipients, contractors, and subcontractors, shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts and/or agreements, including, but not limited to, the costs of administering those various contracts and/or agreements. All of the above referenced parties shall make such contracts and/or agreements available at their respective offices at all reasonable times during the entire period of each annual OWPA and for three (3) years from the date of final payment to MPO or, if an audit is initiated within that timeframe, until audit resolution is achieved for each annual OWPA, whichever is later. STATE, the California State Auditor, or any duly authorized representative of STATE or the United States Department of Transportation, shall each have access to any books, records, and documents that are pertinent to the fulfillment of the contracts/and/or agreements for audits, examinations, excerpts, and transactions, and MPO shall furnish copies thereof if requested.

D. Where applicable, MPO agrees to comply with audit requirements for third party contractors, subcontractor and subrecipients in accordance with STATE Local Assistance Procedure Manual, Ch. 10 or any successor thereto.

E. MPO agrees to include all costs associated with this MFTA, OWPA and annual OWPA, and any amendments thereto; to be examined in the annual audit and in the schedule of activities to be examined under MPO’s single audit prepared in compliance with Office of Management and Budget Circular A-133. MPO is responsible for assuring that the Single Auditor has reviewed the requirements of this MFTA, the OWPA and the annual OWPA. Copies of said audits shall be submitted to STATE.
F. When conducting an audit of the costs and match credits claimed under the provisions of each annual OWPA and this MFTA, STATE will rely to the maximum extent possible on any prior audit of MPO pursuant to the provisions of State and Federal law. In the absence of such an audit, work of other auditors will be relied upon to the extent that work is acceptable to STATE when planning and conducting additional audits.

G. MPO agrees to furnish documentation to STATE supporting this requirement that all of its agreements with contractors, subcontracts, and subrecipients do contain applicable provisions requiring adherence to this section in its entirety.

H. Neither the pendency of a dispute nor its consideration by STATE will excuse MPO from full and timely performance in accordance with the terms of this MFTA, the OWP, and the annual OWPA.

**ARTICLE IV - MISCELLANEOUS PROVISIONS**

**Section 1. Federal Certifications and Assurances**

A. MPO shall comply with the FHWA "Metropolitan Transportation Planning Process Certification" requirements in accordance with 23 CFR 450.334 and Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; SAFETEA-LU) and the successors thereto. This certification is provided annually by FHWA and FTA. It may include, but is not limited to:


II. In nonattainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;


IV. Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;

V. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38;

VI. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;

VII. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
VIII. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;

IX. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and


B. MPO shall comply with the annual FTA "Certifications and Assurances for FTA Assistance," including "Certifications and Assurances Required of Each Applicant" and the "Lobbying Certification" in compliance with 49 U.S.C. Chapter 53; published annually in the Federal Register, and found online at http://www.fta.dot.gov/grants/12825_93.html.

The 2013 Federal Certification includes the following areas under "Assurances Required of Each Applicant:"

1. Authority of Applicant and its Representatives
2. Standard Assurances
3. Intergovernmental Review Assurance
4. Suspension and Debarment Certification
5. U.S. OMB Assurances in SF-424B and SF-424D

C. Copies of these annual Certifications and Assurances shall be included by MPO in each final OWP.

D. MPO shall comply, and shall require its contractors, subcontractors, and subrecipients to comply, with these Certifications.

E. MPO agrees to furnish documentation to STATE to support this requirement that all of its agreements with contractors, subrecipients and subcontractors, do contain provisions requiring adherence to this section in its entirety.

Section 2. Disadvantaged Business Enterprise (DBE) Requirements

A. As mandated by 49 CFR Part 26, MPO shall require that its contractors, subcontractors, and subrecipients do not discriminate on the basis of race, color, national origin, or sex in the award, administration and performance of any FHWA/FTA fund-assisted contract or in the administration of MPO's DBE program.
B. MPO's DBE program, as required by 49 CFR Part 26 and as approved by STATE, is incorporated by reference in this MFTA. Implementation of this program is a legal obligation and the failure of MPO to carry out its terms shall be treated as a violation of this MFTA. Upon notification to the recipient of its failure to carry out its approved program, the US DOT may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 et seq. and 49 CFR Part 26.13(a).

C. As required by 49 CFR part 26, the contract language in APPENDIX D relating to DBE requirements must be incorporated into all contracts funded in whole or in part with funds authorized in this Agreement.

Section 3. Non-Discrimination Clause

A. In the performance of work undertaken pursuant to this MFTA, MPO shall not, and shall affirmatively require that its contractors shall not, unlawfully discriminate, harass or allow harassment, against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (cancer), age (over 40), marital status, denial of family and medical care leave, and denial of pregnancy disability leave.

B. MPO shall ensure, and shall require that its contractors and all subcontractors and/or subrecipients shall ensure, that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. MPO shall comply, and ensure that its contractors and subcontractors and/or subrecipients shall comply, with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this MFTA by reference and made a part hereof as if set forth in full.

C. Each of MPO’s contractors, subcontractors, and/or subrecipients shall give written notice of their obligations under this clause to labor organizations with which they have collective bargaining or other labor agreements. MPO shall include the non-discrimination and compliance provisions hereof in all contracts and subcontracts to perform work under this MFTA.

D. MPO shall comply with the nondiscrimination program requirements of Title VI of the Civil Rights Act of 1964. Accordingly, 49 CFR Part 21, and 23 CFR Part 200 are made applicable to this MFTA by this reference. Wherever the term “Contractor” appears therein, it shall mean MPO.

E. MPO shall permit, and shall require that its contractors, subcontractors, and subrecipients will permit, access to all records of employment, employment advertisements, application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission or any
other agency of the State of California designated by STATE to investigate compliance with this Section 3.

Section 4. Federal Lobbying Activities Certification

A. MPO certifies, to the best of its knowledge and belief, that no State or Federal funds have been paid or will be paid, by or on behalf of MPO, to any person for influencing or attempting to influence an officer or employee of any State or Federal agency, a Member of the State Legislature or United States Congress, an officer or employee of the Legislature or Congress, or any employee of a Member of the Legislature or Congress in connection with the awarding of any State or Federal contract, the making of any State or Federal grant, the making of any State or Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any State or Federal contract, grant, loan, or cooperative agreement.

B. If any funds other than State or Federal funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, MPO shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with those form instructions.

C. This certification is a material representation of fact upon which reliance was placed when this MFTA and each annual OWPA was entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

D. MPO also agrees by signing this MFTA that MPO shall require that the language of this certification be included in all contracts and subcontracts funded wholly or in part by any fund sources listed on Page 1 of this MFTA and which exceed $100,000 and that all such subrecipients shall certify and disclose accordingly.

ARTICLE V – GENERAL PROVISIONS

Section 1. Contract Award

A. MPO, contractor, subcontractor and subrecipient contracts containing Federal and State planning funds are required to be bid and awarded in accordance with Title 49, CFR, Part 18, and consistent with Local Assistance Procedure Manual, Ch. 10 or successors thereto as applicable.

Section 2. Contract Amendment

A. No amendments to the terms of this MFTA, any OWP or any annual OWPA shall be valid unless made in writing and signed by the individuals legally authorized to contractually bind the parties hereto. Each party agrees that it has had or will have the opportunity to seek review by and approval from its legal counsel of the original documents and any proposed alteration or variation. No oral
understanding or agreement not incorporated herein shall be binding on any of the parties thereto. For the purposes of this MFTA, the Chief of the Office of Regional Planning, Division of Transportation Planning, shall be the Contract Administrator for STATE.

Section 3. Adjudication of Disputes by Way of Administrative Proceedings

A. STATE hereby sets up an Administrative Procedure for adjudication of disputes that may arise when administering the program as defined by the terms and conditions of this Agreement.

MPO agrees to exhaust the administrative remedy prior to resorting to legal remedies. In case of disputes with STATE, MPO shall submit to the Chief of the Division of Transportation Planning, CALTRANS (DC PLANNING) or designee a written demand for a decision regarding the disposition of any dispute, arising under this Agreement. The DC PLANNING shall make a written decision regarding the dispute and will provide it to the MPO. The MPO shall have an opportunity to challenge the DC PLANNING’s determination but must make that challenge in writing, within ten (10) working days to the STATE’s Contract Officer or his/her designee. If the challenge is not made by MPO within the ten (10) day period, the DC PLANNING’S decision shall become the final decision of the STATE. If such a challenge is made, The DC PLANNING and MPO shall submit written, factual information and data in support of their respective positions to STATE’s Contract Officer within a timeframe established by the MPO at the time of challenge. The decision of the STATE’s Contract Officer or his/her designee shall be final, conclusive and binding regarding the dispute, unless MPO commences an action in court of competent jurisdiction to contest the decision in accordance with Division 3.6 of the California Government Code.

Section 4. Intercept Clause

A. Costs for which MPO receives reimbursement payment that are determined by a subsequent audit or other review by either STATE or Federal authorities to be unallowable under 2 CFR, part 200; 48 CFR, Chapter 1, Part 31; or 49 CFR, Part 18, are to be repaid to STATE by MPO within thirty (30) days of MPO receiving notice of audit findings. Should MPO fail to reimburse moneys due STATE within thirty (30) of discovery or demand, or within such other period as may be agreed in writing between the Parties hereto, STATE is authorized to intercept and withhold future payments due to MPO from STATE or any third-party source, including, but not limited to, the State Treasurer, the State Controller or any other fund source.

Section 5. Parties of Agreement

A. This MFTA, the OWP, the annual OWPA and any related agreements are solely between the named parties thereto and no express or implied benefit to entities or individuals not a party thereto is intended or to be inferred. There are no third-party beneficiaries to or of this MFTA or any OWP, or annual OWPA or any other agreement pertaining hereto.
Section 6. Hold Harmless and Indemnification Clause

A. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring or arising by reason of anything done or omitted to be done by MPO under or in connection with any work, authority or jurisdiction delegated to MPO under this MFTA and/or each annual OWPA. It is understood and agreed that, pursuant to Government Code section 895.4, MPO shall fully defend, indemnify and save harmless STATE and its officers and employees from all claims, suits or actions of every name, kind and description occurring by reason of anything done or omitted to be done by MPO under or in connection with any work, authority or jurisdiction delegated to MPO under this MFTA and each annual OWPA.

B. Neither MPO nor any officer or employee thereof is responsible for any injury, damage or liability occurring or arising by reason of anything done or omitted to be done by STATE under or in connection with any work, authority or jurisdiction delegated to STATE under this MFTA. It is understood and agreed that, pursuant to Government Code section 895.4, STATE shall fully defend, indemnify and save harmless MPO, its officers and employees from all claims, suits, or actions of every name, kind and description occurring by reason of anything done or omitted to be done by STATE under or in connection with any work, authority or jurisdiction delegated to STATE under this MFTA.

Section 7. Default

A. In the event that MPO (a) fails to comply with applicable Federal and State laws and regulations; (b) fails to timely proceed with OWP in accordance with the MFTA or OWPA; or (c) otherwise materially violates the terms and conditions of this MFTA and/or OWPA, STATE reserves the right to terminate all funding for that OWP, or a portion thereof. Any such termination shall be accomplished by delivery to MPO of a Notice of Termination, which notice shall become effective not less than thirty (30) days after receipt, specifying the reason for the termination, the extent to which funding of work under this MFTA is terminated and the date upon which such termination becomes effective. During the period before the termination date becomes effective, MPO and STATE shall meet to try to resolve any dispute. No such termination shall become effective if, (a) during the process described in Article V, Section 3, the termination is stayed, (b) within the thirty (30) day period after receipt of the Notice of Termination, MPO either cures the default, or (c) if that default is not reasonably susceptible to cure within said thirty (30) day period, STATE approves a MPO plan and MPO thereafter diligently completes the cure in a manner and timeline acceptable to STATE.

B. If STATE terminates funding for OWP pursuant to the above paragraph A, STATE shall pay MPO the sum due MPO under the OWPA for eligible work performed prior to termination.

Section 8. Termination

A. This MFTA shall remain in full force and effect until the termination date stated on Page 1 of this MFTA, unless superseded or terminated in conformance with Section 7 of this Article. All indemnification, document retention, audit, claims, and legal challenge articles will remain in effect until terminated or modified in writing by mutual agreement or expiry by statute of limitations.
APPENDICES

A Overall Work Program Agreement
B Request for Reimbursement
B2 Request for Reimbursement by Fund Source
C Closeout Documentation
D DBE Contract Language (required)
D2 DBE Semi-Annual Report
E Federal Certifications and Assurances
F Board Resolution
APPENDIX A

OVERALL WORK PROGRAM AGREEMENT (OWPA) FOR

AGENCY NAME

1. The undersigned signatory Metropolitan Planning Organization (MPO) hereby commits to complete, this fiscal year (FY) (beginning July 1, 2014 and ending June 30, 2015), the annual Overall Work Program (OWP), a copy of which was approved on __date__ and is attached as part of this OWPA.

2. All of the obligations, duties, terms and conditions set forth in the Master Fund Transfer Agreements (MFTA), numbered documents and executed with effective dates of ___date___ to ___date___ between ___agency name (MPO)___ and the Department of Transportation (STATE), are incorporated herein by this reference as part of this OWPA for this FY.

3. The federal letters of approval from the Federal Transit Administration (FTA) and from the Federal Highway Administration (FHWA), dated ___date___ and attachments, if applicable, which approved the attached OWPA, are by this reference made an express part of this OWPA.

4. MPO agrees to comply with FTA and FHWA matching requirements for “Consolidated Planning Grant” funds obligated and encumbered against this OWPA. This OWPA obligates and encumbers only those following federal funds: FHWA – Metropolitan Planning (PL), federal/local – 88.53/11.47; FHWA State Planning and Research (SP&R) – Partnership Planning, federal/local – 80/20; FHWA SP&R – Regional Blueprint, federal/local – 80/20; FTA Section 5303, federal/local – 88.53/11.47; FTA Section 5304, federal/local – 88.53/11.47, and Proposition 84 – Modeling Incentive Grants, federal/local – 100/0 as are specifically identified in Section 5 below. All local match funds are to be provided from non-federal sources.

5. Subject to the availability of funds this FY OWPA funds encumbered by STATE include, but may not exceed, the following:

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Match %</th>
<th>Federal Portion</th>
<th>Toll Credit (In lieu of local match)</th>
<th>Local Match</th>
<th>Total Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>FHWA PL (Toll Credit Match)</td>
<td>11.47%</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td>(Current FY Allocation Only)</td>
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<tr>
<td>FHWA PL (Cash/In-kind Match)</td>
<td>11.47%</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td>FTA Sect. 5303 (Toll Credit Match)</td>
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<tr>
<td>(Current FY Allocation Only)</td>
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<tr>
<td>FTA Sect. 5303 (Cash/In-kind Match)</td>
<td>11.47%</td>
<td>$0.00</td>
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<tr>
<td>FTA Sect. 5304</td>
<td>11.47%</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td>FHWA SP&amp;R Partnership Planning</td>
<td>20%</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td>FHWA SP&amp;R Regional Blueprint</td>
<td>20%</td>
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<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td>Prop 84 Modeling incentive</td>
<td>0%</td>
<td>$0.00</td>
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<td><strong>Total Programmed Amount</strong></td>
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</tbody>
</table>

6. Should MPO expend funds in excess of those available and programmed in this FY OWPA, those costs shall be borne solely by MPO.

---

Department of Transportation (STATE)  
Name of Agency (MPO)  
Authorized Signature  
Authorized Signature  
Printed Name of Person Signing  
Printed Name of Person Signing  
Title  
Title  
Date  
Date

(For Use by Caltrans Accounting Only)

The total amount of all Federal funds encumbered by this document is $  
The total amount of all State funds encumbered by this document is $  
Funding Title:  
Funding Title:  
Item  
Item  
Chapter Title, Fiscal Year  
Chapter Title, Fiscal Year  
Project ID#  
Project ID#  
Encumbrance Document Number  
Encumbrance Document Number

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and expenditure purpose stated above.

Signature of Department of Transportation Accounting Officer  
Date

Updated May 2014
Appendix B

NAME OF MPO
CONSOLIDATED PLANNING GRANT (CPG)
Federal Highway Administration (FHWA) and Federal Transit Administration (FTA)

REQUEST FOR REIMBURSEMENT
NUMBER _________ Fiscal Year 2014-15

The Fill in Agency Name, a Metropolitan Planning Organization, requests reimbursement in the amount of $_______ for the period beginning ______ through and inclusive of ______. I certify that I am a duly authorized representative of Fill in Agency Name and the request for reimbursement is consistent with the terms of the Master Fund Transfer Agreement, numbered _______ and expiring _______ entered into between Fill in Agency Name and the State of California, Department of Transportation. The reimbursement request is for work completed in accordance with the 2014-15 approved Overall Work Program. By signing this Request for Reimbursement Form, Fill in Agency Name certifies that all state and federal matching requirements have been met and that no federal funds were used for local match and/or In-Kind Service.

2014-15 OWPA Authorized: ________
Total Invoices Year-to-Date (Including this Invoice)

Current Invoice Amount: $______
Remaining Balance: $______

Current Reimbursement Breakdown. This portion must be completed by local agency to receive reimbursement.

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Required Match %</th>
<th>Federal Portion</th>
<th>Toll Credit (in lieu of local match)</th>
<th>Local Match or In-Kind Service</th>
<th>Total Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>FHWA PL Funds (Toll Credit Match of Current FY Allocation)</td>
<td>11.47%</td>
<td>$______</td>
<td>$______</td>
<td>$______</td>
<td>$______</td>
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<tr>
<td>FHWA PL (Cash/In-kind Match)</td>
<td>11.47%</td>
<td>$______</td>
<td>$______</td>
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<td>$______</td>
</tr>
<tr>
<td>FTA Sec. 5303 Funds (Toll Credit Match of Current FY Allocation)</td>
<td>11.47%</td>
<td>$______</td>
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<td>$______</td>
<td>$______</td>
</tr>
<tr>
<td>FTA Sec. 5303 (Cash/In-kind Match)</td>
<td>11.47%</td>
<td>$______</td>
<td>$______</td>
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<tr>
<td>FTA Sec. 5304 Funds</td>
<td>11.47%</td>
<td>$______</td>
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<tr>
<td>FHWA SPR PP Funds</td>
<td>20%</td>
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<td>$______</td>
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<tr>
<td>Regional Blueprint Planning</td>
<td>20%</td>
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<td>$______</td>
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</tbody>
</table>

Name & Title (please print) __________________________ Signature __________________________ Date ________________

Department of Transportation Use Only

I certify that I am duly authorized by the Department of Transportation to approve payment to Fill in Agency Name in the amount of $______ Fill in Agency Name has an approved Overall Work Program and the request for reimbursement is consistent with the Master Fund Transfer Agreement between the State of California, Department of Transportation and Fill in Agency Name. This authorization to pay acknowledges receipt of services billed.

Vendor# __________________________ Name (please print) __________________________ Date ________________

TC Source Dist 74 Source Unit 3789 Project ID # FA 6 ObjCode 049
Amount $______ FY ____ RPL _____ N Contract # RC#

Updated March 2012
## OWP Work Element Info

<table>
<thead>
<tr>
<th>Work Element #</th>
<th>OWP Title</th>
<th>OWP WE Budget</th>
<th>Current Amount</th>
<th>PL Budget</th>
<th>Current Amount</th>
<th>PL Amount</th>
<th>Used%</th>
<th>Y/N</th>
<th>Amount (1.47%)</th>
<th>Source</th>
<th>2nd Party Source</th>
<th>Total Match</th>
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Total: 50,000
Total PL matched: 50,000
Total PL matched with Toll: 50,000
Total PL matched with CASH/In-Kind: 50,000

## Required Data

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<thead>
<tr>
<th>OWP Work Element Info</th>
<th>Current Federal Reimbursement Info (98.53% Max)</th>
<th>Current Local Match Info (1.47% Min)</th>
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<tbody>
<tr>
<td></td>
<td>Total WE budget (federal portion) without match</td>
<td>Local Cash Match</td>
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<tr>
<td></td>
<td>Total federal funds spent to date including the current invoice, but NOT including local match</td>
<td>Source of Cash (Must be non-federal funding)</td>
</tr>
<tr>
<td></td>
<td>Current invoice without local match (federal portion)</td>
<td>Source of local or 2nd Party Match Amount</td>
</tr>
<tr>
<td></td>
<td>Total amount spent to date including the current invoice (federal portion + local match)</td>
<td>Source of local or 2nd Party Amount (Must be non-federal funding)</td>
</tr>
<tr>
<td></td>
<td>Select &quot;Yes&quot; if Toll Credits were used to match the work elements</td>
<td>Total Local Match by Work Element</td>
</tr>
</tbody>
</table>

Updated January 2013
### OWP Work Element Info

<table>
<thead>
<tr>
<th>Work Element #</th>
<th>WE Title</th>
<th>OWP WE Budget</th>
<th>WE Spent to Date</th>
<th>WE Current Amount Billed</th>
<th>5303 Budget</th>
<th>5303 Spent to Date</th>
<th>Current 5303 Amount Billed</th>
<th>Used? 1/Y</th>
<th>Amount (1.47%)</th>
<th>Cash</th>
<th>Source</th>
<th>3rd PartI Inkind</th>
<th>Sources</th>
<th>Total Local Match</th>
</tr>
</thead>
<tbody>
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### Required Data

<table>
<thead>
<tr>
<th>OWP Work Element Info</th>
<th>Current Federal Reimbursement Info (80.82% Max)</th>
<th>Current Local Match Info (1.47% Max)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total OWP budget (in dollars) without match</td>
<td>Source of Cash (MUST be non-federal funding)</td>
</tr>
<tr>
<td>2</td>
<td>Total OWP budget (in dollars) including the current 5303</td>
<td>3rd party, in-kind, or 10/5 (match or amount)</td>
</tr>
<tr>
<td></td>
<td>Total OWP budget (in dollars) excluding the current 5303</td>
<td>Source of match or 3rd party, amount or match be non-federal funding</td>
</tr>
<tr>
<td>3</td>
<td>Total amount spent to date including the current 5303</td>
<td>Total Local Match by Work Element</td>
</tr>
<tr>
<td></td>
<td>Total amount spent to date excluding the current 5303</td>
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<td>Total amount spent to date excluding the current 5303</td>
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<td>Total amount spent to date excluding the current 5303</td>
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</table>

*Updated January 2017*
<table>
<thead>
<tr>
<th>Work Element #</th>
<th>OWP WE Title</th>
<th>OWP WE Budget</th>
<th>WE Spent to Date</th>
<th>WE Current Amount Billed</th>
<th>5304 Budget</th>
<th>5304 Spent to Date</th>
<th>Current 5304 Amount Billed</th>
<th>Cash</th>
<th>Source</th>
<th>3rd Party/Inkind</th>
<th>Source</th>
<th>Total Local Match</th>
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<tr>
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*Updated January 2012*
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<td>3 Total federal funds spent to date including the current invoice but NOT including local match</td>
<td>13 3rd party, Inkind, or 3rd Party Match Amount</td>
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<td>4 Total amount spent to date including the current invoice (federal portion + local match)</td>
<td>4 NA</td>
<td>14 Source of Inkind or 3rd Party Match Amount (Must be non-federal funding)</td>
</tr>
<tr>
<td>5 Total amount spent to date including the current invoice (federal portion + local match)</td>
<td>5 NA</td>
<td>15 Total Local Match by Work Element</td>
</tr>
</tbody>
</table>

Updated: January 2023
APPENDIX C
MPO
Address
City, State

APPENDIX C

Certification of Expenditure by Fund Source
Fiscal Year 2013-14

I certify that I am a duly authorized representative of the Metropolitan Planning Organization (MPO) and the following statement of fund expenditures is consistent with the terms of the Master Fund Transfer Agreement, numbered _74A0DXX_, expiring _12/31/2024_, and entered into between the MPO and the State.

I have attached a copy of the Statement of Expenditures by fund source and work element. Matching funds are identified. The expenditures shown are for work completed in accordance with the Fiscal Year (FY) 2013-14 approved Overall Work Program. I certify that all state and federal matching requirements have been met.

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Reconciled Carryover Balance</th>
<th>FY13/14 Allocations and Awards</th>
<th>Federal Fund Expenditures</th>
<th>Toll Credits Used</th>
<th>Year End Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>FHWA Metropolitan Planning Funds</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
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<tr>
<td>FHWA PL Funds (Matched with Toll Credits) *</td>
<td></td>
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<tr>
<td>FHWA PL (Cash/in-kind Match)</td>
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<tr>
<td>Total</td>
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<td></td>
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<tr>
<td>FTA -5303 (Metropolitan Planning) Funds</td>
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<td>$0.00</td>
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<tr>
<td>FTA Sec. 5303 Funds (Matched with Toll Credits) *</td>
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<tr>
<td>FTA Sec. 5303 (Cash/in-kind Match)</td>
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<td>FTA -5304 Funds</td>
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<td>FHWA SPR PP Funds WE # and Title</td>
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<td>FHWA SPR PP Funds WE # and Title</td>
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<tr>
<td>FHWA SPR PP Funds WE # and Title</td>
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<tr>
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<td>Total</td>
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<td>FHWA SPR Special Study Funds</td>
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<td>FHWA SPR SS Funds WE # and Title</td>
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<td>Regional Blueprint Planning</td>
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<tr>
<td>FY10/11 Grant WE #</td>
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<td>FY11/12 Grant WE #</td>
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<tr>
<td>Total FY13-14 Consolidated Planning Grant Expenditures</td>
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<td></td>
<td>$0.00</td>
</tr>
</tbody>
</table>

* - This line is for Current FY Allocation Expenditures Matched by Toll Credits Only.

I understand that this represents a final statement of expenditure for FY2013-14 and no future requests for reimbursement will be processed by the State for payment.

Name (Please Print) ____________________________ Signature ____________________________

Title (Please Print) ____________________________ Date ____________________________
APPENDIX D

CPG Subrecipient Responsibilities for DBE include:

- Participation in the race neutral DBE Program when contracting/awarding to subrecipients or planning consultants involving any fraction of federal CPG funds.

- Participation in the race neutral DBE Program even if subrecipients have not contracted out work to sub-recipients or consultants. They must also complete, sign and turn in the FTA DBE Uniform Report form, showing zero dollars. This information will provide necessary data for the federally mandated Caltrans DBE disparity study.

- Completion of the FTA DBE Uniform Report form (See Appendix X) twice a year: April 1st and October 1st. The DBE Uniform Report shows the federal dollar amount provided through contract/s as well as DBE participation in these contracts. This information will provide necessary data for the federally mandated Caltrans DBE disparity study and reporting to the FTA. The completed forms are sent to the appropriate HQ ORIP Liaison.

- Development and implementation of a DBE Program following the Caltrans DBE Program Plan, pursuant to the Master Fund Transfer Agreement, Article IV, Section 2. This Plan formally acknowledges the statutory and/or regulatory requirements with its race-neutral measures, and their commitment to comply with all the prescribed responsibilities explained herein.

- Development and maintenance of a Bidder’s List, consisting of information about all DBE and non-DBE firms that bid or quote on CPG-assisted contracts. The Bidder’s List includes the name, address, DBE/non-DBE status, age and annual gross receipts of firms.

- Inclusion of the following clause is required, verbatim, in each CPG-assisted contract:
  
  ○ The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of United States Department of Transportation-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as recipient deems appropriate.

- Inclusion of contractual language specifying prompt payment clauses are required in the foregoing provisions. These prompt payment clauses benefit all subcontractors equally.
APPENDIX D

- **Prompt Progress Payment to Subcontractors**—A prime contractor or subcontractor shall pay to any subcontractor not later than 10-days of receipt of each progress payment, in accordance with the provision in Section 7108.5 of the California Business and Professions Code concerning prompt payment to subcontractors. The 10-day rule is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over 30-days may take place only for good cause and with the agency's prior written approval. Any violation of Section 7108.5 shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies of that Section. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

- **Prompt Payment of Withheld Funds to Subcontractors**—The MPO, RTPA or local government entity shall include either (1), (2), or (3) of the following provisions in their CPG-assisted contracts to ensure prompt and full payment of retainage (withheld funds) to subcontractors in compliance with 49 CFR 26.29.

25) No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

26) No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30-days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in
APPENDIX D

Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

27) The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30-days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
# Sacramento Area Council of Governments
**Contract No. 74A0816**
Appendix D2
Page 1 of 1

## UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS

*Please refer to the instructions sheet for directions on filling out this form*

<table>
<thead>
<tr>
<th>1. Submitted to (check only one)</th>
<th>[ ] FHWA</th>
<th>[ ] FAA</th>
<th>[ ] FTA</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. APF Numbers (FAA Recipients Only):</td>
<td>FY 2012</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Federal fiscal year in which reporting period falls</td>
<td>[ ] Report due June 30 (for period Oct 1-Mar 31)</td>
<td>[ ] Report due Dec 31 (for period Oct 1-Sept 30)</td>
<td>[ ] FAA annual report due Dec 31</td>
</tr>
<tr>
<td>4. Date Report Submitted</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Reporting Period</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Name and address of Requester</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Annual DBE Cost *</td>
<td>Race Conscious Goal</td>
<td>%</td>
<td>Race Neutral Goal</td>
</tr>
<tr>
<td>7.5 Percentage of Total Dollars Committed/Awarded to DBEs:</td>
<td>% (divide total dollars to DBEs in B(5) by the total dollars in B(A))</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### COMMITMENTS/AWARDS MADE DURING THIS REPORTING PERIOD

<table>
<thead>
<tr>
<th>Total Dollars</th>
<th>Total Number</th>
<th>Total to DBEs (dollars) (E+G)</th>
<th>Total to DBEs (number) (F+H)</th>
<th>Total to DBEs/Race Conscious (dollars)</th>
<th>Total to DBEs/Race Conscious (number)</th>
<th>Total to DBEs/Race Neutral (dollars)</th>
<th>Total to DBEs/Race Neutral (number)</th>
<th>Percentage of Total dollars to DBEs (C/D)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>B</td>
<td>C</td>
<td>D</td>
<td>E</td>
<td>F</td>
<td>G</td>
<td>H</td>
<td>I</td>
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<tr>
<td>Prime contracts awarded this period</td>
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<td>0</td>
<td>0</td>
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<tr>
<td>Subcontracts committed/awarded this period</td>
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</tbody>
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### DBE COMMITMENTS/AWARDS THIS REPORTING PERIOD—BREAKDOWN BY ETHNICITY & GENDER

<table>
<thead>
<tr>
<th>Black American</th>
<th>Hispanic American</th>
<th>Native American</th>
<th>Subcont. Asian American</th>
<th>Asian-Pacific American</th>
<th>Non-Minority Women</th>
<th>Other (i.e., not of any other group listed here)</th>
<th>TOTALS (for this reporting period only)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>B</td>
<td>C</td>
<td>D</td>
<td>E</td>
<td>F</td>
<td>G</td>
<td>I</td>
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### ACTUAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD

<table>
<thead>
<tr>
<th>Number of Prime Contracts Completed</th>
<th>Total Dollar Value of Prime Contracts Completed</th>
<th>DBE Participation Needed to Meet Goal (Dollars)</th>
<th>Total DBE Participation (Dollars)</th>
<th>Name(s) of Participating DBE Firms/Conspiring Dollar Amounts</th>
<th>Percentage of Total DBE Participation (E/M)</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. Race Conscious</td>
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<tr>
<td>13. Race Neutral</td>
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<td>14. Totals</td>
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</tbody>
</table>

### Notes:
All dollars represent Federal dollars
Appendix E

FY 2014/2015 FHWA Metropolitan Transportation Planning Process Certification

In accordance with 23 CFR 450.334 and 450.220, Caltrans and Metropolitan Planning Organization for the urbanized area(s) hereby certify that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of:


II. In nonattainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended (42 U.S.C. 7504, 7506 (c) and (d)) and 40 CFR part 93;


IV. Section 1003(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102-240) regarding the involvement of disadvantaged business enterprises in the FHWA and the FTA funded planning projects (sec. 105(f), Pub. L. 97-424, 96 Stat. 2100; 49 CFR part 23);

V. Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;

VI. The provision of the Americans With Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat 327, as amended) and the U.S. DOT implementing regulations (49 CFR 27, 37 and 38);

VII. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and 49 CFR parts 27, 37, and 38;

VIII. 49 U.S.C. 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;

IX. 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;

X. The Older Americans Act, as amended (42 U.S.C. 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;

XI. Section 324 of title 23 U.S.C. regarding the prohibition of discrimination based on gender; and

XII. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and 49 CFR part 27 regarding discrimination against individuals with disabilities.

MPO Authorizing Signature                  Caltrans District Approval Signature

Title                                         Title

Date                                          Date
Appendix E

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS
(Signature page alternative to providing Certifications and Assurances in TEAM-Web)

Name of Applicant: ________________________________

The Applicant agrees to comply with applicable provisions of Groups 01 – 24, _______.

OR

The Applicant agrees to comply with applicable provisions of the Groups it has selected:

<table>
<thead>
<tr>
<th>Group</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>Required Certifications and Assurances for Each Applicant</td>
</tr>
<tr>
<td>02</td>
<td>Lobbying</td>
</tr>
<tr>
<td>03</td>
<td>Procurement and Procurement Systems</td>
</tr>
<tr>
<td>04</td>
<td>Private Section Protections</td>
</tr>
<tr>
<td>05</td>
<td>Rolling Stock Reviews and Bus Testing</td>
</tr>
<tr>
<td>06</td>
<td>Demand Responsive Service</td>
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<tr>
<td>07</td>
<td>Intelligent Transportation Systems</td>
</tr>
<tr>
<td>08</td>
<td>Interest and Financing Costs and Acquisition of Capital Assets by Lease</td>
</tr>
<tr>
<td>09</td>
<td>Transit Asset Management Plan and Public Transportation Agency Safety Plan</td>
</tr>
<tr>
<td>10</td>
<td>Alcohol and Controlled Substances Testing</td>
</tr>
<tr>
<td>11</td>
<td>Fixed Guideway Capital Investment Grants Program (New Starts, Small Starts, and Core Capacity) and Capital Investment Program in Effect before MAP-21.</td>
</tr>
<tr>
<td>12</td>
<td>State of Good Repair Program</td>
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<td>13</td>
<td>Fixed Guideway Modernization Grant Program</td>
</tr>
<tr>
<td>14</td>
<td>Bus and Bus Facilities Formula Grants Program and Bus and Bus Related Equipment and Facilities Grant Program (Discretionary).</td>
</tr>
<tr>
<td>15</td>
<td>Urbanized Area Formula Grants Programs, Passenger Ferry Grants Program, and Job Access and Reverse Commute (JARC) Program.</td>
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<tr>
<td>16</td>
<td>Seniors/Elderly/Individuals with Disabilities Programs and New Freedom Program.</td>
</tr>
<tr>
<td>17</td>
<td>Rural/Other Than Urbanized Areas/Appalachian Development/Over-the-Road Bus Accessibility Programs.</td>
</tr>
<tr>
<td>18</td>
<td>Public Transportation on Indian Reservations Programs (also known as the Tribal Transit Programs).</td>
</tr>
<tr>
<td>19</td>
<td>Low or No Emission/Clean Fuels Grant Programs.</td>
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<tr>
<td>20</td>
<td>Paul S. Sarbanes Transit in Parks Program.</td>
</tr>
<tr>
<td>21</td>
<td>State Safety Oversight Program.</td>
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<tr>
<td>22</td>
<td>Public Transportation Emergency Relief Program.</td>
</tr>
<tr>
<td>23</td>
<td>Expedited Project Delivery Pilot Program.</td>
</tr>
<tr>
<td>24</td>
<td>Infrastructure Finance Programs.</td>
</tr>
</tbody>
</table>
Appendix E

FTA FISCAL YEAR 2014 CERTIFICATIONS AND ASSURANCES

FEDERAL FISCAL YEAR 2014 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE
(Required of all Applicants for FTA funding and all FTA Grantees with an active Capital or Formula Project)

AFFIRMATION OF APPLICANT

Name of the Applicant: ________________________________

Name and Relationship of the Authorized Representative: ________________________________

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all Federal statutes and regulations, and follow applicable Federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in Federal Fiscal Year 2014, irrespective of whether the individual that acted on his or her Applicant’s behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Project for which it seeks new, or may later seek FTA funding during Federal Fiscal Year 2014.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. 3801 et seq., and implementing U.S. DOT regulations, “Program Fraud Civil Remedies,” 49 CFR part 31, apply to any certification, assurance or submission made in connection with a Federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute.

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature __________________________ Date: __________________________

Name __________________________

Authorized Representative of Applicant

AFFIRMATION OF APPLICANT’S ATTORNEY

For (Name of Applicant):

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has authority under State, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA Project or Projects.

Signature __________________________ Date: __________________________

Name __________________________

Attorney for Applicant

Each Applicant for FTA funding and each FTA Grantee with an active Capital or Formula Project must provide an Affirmation of Applicant’s Attorney pertaining to the Applicant’s legal capacity. The Applicant may enter its signature in lieu of the Attorney’s signature, provided the Applicant has on file this Affirmation, signed by the attorney and dated this Federal fiscal year.
Appendix E

Fiscal Year 2014/2015 California Department of Transportation
Debarment and Suspension Certification

As required by U.S. DOT regulations on governmentwide Debarment and Suspension
(Nonprocurement), 49 CFR 29.100:

1) The Applicant certifies, to the best of its knowledge and belief, that it and its contractors, subcontractors and subrecipients:
   a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
   b) Have not, within the three (3) year period preceding this certification, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) transaction or contract under a public transaction, violation of Federal or state antitrust statutes, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
   c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, state, or local) with commission of any of the offenses listed in subparagraph (1)(b) of this certification; and
   d) Have not, within the three (3) year period preceding this certification, had one or more public transactions (Federal, state, and local) terminated for cause or default.

2) The Applicant also certifies that, if Applicant later becomes aware of any information contradicting the statements of paragraph (1) above, it will promptly provide that information to the State.

3) If the Applicant is unable to certify to all statements in paragraphs (1) and (2) of this certification, through those means available to Applicant, including the General Services Administration’s Excluded Parties List System (EPLS), Applicant shall indicate so in its applications, or in the transmittal letter or message accompanying its annual certifications and assurances, and will provide a written explanation to the State.
DEPARTMENT OF TRANSPORTATION
DEBARTMENT AND SUSPENSION CERTIFICATION
FISCAL YEAR 2014/2015
SIGNATURE PAGE

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and correct.

Signature_________________________________________ Date________________________

Printed Name ______________________________________

As the undersigned Attorney for the above named Applicant, I hereby affirm to the Applicant that it has the authority under state and local law to make and comply with the certifications and assurances as indicated on the foregoing pages. I further affirm that, in my opinion, these certifications and assurances have been legally made and constitute legal and binding obligations of the Applicant.

I further affirm to the Applicant that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these certifications and assurances or of the performance of the described project.

AFFIRMATION OF APPLICANT’S ATTORNEY

For ________________________________ (Name of Applicant)

Signature_____________________________ Date________________________

Printed Name ______________________________________
of Applicant’s Attorney
WHEREAS, the Bylaws of the Sacramento Area Council of Governments authorize the appointment of an Executive Director; and

WHEREAS, the Executive Director is the Chief Executive Officer of SACOG; and

WHEREAS, the Executive Director is responsible for all projects and property belonging to SACOG; and

NOW THEREFORE, BE IT RESOLVED, that SACOG authorizes the Executive Director to execute any and all agreements relating to the official business of SACOG, including but not limited to: financial accounts, contractual agreements, legal agreements, invoices, and other documents requiring the signature of an official representative of SACOG.

PASSED AND ADOPTED this 17th day of February, 2005 by the following vote of the Board of Directors:

AYES: Directors Anderson, Asmundson, Barrington, Billeci, Budge, Cabaldon, Clare, Collin, Cooper, Cosgrove, Doolittle, Dowdin, Dupray, Fargo, Flory, Hammond, Lund, Miklos, Rockholm, Schrader, Silva, Thomson, Washburn and Chair Gaines

NOES: None

ABSTAIN: None

ABSENT: Directors Blackmun, Daniels, Dickinson, Fuson, Gomez, Peters and Richards

TED GAINES  
Chair

MIKE MCKEEVER  
Executive Director
CONTINUING COOPERATIVE AGREEMENT

between

SACRAMENTO AREA COUNCIL OF GOVERNMENTS

and

Sub-recipient AGENCY

THIS AGREEMENT is entered into effective ____, between the Sub-recipient Agency (hereinafter referred to as Sub-recipient) and the Sacramento Area Council of Governments (hereinafter referred to as SACOG).

RECITALS

WHEREAS, the Sub-recipient is a California public agency created by statute to provide local transportation planning within ------------County; and

WHEREAS, the Sub-recipient is a Sub-recipient of State and Federal planning funds programmed in SACOG's annual Overall Work Program (OWP), administered by and through SACOG. The SACOG annual OWP is part of an agreement with the State of California Department of Transportation (State or Caltrans), which includes the Overall Work Program Agreement (OWPA) and Master Fund Transfer Agreement (MFTA). Together, the OWP, the OWPA and MFTA set forth the terms and conditions under which these funds are to be expended by SACOG and its Sub-recipients; and

WHEREAS, SACOG and the Sub-recipient intend to coordinate development of the annual SACOG OWP, with final OWP approval by SACOG; and

WHEREAS, SACOG and the Sub-recipient intend to cooperate to ensure the timely development, adoption and implementation of integrated comprehensive regional plans and policies, as set forth by Federal and State requirements; and

WHEREAS, SACOG and the Sub-recipient intend to cooperate to ensure continual satisfactory compliance with applicable Federal and State laws and planning and management guidelines; and

WHEREAS, SACOG and Sub-recipient intend to ensure their respective cost accounting systems meet Federal and State regional planning fund requirements; and

WHEREAS, SACOG and the Sub-recipient intend to improve accountability of persons carrying out the duties prescribed in this Agreement, and reduce delays associated with the billing process.
NOW THEREFORE, IT IS MUTUALLY AGREED THAT

1. Agreement with the Sub-recipient and Amendments. This Agreement constitutes a continual, year-to-year arrangement between the Sub-recipient and SACOG, and may be amended by mutual written agreement.

   a. This Agreement includes the annual "Sub-recipient Scope of Work" (Exhibit A), "Sub-recipient Budget" (Exhibit B), "Sample Sub-recipient Invoice" (Exhibit C) hereinafter referred to as Exhibits A, B, and C respectively, attached hereto and incorporated herein by this reference.

   b. SACOG's maximum payment obligation to the Sub-recipient is limited to those funds indentified in Exhibit B.

2. Scope of Sub-recipient Responsibilities.

   a. SACOG shall engage the Sub-recipient and the Sub-recipient shall be responsible for the complete performance of the work described in Exhibit A, including the grant-funded and in-kind match work, in accordance with the budget constraints described in Exhibit B as reflected in the adopted Overall Work Program.

   b. In accordance with Title 49, CFR, Part 18, Sections 18.36 and 37 and state laws and procedures, Sub-recipient contracts for work identified in Exhibit A under "Consultant Work" are required to be competitively procured consistent with the Caltrans Local Assistance Program Manual, Chapter 10. Sub-recipient must also include the respective SACOG project manager in selection processes for work identified in Exhibit A.

   c. The Sub-recipient Project Manager shall coordinate all work described in the Exhibit A with the SACOG Project Managers identified under each work element listed in Exhibit B. SACOG shall not be obligated to make payments to the Sub-recipient until the Sub-recipient Project Manager has carried out the applicable responsibilities described herein and in compliance with Sections 6 through 8 of this Agreement.

   d. Sub-recipient shall establish an oversight structure and process at its governing board level. This oversight may be in the form of an existing or new committee, such as an Executive Committee, Budget and Personnel Committee, Audit Committee or Finance Committee to oversee compliance with the applicable Federal and State regulations cited herein.
3. **Personnel.** The Sub-recipient shall hire personnel to perform the work described in Exhibit A, only in the following manner:

   a. **Sub-recipient Personnel.** The Sub-recipient, upon approval and authorization of its governing body, shall utilize employees with salaries that do not vary on the basis of funds received from SACOG.

4. **Time of Performance.** The services provided pursuant to this Agreement shall begin upon issuance of a Notice to Proceed by SACOG to the Sub-recipient and shall continue until completion, but not later than June 30 of each year. The Notice to Proceed shall be issued upon receipt of final federal approval of the Overall Work Program.

5. **Materials to be Furnished to the Sub-recipient.**

   a. SACOG shall provide the Sub-recipient with a right to use (without charge by SACOG) information, data, reports, records and maps which are in possession of or readily available to SACOG, for the purposes of carrying out work under this Agreement. However, SACOG's proprietary information or otherwise confidential or privileged materials shall not be provided to the Sub-recipient, unless authorized by SACOG's legal counsel, except as provided under the Public Records Act and other state and federal laws.

   b. At the option of SACOG and if allowable under Federal and State grant requirements, SACOG may procure equipment, software, or other materials for use by the Sub-recipient, only for purposes of carrying out work described under this Agreement. The Sub-recipient agrees to comply with all license agreements for software or other materials procured by SACOG for use by the Sub-recipient.

   c. All equipment, software, or other materials provided to the Sub-recipient under this Agreement shall remain the property of SACOG and shall be returned to SACOG upon project completion.

6. **Invoices and Progress Reports.** In performing the work described in Exhibit A, the Sub-recipient may incur only the costs authorized by Exhibit B. Said costs shall comply with Sections 8 and 9 below. The Sub-recipient shall submit to SACOG, not more frequently than every month, but at least quarterly, each requisition for payment (Invoice) accompanied by a narrative progress report with deliverables as identified in Exhibit A.

   a. The Sub-recipient shall submit the following relative to an Invoice:

      i. An invoice with supporting documentation, including but not limited to cancelled checks and reports from the accounting system
that support the costs claimed, in duplicate, in accordance with the "Sample Sub-recipient Invoice", Exhibit C.

ii. A progress report that, in narrative form, describes progress toward completion of tasks, projects, and products, conformance with project schedules, and reporting of all costs incurred for the work elements contained in Exhibit B; and

iii. Upon request of SACOG, additional information or documentation to support the costs contained in the Invoice.

b. The Sub-recipient shall submit an invoice to SACOG, no later than forty-five (45) days after the close of each quarter, describing progress toward completion of all tasks, projects, and products, conformance with project schedules, and reporting of all costs incurred for the work elements contained in Exhibit B.

c. In the submittal of invoices the Sub-recipient shall include three, double-sided copies of all deliverables to the assigned SACOG Project Manager, in a commonly used electronic format or hard paper copy, as referenced in Section 9.

d. Year-end Invoices submitted in the fourth quarter and supporting documentation shall be received by SACOG on or before July 31st of each fiscal year. Invoices received by SACOG after July 31st for the preceding fiscal year shall not be paid.

e. Payment of Sub-recipient Invoices is contingent upon receipt by SACOG of the above documentation provided by the Sub-recipient, consistent with this Sections 6 though 8. Payment to the Sub-recipient is further contingent upon SACOG's determination, that the performance of the Sub-recipient meets federal, state and SACOG standards. Sub-recipient invoices shall be reviewed and submitted for payment by SACOG within 30 days of receipt. No expenses shall be denied without prior consultation with Sub-recipient and a written explanation detailing the basis for the denial.

f. Deadlines described in Sections 6 b-e may be waived if mutually agreed to by SACOG and the sub-recipient.

7. The Sub-recipient shall not be entitled to reimbursement of indirect costs unless a copy of an applicable, approved indirect cost plan has been received by SACOG prior to submittal of the first Invoice from the Sub-recipient.

8. Non-Federal Match. The Sub-recipient shall provide the required Cash and/or In-Kind match in accordance with Exhibit B (Cash and/or In-Kind match work), along with Local Match Reports provided in a format consistent with Exhibit C. Local Match Reports may be provided to SACOG by the Sub-recipient and/or local public agency(ies) within the Sub-recipient. However, it remains the responsibility of the
Sub-recipient to ensure SACOG receives the Cash and/or In-Kind Match Reports and documentation in accordance with the requirements below and the requirements described herein.

a. Cash Match Reports shall be submitted with invoices approved by the Sub-recipient Executive Director or his/her designee. Cash Match Reports shall include the name of the Sub-recipient, the applicable OWP Work Element, the amount of the match and the non-federal source of the matching funds and a statement that the source of funds are non-federal accompanied by an authorized signature of the Sub-recipient providing the match.

b. In-Kind Match Reports shall be submitted with invoices approved by the Sub-recipient Executive Director or his/her designee. In-Kind Match Reports shall include the following information: the name of the Sub-recipient and/or local public agency within Sub-recipient, applicable OWP number, description of services performed, period of the service performed, employee name, copies of timecards, actual pay rate, total hours worked, fringe benefit rate, indirect cost rate (if the rate is approved as part of an indirect cost plan submitted in accordance with Section 7 above), total cost incurred, and a statement that costs were funded with non-federal local funds accompanied by an authorized signature of the Sub-recipient and/or local agency(ies) providing the match. The Sub-recipient shall provide additional information or documentation relative to the Match Reports, upon request of SACOG.

9. **Cost Principles.**

a. Sub-recipient agrees to be bound by and shall require its Consultants and/or Contractors to comply with the following:

i. 2 CFR Part 225, Cost Principles for State, Local and Indian Tribal Governments, shall be used to determine the allowability of individual project cost items, and

ii. The Federal administrative procedures in accordance with 49 Code of Federal Regulations, Part 18, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments."

b. Any costs for which the Sub-recipient receives payment or credit that is determined by a subsequent audit or other review by either SACOG, Caltrans or other State or Federal authorities to be unallowable under, but not limited to, 2 CFR Part 225, 48 CFR Chapter 1, Part 31; or 49 CFR, Part 18, shall be repaid by Sub-recipient within thirty (30) days of the Sub-recipient receiving notice of final audit findings.
c. All costs charged to this Agreement by the Sub-recipient shall be supported by properly executed payrolls showing labor (wage) rates per hour, and if applicable, copies of Internal Revenue Service W-2 or 1099 Forms, or both; time records, including timesheets or time cards signed by the employee and approved by the supervisor; and invoices and vouchers, evidencing in proper detail the nature of the charges. These costs shall comply with the cost principles cited above in paragraph 9 a. of this Agreement.

d. All deliverables published under this agreement shall include the following statement:

"The preparation of the report was financed in part through grants from the United States Department of Transportation (DOT) and facilitated by the Metropolitan Planning Organization, the Sacramento Area Council of Governments. Additional financial assistance was provided by the California State Department of Transportation."

e. All deliverables produced under this agreement which include Sub-recipient logos shall also include the SACOG logo.

f. The Sub-recipient agrees to furnish documentation to SACOG to support this requirement that its Agreements with a Contractor contain provisions requiring adherence to this Section in its entirety.

10. **Written and Electronic Versions of Work Products and Related Materials.** The Sub-recipient shall provide copies of all its deliverables created pursuant to the Scope of Work to SACOG in an electronic format. Hard copies will also be provided upon SACOG’s request. Related materials, including any reports, newsletters or other written materials will also be provided in hard copy and/or electronic format, upon SACOG’s request.

a. Any graphic images accompanying the text of these written materials shall be included, in digitized form, in the electronic version.

b. The electronic versions of all written materials and accompanying graphic images shall, when printed or otherwise displayed, appear in the identical format, location, quality, and state of replicating in which they appear in the hard copy versions.

c. Materials in the electronic version shall be presented to SACOG in a commonly used electronic format, including the native file.

d. SACOG shall be free to copyright material developed under this Agreement, to the extent allowable by law. The State and the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) reserve a royalty-free, nonexclusive and irrevocable license to
11. Records Retention and Audits.

a. The Sub-recipient shall maintain, and shall require that its Contractor maintain, all source documents, books and records connected with their performance of work initiated under this Agreement and each annual SACOG OWP for a minimum of three (3) years from the date of final payment to Sub-recipient or until audit resolution is achieved for each annual SACOG OWP, whichever is later, and shall make all supporting information available for inspection and audit by representatives of SACOG, the State, the Bureau of State Audits, or the Federal Government upon request. Copies will be made and furnished by SACOG upon request at no cost to SACOG.

b. The Sub-recipient shall establish and maintain, and shall require that its Contractor establish and maintain an accounting system conforming to Generally Accepted Accounting Principles (GAAP) to support Invoices which segregate and accumulate the costs of work elements by line item which clearly identify reimbursable costs and other expenditures by OWP work elements.

c. The Sub-recipient agrees to include all costs associated with this Agreement and any amendments thereto to be examined in the annual audit and in the schedule of activities to be examined under a single audit prepared by the Sub-recipient in compliance with Office of Management and Budget Circular A-133.

d. The Sub-recipient agrees to furnish documentation to SACOG to support this requirement that its Agreements with a Contractor contain provisions requiring adherence to this Section in its entirety.

12. Certifications and Assurances.

a. The Sub-recipient shall adhere to the requirements contained in SACOG's annual Certification and Assurances (FHWA and FTA "Metropolitan Transportation Planning Process Certification") submitted as part of SACOG's OWP, pursuant to 23 CFR 450.334 and 23 U.S.C. 134. This Certification shall be published annually in SACOG's OWP. Such requirements shall apply to the Sub-recipient to the same extent as SACOG and may include, but are not limited to:

i. Title VI of the Civil Rights Act of 1964 and Title VI Assurance executed by California under 23 U.S.C. 324 and 29 U.S.C. 794;
ii. Pub. Law 105-178, 112 Stat. 107 and any successor thereto, regarding the involvement of disadvantaged business enterprises in FHWA and FTA funded projects (Sec. 105(f), Pub. L. 970424, 96 Stat. 2100, 49 CFR part 26); and


b. The Sub-recipient shall additionally comply with the requirements contained in the annual FTA "Certifications and Assurances for FTA Assistance," including "Certifications and Assurances Required of Each Applicant" and the "Lobbying Certification" in compliance with 49 U.S.C. Chapter 53; published annually in SACOG's OWP. Such assurances shall apply to the Sub-recipient to the same extent as SACOG, and include but are not limited to the following areas:

i. Authority of Applicant and its Representatives

ii. Standard Assurances

iii. Debarment, Suspension, and Other Responsibility Matters for Primary Covered Transactions

iv. Drug Free Work Place Agreement

v. Intergovernmental Review Assurance

vi. Nondiscrimination Assurance

vii. Disadvantaged Business Enterprise (DBE) Assurance

viii. Nondiscrimination on the Basis of Disability

ix. Procurement Compliance Certification

x. Certification and Assurance Required by the U.S. Office of Management and Budget.

c. Federal and State Lobbying Activities Certification.

i. By signing this Agreement, the Sub-recipient certifies, to the best of its knowledge and belief, that no State or Federal funds have been paid or will be paid, by or on behalf of the Sub-recipient, to any person for influencing or attempting to influence an officer or employee of any State or Federal agency, a Member of the State Legislature or United States Congress, an officer or employee of the Legislature or Congress, or any employee of a Member of the Legislature or Congress in connection with the awarding of any State or Federal contract, the marking of any State or Federal grant, the making of any Federal loan, the entering into any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any State or Federal contract, grant, loan, or cooperative agreement.
ii. If any funds other than State or Federal funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress; an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Sub-recipient shall complete and submit Federal Standard Form-LL, "Disclosure Form to Report Lobbying," in accordance with those form instructions.

d. The Sub-recipient shall further require its Contractor to comply with these Certifications. The Sub-recipient agrees to furnish documentation to SACOG to support this requirement that all of its Agreements with a Contractor contain provisions requiring adherence to this Section in its entirety.

e. The Executive Director (or other designated, authorized signatory) of the Sub-recipient shall sign an annual certifications and assurances form entitled "Affirmation of Sub-recipient," which shall be provided to SACOG separately at the time this Agreement and annual amendments to the Agreement are executed.

13. Equal Employment Opportunity/Nondiscrimination. In the performance of work undertaken pursuant to this Agreement, the Sub-recipient for itself, its assignees and successors in interest, shall affirmatively require that its employees and Contractor shall not unlawfully discriminate, harass or allow harassment, against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), medical condition (cancer), age, marital status, denial of family and medical care leave, and denial of pregnancy disability leave.

The Sub-recipient shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. The Sub-recipient shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.) and the applicable regulations promulgated there under (California Code of Regulations, Title 2, Section 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing the Government code sections reference above, are incorporated into this Agreement by reference and made a part hereof as set forth in full.

The Sub-recipient shall give written notice of their obligations under this clause to the labor organizations with which they have collective bargaining or other labor agreements.

a. Sanctions for Noncompliance: In the event of the Sub-recipient's noncompliance with the nondiscrimination provisions of this Agreement,
SACOG shall impose such contract sanctions as its or the DOT may determine to be appropriate, including, but not limited to:

i. Withholding of payments to the Sub-recipient under this Agreement until the Sub-recipient complies, and/or

ii. Cancellation, termination or suspension of the Agreement, in whole or in part.

iii. Incorporation of Provisions: The Sub-recipient shall include the provisions of this Section in every agreement with its Contractor. The Sub-recipient shall take such action with respect to any such agreement as SACOG or DOT may direct as a means of enforcing such provisions, including sanctions for noncompliance.

14. **Conflict of Interest.** The Sub-recipient and its officers, employees, and agents (including a Contractor) that perform work under this Agreement shall comply with Federal and State conflict of interest laws, regulations and policies, and applicable provisions of SACOG's Conflict of Interest Policy.

15. **Independent Contractor.** The Sub-recipient shall be independent contractors in the performance of this Agreement.

16. **Disadvantaged Business Enterprise (DBE).** It is the policy of SACOG, the California Department of Transportation, and the U.S. Department of Transportation, that Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, shall have an equal opportunity to receive and participate in the performance of Agreements financed in whole or in part with FHWA/FTA funds provided under this Agreement.

The Sub-recipients and its employees shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any State or FHWA/FTA funds-assisted contract or in the administration of SACOG's DBE program per the requirements of 49 CFR Part 26. Failure to carry out the requirements of this paragraph shall constitute a breach of contract and may result in termination of this Agreement or such other remedy SACOG may deem appropriate.

17. **Disputes.** Should either party to this Agreement bring legal action against the other, (formal judicial proceeding, mediation or arbitration), the case shall be handled in Monterey County, California.

a. Neither the pendency of a dispute nor its consideration by SACOG or the State will excuse the Sub-recipient from full and timely performance in accordance with the terms of this Agreement.
18. **Hold Harmless.**

   a. Sub-recipient shall defend, indemnify and hold SACOG, its officers, agents and employees harmless from and against any and all liability, loss, expense or claims or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of Sub-recipient, its officers, agents or employees.

   b. SACOG shall defend, indemnify and hold Sub-recipient, its officers, agents and employees harmless from and against any and all liability, loss, expense or claims or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, or claims for injury or damages are caused by or result from the negligent or intentional acts or omissions of SACOG, its officers, agents or employees.

19. **Noncompliance.** In addition to such other remedies as provided by law, in the event of noncompliance with any grant condition or specific requirement of this Agreement, this Agreement may be terminated.

20. **Termination of Agreement.**

   a. **Termination for Convenience.** Either party may terminate this Agreement at any time by giving written notice to the other party of such termination at least thirty (30) calendar days before the effective date of such termination. In such event, all finished or unfinished documents and other materials as described in the Agreement shall be returned to SACOG at its option. The Sub-recipient shall return at the option of SACOG, all equipment, software, or other materials provided to the Sub-recipient under this Agreement. If this Agreement is terminated by SACOG, as provided herein, the Sub-recipient shall be reimbursed for expenses incurred prior to the termination date, upon compliance with Section 6 through 8 of this Agreement.

   b. **Termination for Cause.** If through any cause, the Sub-recipient shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or if the Sub-recipient violates any of the covenants, agreements, or stipulation of this Agreement, SACOG shall thereupon have the right to terminate the Agreement by giving not less than ten (10) calendar days written notice to the Sub-recipient of the intent to terminate and specifying the effective date thereof. Said notice shall include a detailed description of the alleged violation and SACOG shall provide a reasonable opportunity for the Sub-recipient to cure prior to termination. Upon termination, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, reports or other materials prepared by the Sub-recipient under this Agreement shall be provided to SACOG. At the option of SACOG, the
Sub-recipient shall return all equipment, software, or other materials provided to the Sub-recipient under this Agreement. The Sub-recipient shall be entitled to receive compensation for all work completed in accordance with Exhibit A prior to the effective date of termination.

21. Environmental, Resource Conservation and Energy Requirements. The Sub-recipient recognizes that many Federal and State statutes imposing environmental, resource conservation, and energy requirements may apply to the Project. The Sub-recipient agrees to adhere to any such Federal and State requirements.

22. Notice. Any notice or notices required or permitted to be given pursuant to this agreement may be personally served on the other party by the party giving such notice, or may be served by certified mail, return receipt requested, to the following addresses:

Maura Twomey  
Executive Director  
Sacramento Area Council of Governmentss  
445 Reservation Road, Ste. G  
Marina, CA 93933

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first herein written above:

Association of Monterey Bay Area Governments  
Sub-recipient Agency for Monterey Bay Area Governments

Executive Director  
Executive Director

Date: ___________  
Date: ___________
APPROVED AS TO LEGAL FORM:  

SACOG Legal Counsel  
Date: ________________  

APPROVED AS TO LEGAL FORM:  

Sub-Recipient Legal Counsel  
Date: ________________
CCA Exhibit A

Work Element:

Project Description:

Project Products:

Tasks & Deliverables:

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### Exhibit B

**Sub-recipient Budget for FHWA PL Fund**

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Prior to agencies requesting reimbursement for indirect costs, they must provide a copy of their current Indirect Cost Allocation Plan Rate approval letter from Caltrans Audits and Investigations.

Attachments should include documentation that supports costs claimed with this invoice. Supporting documentation can include but is not limited to cancelled checks, third party invoices, general ledger reports, payroll summaries, request for proposal documentation, reports from accounting system, etc.

Other supporting documentation such as timesheets, fringe benefit reports, policies or other personnel related documents must be maintained in the agencies office and made available for review if needed/requested.

<table>
<thead>
<tr>
<th>Required Data</th>
<th>OWP Work Element Info</th>
<th>Current Federal Reimbursement Info (88.53%)</th>
<th>Current Non-federal Match Info (11.47%)</th>
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<tr>
<td>1 Work Element Number from Approved OWP</td>
<td>3 Total WE Budget (Federal Portion) without match</td>
<td>7 Non-federal Cash Match</td>
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</tr>
<tr>
<td>2 Work Element Title from Approved OWP</td>
<td>4 Current invoice without non-federal match (federal portion)</td>
<td>8 Source of Cash (Must be non-federal funding)</td>
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<tr>
<td>5 Total federal funds spent to date including the current invoice but NOT including non-federal match</td>
<td>9 3rd party, In-kind, or Toll Credit Match Amount</td>
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</tr>
<tr>
<td>6 Percent of Budget Expended YTD</td>
<td>10 Source of In-kind or 3rd party Amount (Must be non-federal funding)</td>
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<tr>
<td>11 Total Non-federal Match by Work Element</td>
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<thead>
<tr>
<th>Required Data</th>
<th>Work Element</th>
<th>PL Task</th>
<th>Percent of Task Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 Work Element Number from Approved OWP</td>
<td>13 Work accomplished this quarter</td>
<td>14 Percent of tasks completed for the current quarter</td>
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| Work Element Title from Approved OWP | 13 Work accomplished this quarter | 14 Percent of tasks completed for the current quarter |
### OWP Work Element Info

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<tr>
<th>Work Element #</th>
<th>WE Title</th>
<th>PL Budget</th>
<th>WE Current Amount Billed</th>
<th>PL Billed YTD</th>
<th>Percent YTD</th>
<th>Cash</th>
<th>Source</th>
<th>3rd Party</th>
<th>Inkind</th>
<th>Source</th>
<th>Total Non-federal Match</th>
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**Totals**: $0.00 $0.00 $0.00 0% $0.00 $0.00 $0.00 $0.00 $0.00 $0.00

Total PL matched With Cash / In-Kind $0.00

---

### WORK ELEMENT NARRATIVE SUMMARY

**FY 2012-2013 WORK PROGRAM**

**BILLING PERIOD**: 1st Qtr FY 2012-13

12 Work Element

1.1
1.2
1.3

112 Work Element

1.1
1.2
1.3

231 Work Element

1.1
1.2
1.3

251 Work Element

1.1
1.2
1.3

**Percent Of Task Completed**

*Updated May 2012*
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### Agency Name
FY 2012-13 Overall Work Plan
Indirect Costs

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<th>Work Element Number</th>
<th>Direct Labor</th>
<th>Fringe Benefits</th>
<th>Indirect Costs Applied</th>
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Sacramento Area Council of Governments
Non-Federal Match Report
Sub-recipient: Agency Name

The Sacramento Area Council of Governments (SACOG) is the federally designated Metropolitan Planning Organization (MPO) for the El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba Counties. As an MPO, SACOG is required to carry out the metropolitan transportation planning activities for its tri-county metropolitan planning region as required under the federal and state regulations.

SACOG receives federal funds (FHWA PL) to carry out such activities through a continuing, cooperative, and comprehensive (3-C) planning process. SACOG provides FHWA PL funds to the Transportation Agency for Monterey County (Agency Name) to carry out metropolitan transportation planning activities through a Continuing Cooperative Agreement (CCA).

One condition of receipt and use of the FHWA PL funds is to demonstrate 11.47% non-federal match. The matching may be in the form of non-federal cash or services and must be properly documented by work element.

In accordance with Federal and State requirements, Agency Name agrees to the following:

• Assurance that non-reimbursed dollars are not already being used as a cost sharing or matching requirement by another Federal grant. [49 CFR Part 18.24(b)(1)].
• Assurance that the authorized non-reimbursed dollars are assignable to the associated time periods and the cost objectives listed [49 CFR Part 18.24(a)(2) and 2 CFR Part 225, Appendix A (3)(a)].
• Assurance that records have been maintained which support the non-reimbursed dollars. [49 CFR Part 18.24(b)(6) and Caltrans Regional Planning Handbook. Section 3.06].
• Assurance the non-reimbursed dollars are allowable costs under the associated federal/state funding program. [49 CFR Part 18.24(b)(7)(i) and 2 CFR Part 225, Appendix A (3)(a)].

Agency Name certifies, by signing below, that during the ------------------ monthly/quarterly of fiscal year ----------, Agency Name expended ------------------ as identified on the attached spreadsheet, of non-reimbursed, non-federal match as required for the FHWA PL funds. Agency Name has documented and retained records to substantiate the non-reimbursed, non-federal match as included in this invoice.

Signature ___________________________ Date: ___________________________

Print Name ___________________________ Title ___________________________

---

| Project Name: | |
| OWP Work Element Number: | |
| Reporting Period: From: | To |
| FHWA PL fund expenditure: | |
| Non-Federal Match: | |
| Non-Federal fund source: | |
Sacramento Area Council of Governments

Application for Consolidated Planning Grant (CPG) funds (FHWA PL & FTA 5303)
Fiscal Year XXXX-XX

Project Name: ____________________________________________________________________

Agency: __________________________________________________________________________

Contact: __________________________________________________________________________

(Name) (Email address) (Phone number)

(Street address) (City) (Zip)

Project Manager: ____________________________________________________________________

(Name) (Agency) (Email address)

(Street address) (City) (Zip) (Phone number)

Is this a new or existing project? □ New □ Existing

Total Project Cost: $________________________

Federal Fund Requested: $___________________

Local Matching Fund (11.47 % or higher): $____________ or ____________%

Matching Funds*:
*Expenditures for administration of the grant shall not exceed 5% of the total grant amount.

□ Secured / committed (fund type and amount):

1. _____________ $___________
2. _____________ $___________
3. _____________ $___________
4. _____________ $___________

□ Unsecured /committed (fund type and amount):

1. _____________ $___________
2. _____________ $___________
3. _____________ $___________
4. _____________ $___________
1. Project description: *(Please include additional pages if necessary)*

_____________________________________________________________________________________
_____________________________________________________________________________________
_____________________________________________________________________________________
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2. Project location and scope: *(Please include additional pages if necessary)*

_____________________________________________________________________________________
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3. Project goals and objectives (must be consistent with the Planning Emphasis Areas and Federal Planning Factors, as identified in the Regional Planning Handbook guidelines) *(Please include additional pages if necessary)*.

_____________________________________________________________________________________
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4. Is the project regionally significant and how? Project addresses multi-county (i.e. Metropolitan Planning Area) level transportation planning needs and consistent with the Region’s adopted Metropolitan Transportation Plan strategies. *(Please include additional pages if necessary)*

_____________________________________________________________________________________
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5. Regional coordination and public participation: Please refer to the Sacramento Area Public Participation Plan *(Please include additional pages if necessary)*

_____________________________________________________________________________________
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6. **Scope of work, project timeline and budget:** *(Please include additional pages or a spreadsheet if necessary)*

The scope of work and project timeline is the official description of the work that is to be completed under the proposed project. The scope of work must be consistent with the project timeline and budget.

**The scope of work must:**

1. List all tasks and subtasks using the same title as stated in the project timeline.
2. Have task numbers in accurate and proper sequencing; consistent with the project timeline.
3. List the responsible party for each task and subtask. (i.e. is the work being performed by the applicant or consultant?)
4. Have a thorough and accurate description of each task and subtask.
5. Include a task for a kick-off meeting engaging at least staff from SACOG, RTPAs, Transit Agencies and Caltrans at the start of the project.
6. Include a task for procurement of consultants, if consultants are needed.
7. Include public participation and stakeholders’ engagement of the six county Sacramento Area.
8. Include a task for quarterly reporting to SACOG/Caltrans.
9. List the project milestones, deliverables for each task and quarterly reporting in the project timeline. *(Please attach project schedule showing tasks, milestones, deliverables and cost)*.
10. Project must be consistent with the region’s adopted MTP/SCS.

7. **The project addresses the following Emphasis Areas:** *(Please check one or more as applicable)*

   - MAP-21 Implementation
   - Models of Regional Planning Cooperation
   - Ladders of Opportunity
8. The project addresses the following Priority Areas: *(Please check one or more as applicable)*

- Help implement federal, state and MPO’s priorities
- Major products demonstrates regional significance and supplements MTP-SCS
- Demonstrates collaborative efforts
- Collaborative public participation
- Maximizing use of planning funds available to region
- Strengthen the Regional Model and data analysis tools to evaluate plans, projects and performance measures

9. The project addresses the following Planning Factors: *(Please check one or more as applicable)*

- Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency
- Increase the safety of the transportation system for motorized and non-motorized users
- Increase the security of the transportation system for motorized and non-motorized users
- Increase the accessibility and mobility of people and for freight
- Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvement and State and local planned growth and economic development patterns
- Enhance the integration and connectivity of the transportation system across and between modes, people and freight
- Promote efficient system management and operation
- Emphasize the preservation of the existing transportation system

All grant application packages are required to be submitted via e-mail. An agency may only submit one application package per e-mail.
<table>
<thead>
<tr>
<th>Criteria</th>
<th>Finding</th>
<th>References</th>
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<tbody>
<tr>
<td>Subrecipient financial stability.</td>
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<tr>
<td>Quality of management systems and ability to meet management standards per CFR 2, Title 2, Chapter 2, Part 200.</td>
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<td>Subrecipient history of performance in managing prior awards, including timeliness of compliance with reporting requirements.</td>
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<td>Reports and findings from audits of subrecipients.</td>
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<tr>
<td>Subrecipient's ability to implement regulatory or other requirements.</td>
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<tr>
<td>Subrecipient debarrments and/or suspensions.</td>
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Approve Action on the Cap-and-Trade Affordable Housing Sustainable Communities (AHSC) Program

Issue: Should SACOG submit regional data supportive of the prioritization of all regional projects competing in Cycle 2 of the AHSC Program to the Strategic Growth Council (SGC)?

Recommendation: The Land Use & Natural Resources Committee recommends that the Board approve the prioritization of all regional projects competing in AHSC Cycle 2 and the submittal of regional data for supplemental use in the SGC and MPO consultation process.

Committee Action/Discussion: The AHSC funding program is part of the statewide Cap-and-Trade program. AHSC targets awards to projects that facilitate the reduction of GHG emissions by improving mobility options, increasing infill development, and protecting agricultural land from sprawl development. The Cycle 2 competitive program, similar to Cycle 1 created a very narrow field for competitive projects through prescriptive scoring and eligibility criteria. To help project sponsors in the region advance in the process, SACOG staff has been actively engaged in technical assistance since the program’s commencement in December 2015. Additionally, the SACOG Board approved an approach to increase regional competitiveness through: (1) SACOG staff’s review and prioritization of the submitted projects, and (2) a methodology to evaluate those projects. The latest update on the program and technical assistance efforts was provided in early June. See Attachment A for details on the application and technical assistance processes and Attachment B for overall program structure in the Full Application phase.

SACOG and SGC Next Steps in the AHSC Program Process

As described in the guidelines, SGC will use the region’s prioritization process as a point of consultation focused on understanding where the two processes identify different priority projects. Using the methodology approved in January, SACOG has developed supportive information prioritizing all of the Full Applications in the region; with the goal of capturing what would be our approximate regional fair share. Attachment C provides this detail. Prioritization results are due to SGC at the end of August for consideration. SGC will announce their proposed recommendations for funding awards in September to be followed by Council action.

Approved by:

Mike McKeever
Chief Executive Officer

Key Staff: Kacey Lizon, Planning Manager, (916) 340-6265
Renée DeVere-Oki, Team Manager Regional Air Quality Planning, (916) 340-6219
AHSC Cycle 2 Parallel Processes

The AHSC program has utilized a two-step application process: (1) a conceptual proposal for consideration and (2) an invitation-only component to advance from a conceptual proposal to a Full Application. As part of the June update, staff notified the board of regional projects invited to advance.

The six projects invited to continue are categorized into three project area types that represent the separate competitive groupings within the scoring criteria that have set funding targets as defined by SGC. These project area types include:

- **Transit-Oriented Developments (TOD)**
  - Lavender Courtyard located in the city of Sacramento
  - Horizons at New Rancho located in the city of Rancho Cordova

- **Integrated Connectivity Projects (ICP)**
  - Creekside Affordable Housing located in the city of Davis
  - 623 Vernon Street Apartments & Downtown Pedestrian Bridge located in the city of Roseville (Mercy Housing elected to not continue due to receipt of alternative funding)

- **Rural Innovation Project Areas (RIPA)**
  - Blue Mountain Terrace located in the city of Winters
  - Esparto Phase IIB located in the community of Esparto in unincorporated Yolo County.

Projects will only compete with others of the same type, with 35 percent of funding targeted for each of the TOD and ICP categories, 10 percent of funding targeted for the RIPA category, and 20 percent remaining that is not allocated by project type. Additionally, there are two projects within areas designated as Disadvantaged Communities, which are targeted to receive about half of the available funding.

The attached diagram outlines SACOG Technical Assistance efforts within this process. Attachment B details the next steps in the process.
### SACOG Technical Assistance and Review

**May**
- SACOG provides Technical Support on GHG Calculations, point capture, and guideline interpretation on Concept Proposals.

**June**
- SACOG reviews Concept Proposals for MTP/SCS Consistency.
- SACOG provides Technical Support on GHG Calculations and Targeted Full Application review. Identifies places to maximize points.

**July**
- SACOG reviews regional applications as means for increasing regional competitiveness by conducting a supplementary analysis above and beyond the identified program.

**August**
- SACOG provides supplementary analysis to SGC for their consideration.
- SACOG Board Action on Regional Prioritization of all projects.

### SGC Process

- **130 Concept Proposals**
  - (8 from SACOG Region)
  - $1.1 billion requested
  - ($59.9 million from SACOG Region)

- **86 Projects Invited to Submit a Full Application by SCG**
  - (6 from SACOG Region)*
  - $792.8 million in requests
  - ($38.5 million from SACOG Region)*

*5 Projects from SACOG Region elected to submit a Full Application*

- SGC Reviews and Begins Ranking Projects Based upon defined criteria
  - SGC uses option to consider regional information

- SGC Releases Award Recommendations
AHSC Cycle 2 Action Summary

86 Projects Invited to Submit a Full Application by SCG
(6 from SACOG Region)*
$792.8 million in requests
($38.5 million from SACOG Region)*
*5 Projects from SACOG Region elected to submit a Full Application

24/2 Projects in Region
Transit Oriented Development (TOD)
35% of Funds
$112 Million

44/1 Projects in Region*
Integrated Connectivity Projects (ICP)
35% of Funds
$112 Million

17/2 Projects in Region
Rural Innovation Project Area (RIPA)
10% of Funds
$32 Million

$160 Million must go to projects in a DAC

$160 Million must go to projects with Affordable Housing

30% of AHSC Score based upon binning against other statewide TOD projects.
*This is the largest unknown

30% of AHSC Score based upon binning against other statewide ICP projects.
*This is the largest unknown

30% of AHSC Score based upon binning against other statewide RIPA projects.
*This is the largest unknown

AHSC Scoring for Supplemental and Policy Objectives added

Transit Oriented Development (TOD)
Top Projects

Integrated Connectivity Projects (ICP)
Top Projects

Rural Innovation Project Area (RIPA)
Top Projects

After initial category thresholds are reached remaining projects batched together and remaining projects compete against each other with program level thresholds considered.
ATTACHMENT C

SACOG REGIONAL AHSC PROJECT REVIEW AND PRIORITIZATION

As described in the Final Affordable Housing Sustainable Communities (AHSC) Guidelines, MPOs may identify and recommend projects that have been invited by the Strategic Growth Council (SGC) to submit a Full Application based on their own process. SACOG is undertaking project review in order to provide comprehensive regional data and resources to supplement the information considered as part of the AHSC scoring criteria and inform AHSC’s quantification methodology for Round 3 of the funding program. In January, the SACOG Board approved: (1) SACOG staff’s review and prioritization of the submitted projects and (2) the methodology to evaluate the projects. SACOG’s approved prioritization methodology is based on the AHSC guidelines scoring criteria and informed by agency data and resources on four main elements as described below: Estimated Greenhouse Gas Emission Reductions, Active Transportation Improvements, Location Efficiency and Access to Destinations, and Implementation of Planning Efforts.

**Estimated Greenhouse Gas (GHG) Emissions Reductions**

To better align AHSC’s methodology for estimating GHG emissions reductions (including CalEEMod and the Transportation and Connectivity methods) with regionally-focused policy areas, SACOG staff supplemented AHSC’s analysis using agency tools and data. Sketch 7 analysis provided a more detailed assessment of the project impacts than was available in CalEEMod, the required tool for assessing GHG emissions. The tool offered a means for evaluating improvements over existing GHG emissions conditions by comparing the vehicle miles traveled for the site to the larger context area, as well as additional supplemental information about transportation accessibility and area use mix and density. This is especially pertinent for an area like the Sacramento region where the regional character ranges from urban to rural and lacks the high average densities, very compact and mixed use urban form, and extensive availability of high-frequency transit that is present in a place like the Bay Area. In the Sacramento region, a single high-density, mixed-use project located near transit can result in vastly significant greenhouse gas emissions benefits as compared to existing conditions.

SACOG staff also analyzed 2008 housing and employment center data from the Metropolitan Transportation Plan/Sustainable Communities Strategy in order to consider additional GHG emissions reductions related to jobs-housing balance and distance from employment centers. This analysis was developed by applying the California Air Resources Board (CARB) methodology to agency data, which resulted in a more comprehensive list of regional central business districts (identifying several employment centers not included in CARB’s tool); recalculating project distance from an employment center using the revised list; and entering the new distances into the off-model calculation for GHG emissions reductions outlined in the AHSC quantification methodology. SACOG staff used the same data to evaluate land use projects based on improvement to area jobs-housing balance, applying an additional percentage above the project setting GHG emissions reduction cap for housing projects located in jobs-rich areas.

*Takeaway: SGC should consider Sketch 7 or other tools for evaluating VMT improvements from existing area conditions and regional data related to jobs-housing balance and central business districts as part of Round 3 of the AHSC grant program.*
Active Transportation
SACOG’s regional funding programs have shifted focus away from identifying and assessing minimum pedestrian and bicycle infrastructure needs to evaluating the potential utilization of a proposed project and its likelihood of supporting mode shift. To this end, SACOG staff developed a methodology for quantifying network completeness (percentage gap closure), level of connectivity to transit and other key destinations and amenities (considering accessibility and route efficiency), and level of placemaking\(^1\) of the projects.

Takeaway: SGC should consider active transportation facilities in terms of their contribution to a placemaking strategy that encourages a shift toward active transportation modes and the quantifiable contribution towards an active transportation that directly connects people to key destinations as part of Round 3 of the AHSC grant program.

Location Efficiency and Access to Destinations
Many California cities do not have a BikeScore available, because the necessary data inputs have not yet been collected by Walkscore.com. Within the Sacramento region, three of the five full applicants do not have a BikeScore available for their project and are therefore disadvantaged by the scoring metric as written in the guidelines. It is important to note that for a given project location, the unavailability of BikeScore does not necessarily imply poor bikeability. Many jurisdictions without a BikeScore are rich in the elements that create bikeability—bike paths and lanes, favorable topography and road connectivity, destinations, and a competitive bike mode share. To fill this data gap for projects within our region, SACOG staff developed an alternative evaluation option for this criteria utilizing agency mode share, accessibility, locational, and existing and proposed bicycle infrastructure data. This methodology awards points based on the same numerical range outlined in the AHSC Guidelines.

Takeaway: Due to the limitations of the BikeScore application, SGC should consider using SACOG’s comprehensive bicycle facilities evaluation criteria to fill in this data gap for Round 3 of the AHSC grant program.

Implementation of Prior Planning Efforts
In addition to the Transit Priority Areas (TPAs) recognized in the AHSC Guidelines, SACOG has several other regional planning efforts that apply to the scoring criteria related to long range planning, climate adaptation, and corridor plans.

Takeaway: While regional climate policies and TPAs are included as part of the scoring criteria under the AHSC guidelines, SGC should consider other regional planning areas and efforts (e.g., Blueprint Principles, MTP/SCS community types) for Round 3 of the AHSC grant program.

IMPLEMENTATION OF PRIOR PLANNING EFFORTS
The following handouts detail the supportive information provided by SACOG for the five AHSC Full Applications. Each handout includes detail about how the proposed project implements the Blueprint principles. This high-level evaluation was conducted using only the materials provided as part of the Full Application to AHSC and is based solely on the application of the Blueprint principles. It does not include

\(^1\) Placemaking is defined as a combination of strategies (e. g. zoning, context-sensitive design standards, planned infrastructure, etc.) that lead to a built environment where walking and biking can become a primary mode for shorter distance trips.
an analysis of the Blueprint Preferred Alternative conceptual map. This evaluation is intended to be interpreted and used as a concept-level illustration of the growth principles and, for this reason, cannot be applied at a parcel level.

The handouts also describe the results of SACOG’s review of each project within the four AHSC scoring criteria elements of focus. This review was generally conducted on a high to low scale, indicated on the handouts as follows:

- Does not meet criteria
- Low
- Medium
- High

The results of SACOG’s review prioritize all of the Full Applications in the region, as they were all determined to be strong applications for the statewide competition.
Lavender Courtyard (TOD)

AHSC grant funding request: $5,623,287

Lavender Courtyard is a transit-oriented development located at 16th and F Streets in downtown Sacramento that includes a four-story mixed-use development of 53 housing units and 850 square feet of neighborhood-serving commercial space. The project promotes environmentally-friendly practices by including green building features. The project also includes the installation of bike lanes, cross walks, sidewalk accessibility ramps, and pedestrian countdown signal indicators to support sustainable modes of transportation.

Lavender Courtyard is supportive of the Blueprint Principles. The infill project utilizes existing redevelopment opportunities to bring housing to an employment-rich area of downtown. By including both residential and commercial uses on-site, Lavender Courtyard creates a mixed use, compact urban setting that also has important travel reduction benefits. A variety of housing options is an important means of increasing quality of life and providing for the needs of all subsets of the population; the project provides high-density, attached housing products for low-income residents. Lavender Courtyard supports transportation choice by completing the existing active transportation network in the immediate area and including other bicycle and pedestrian-focused amenities to encourage alternative modes of transportation in a destination-rich area.

SACOG’s Regional AHSC Project Review

*Estimated Greenhouse Gas (GHG) Emissions Reductions*

- Improves automobile and transit accessibility and increases area residential density.
- Improves jobs-housing balance by adding housing units to a jobs-rich area (5% GHG cap increase under AHSC Scoring Criteria a[1-4]).
- Improved distance from a CBD using SACOG’s methodology (0.2% GHG cap increase under AHSC Scoring Criteria a[1-4]).

*Active Transportation*

- Completes an active transportation network near the site and provides connections to key destinations (high gap closure).
- Creates more direct connections to transit and key destinations than the current street network and active transportation amenities provide (high level of connectivity).
- Creates more direct active transportation facilities in an area where destinations are near enough to be conveniently walked or biked to (high level of placemaking).

*Location Efficiency and Access to Destinations*

- Provides highly efficient bicycle/pedestrian access (3 points under AHSC Scoring Criteria g[1], self-score confirmed).

*Implementation of Prior Planning Efforts*

- Located within a TPA (1 point under AHSC Scoring Criteria k[1], self-score confirmed).
- Includes climate mitigation features and/or adaptation efforts implementing the regional Transportation Climate Action Plan (1 point under AHSC Scoring Criteria k[2], self-score confirmed).
Horizons at New Rancho (TOD)

AHSC grant funding request: $5,965,068

Horizons at New Rancho is a transit-oriented development located at 2738 Woodberry Avenue in the city of Rancho Cordova that consists of 48 housing units. The project will be constructed to Green Point certified standards to promote sustainability, incorporating both energy- and water-efficient design features. The project will also convert an underutilized cut-through alley to Folsom Boulevard adjacent to the site into a verdant pedestrian path with a living wall, public seating, and stormwater features; provide decorative crossings; and relocate the existing bus stop to the entrance of the cut-through alley for direct access.

Horizons at New Rancho is supportive of the Blueprint Principles. Suburban residential infill is an essential strategy for using existing assets efficiently, reducing vehicle miles traveled, and conserving natural resources at the urban edge. By providing high-density housing products for low-income seniors, the project supports both compact development and housing choice and diversity. Additionally, the project’s attached apartments are a housing product in short supply in the region and near regional job centers such as Rancho Cordova. The pedestrian path and bus stop relocation will promote transportation choice by encouraging residents to walk and take transit.

SACOG’s Regional AHSC Project Review

Estimated Greenhouse Gas (GHG) Emissions Reductions
• Improves automobile and transit accessibility and increases area residential density. ●
• Improves jobs-housing balance by adding housing units to a jobs-rich area (5% GHG cap increase under AHSC Scoring Criteria a[1-4]). ●

Active Transportation
• Includes a complete existing pedestrian network, completes the bicycle network, and provides connections to key destinations, but does not plan for site-adjacent active transportation facilities (medium gap closure). ●
• Creates more direct connections to transit and key destinations than the current street network and active transportation amenities provide (high level of connectivity). ●
• Creates more direct active transportation facilities in an area where destinations are near enough to be conveniently walked or biked to (high level of placemaking). ●

Location Efficiency and Access to Destinations
• Provides efficient bicycle/pedestrian access (1 point above AHSC Scoring Criteria g[1] for WalkScore gap). ●

Implementation of Prior Planning Efforts
• Located within a TPA (1 point under AHSC Scoring Criteria k[1], self-score confirmed). ●
• Includes climate mitigation features and/or adaptation efforts implementing the regional Transportation Climate Action Plan (1 point under AHSC Scoring Criteria k[2], self-score confirmed). ●
• Located within a Center/Corridor community type as described in the MTP/SCS (0.25 points under AHSC Scoring Criteria k[4], self-score confirmed). ●
Creekside Affordable Housing (ICP)

AHSC grant funding request: $11,881,748

Creekside Affordable Housing is a 90-unit housing project located at 2990 Fifth Street in the city of Davis. The development is designed to be zero net-energy, providing a suite of highly energy-efficient features. The project also consists of bus shelter improvements and a program providing transit passes to residents, as well as educational and marketing materials and events promoting the use of alternative transportation modes. Associated active transportation improvements include the addition of a bicycle lane, installation of pedestrian crosswalk signals, wayfinding signage along area walking paths, and urban greening improvements to an adjacent existing bike path.

Creekside Affordable Housing is supportive of the Blueprint Principles. Growth accommodated within the project itself means there is less growth that needs to be accommodated at the urban edge, conserving natural resources. The high-density infill project uses existing resources efficiently, while creating a more compactly-built environment that encourages more walking, biking, and public transit use. Creekside Affordable Housing also includes attached units offering a variety of housing opportunities for homeless, low-income, and disabled populations for whom finding housing close to work may be challenging. Finally, Creekside Affordable Housing includes bicycle, pedestrian, and transit features that are illustrative of transportation choice.

SACOG’s Regional AHSC Project Review

Estimated Greenhouse Gas (GHG) Emissions Reductions
- Improves automobile and transit accessibility and increases area residential density. ●
- Improved distance from a CBD using SACOG’s methodology (1.5% GHG cap increase under AHSC Scoring Criteria a[1-4]). ●

Active Transportation
- Completes an active transportation network near the site and provides connections to key destinations (high gap closure). ●
- Creates more direct connections to transit and key destinations than the current street network and active transportation amenities provide (high level of connectivity). ●
- Creates more direct active transportation facilities in an area where destinations are near enough to be conveniently walked or biked to (high level of placemaking). ●

Location Efficiency and Access to Destinations
- Provides highly efficient bicycle/pedestrian access (3 points under AHSC Scoring Criteria g[1], confirming self-score). ●

Implementation of Prior Planning Efforts
- Located within a TPA (1 point under AHSC Scoring Criteria k[1], confirming self-score). ●
- Includes climate mitigation features and/or adaptation efforts implementing the regional Transportation Climate Action Plan (1 point under AHSC Scoring Criteria k[2], confirming self-score). ●
Blue Mountain Terrace (RIPA)

AHSC grant funding request: $2,846,184

Blue Mountain Terrace includes 63 housing units and a 6,000 square foot senior center located in the downtown area of the rural city of Winters. Blue Mountain Terrace promotes resource conservation through green building features that maximize energy- and water-efficiency. The project also includes an innovative flexible transit program which will be operated by the City of Winters. A Sprinter-style bus will provide a weekly short-trip transit opportunity for underserved Winters residents looking to access a variety of amenities and services.

Blue Mountain Terrace is supportive of the Blueprint Principles. Compact and mixed-use developments such as this one, can help create active, vital neighborhoods that encourage residents and visitors to walk, bike, and use public transit. Blue Mountain Terrace also includes an attached senior housing product that supports housing choice and diversity in an area where these opportunities have been historically low. By developing on an infill site, the project utilizes existing resources more efficiently to preserve agricultural lands and the community’s distinct heritage. Finally, the project promotes mode shift and accessibility by providing transit service in Winters, leveraging funds to bring portions of the City of Winters’ Complete Streets Concept Plan to fruition, and locating near existing and future amenities (e.g., health clinic).

SACOG’s Regional AHSC Project Review

Estimated Greenhouse Gas (GHG) Emissions Reductions
- Results in household vehicle miles traveled lower than that of the existing surrounding area (5% GHG cap increase under AHSC Scoring Criteria a[1-4]).
- Improves automobile and transit accessibility and increases area residential density.

Active Transportation
- Completes sidewalk network near the site and provides connections to key destinations, yet includes remaining network gaps beyond a quarter-mile due to rural character (low gap closure).
- Creates more direct connections to transit and key destinations than the current street network and active transportation amenities provide (high level of connectivity).
- Creates more direct active transportation facilities in an area where destinations are near enough to be conveniently walked or biked to (high level of placemaking).

Location Efficiency and Access to Destinations
- Provides efficient bicycle/pedestrian access (1 point above AHSC Scoring Criteria g[1] for WalkScore gap).

Implementation of Prior Planning Efforts
- Located outside of a TPA (-1 point under AHSC Scoring Criteria k[1], negating self-score). Due to the nature of the RIPA category itself, these rural areas lack the high frequency transit necessary to be defined as a TPA.
- Includes climate mitigation features and/or adaptation efforts implementing the regional Transportation Climate Action Plan (1 point under AHSC Scoring Criteria k[2], confirming self-score).
Esparto Phase IIB (RIPA)

AHSC grant funding request: $4,191,533

Esparto Phase IIB includes 46 housing units and a community medical clinic in the rural community of Esparto in Yolo County. The project will be constructed to Green Point certified standards to promote sustainability, incorporating both energy- and water-efficient design features. The project will also provide monthly Yolo bus passes to residents and install sidewalks on a portion of Grafton Street, the east-west axis of town linking the elementary school and main daycare facility to the main bus stop, the public library, and the development site.

Esparto Phase IIB is supportive of the Blueprint Principles. By developing on an infill site, Esparto Phase IIB utilizes existing resources more efficiently to accommodate growth within the existing development footprint, resulting in the conservation of surrounding agricultural lands. The multifamily housing products will be affordable to households with very low incomes – creating housing choice and opportunity for families, seniors, and young people. By providing bus passes that encourage residents to utilize existing transit and constructing new sidewalks connecting key destinations, Esparto Phase IIB will support mode shift and reduce the number and length of household automobile trips.

SACOG’s Regional AHSC Project Review

Estimated Greenhouse Gas (GHG) Emissions Reductions

- Improves automobile and transit accessibility and increases area residential density. ●

Active Transportation

- Completes sidewalk network near the site and provides connections to key destinations, yet includes remaining network gaps beyond a quarter-mile due to rural character (low gap closure). ○
- Creates more direct connections to transit and key destinations than the current street network and active transportation amenities provide (high level of connectivity). ●
- Creates more direct active transportation facilities in an area where destinations are near enough to be conveniently walked or biked to (high level of placemaking). ●

Location Efficiency and Access to Destinations

- Provides efficient bicycle/pedestrian access (1 point above AHSC Scoring Criteria g[1] for WalkScore gap). ○

Implementation of Prior Planning Efforts

- Located outside of a TPA (-1 point under AHSC Scoring Criteria k[1], negating self-score). Due to the nature of the RIPA category itself, these rural areas lack the high frequency transit necessary to be defined as a TPA. ●
- Includes climate mitigation features and/or adaptation efforts implementing the regional Transportation Climate Action Plan (1 point under AHSC Scoring Criteria k[2], confirming self-score). ●
Approve Transportation Demand Management Tier 2 Funding Program Recommendations

**Issue:** Transportation Demand Management (TDM) Tier 2 funding approval.

**Recommendation:** The Transportation Committee recommends by majority vote (Cabaldon dissented) that the full Board considers the staff recommendations to approve the TDM Tier 2 Funding Program allocations as outlined below in this staff report.

**Committee Action/Discussion:** SACOG staff, external stakeholders, and interested Board Members have drafted a TDM Strategic Plan that aims to shape future program funding guidelines in order to implement a program that is performance-based, innovative, cost-effective, and has clear outcomes. To support TDM outreach partners in meeting these objectives, $80,000 was set aside for performance-based competitive grants as part of the latest TDM Funding Guidelines approved by the Board in June. The competitive grants were made available to Transportation Management Associations (TMAs) as a Tier 2 funding category that complements the Tier 1 funding that is provided as a pass-through directly to the eligible TMAs.

From the TDM Funding Guidelines: The aim of the Tier 2 funding program will be to help fund new or innovative TDM strategies, extend coverage of current partners, or other demonstration projects or programs. The intent is that the Tier 2 awardees will provide quantifiable results that could help inform future competitive funding programs.

Four projects applied for a total of $106,000. Per the TDM Funding Guidelines, a review panel met to recommend a package of projects to fund. The review panel consisted of a representative from the Transit Coordinating Committee, a representative from Bicycle/Pedestrian committee, a representative from a local air district, a representative from the Regional Planning Partnership committee, and a representative from a community-based organization.

The committee recommended the following:

- Fully funding one project:
  - Comprehensive Biking/Walking Infrastructure Audit, Power Inn Alliance TMA – $20,000

- Partially funding three projects:
  - Bike Friendly 50: Phase 3, 50 Corridor TMA – $30,000
  - Measure the Effectiveness of TMA Employer Outreach, Sacramento TMA – $12,000
  - Yolo Commute Alternative Resources Web Tool, Yolo TMA – $18,000
SACOG staff agrees with the review panel’s recommendations and will work with each of the TMAs to develop clear performance measures, deliverables and outcomes for the specific projects. Attached is a spreadsheet with a brief description of all applications and funding recommendations.

Approved by:

Mike McKeever
Chief Executive Officer

MM:SB:rh

Attachment

Key Staff: Matt Carpenter, Director of Transportation Services, (916) 340-6276
Sabrina Bradbury, Associate Public Information Coordinator, (916) 340-6211
## Attachment

### TDM Tier II, 2016-17 Funding Recommendations from Review Panel

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Grant Request</th>
<th>Recommended Funding</th>
<th>Title</th>
<th>Brief Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 Corridor TMA</td>
<td>$ 48,000</td>
<td>$ 30,000</td>
<td>Bicycle Friendly America Initiative (Phase 3)</td>
<td>Funds would allow the TMA to continue its efforts to make the 50 Corridor Bicycle Friendly. In addition to assisting the jurisdictions and businesses with achieving the official Bicycle Friendly designation from the League of American Bicyclists, the initiative addresses opportunities for encouraging cycling as a viable transportation mode. This project (Bicycle Friendly 50 – Phase 3) focuses on Education and Enforcement. This will include working with 50 Corridor commuters, worksites, businesses, business districts and jurisdictions with the goal of making the 50 Corridor bicycle friendly.</td>
</tr>
<tr>
<td>Power Inn Alliance</td>
<td>$ 20,000</td>
<td>$ 20,000</td>
<td>Comprehensive Biking/Walking Infrastructure Audit</td>
<td>Funds would be used to execute a comprehensive Bike/Walk Infrastructure Audit. As the Power Inn Alliance (PIA) continues to develop innovative community-based economic development strategies to revitalize this area and attract the ‘creative class,’ a lack of low stress facilities and accessible connections both to the north and west create access barriers for residents, students of Sacramento State, and regional commuters to take advantage of the two Regional Transit stations in the area. This work would provide useful information for PIA to work with the city and county to address barriers to accessing multiple modes of transportation in the area.</td>
</tr>
<tr>
<td>Sacramento TMA</td>
<td>$ 20,000</td>
<td>$ 12,000</td>
<td>Measure Effectiveness of TMA Employer Outreach</td>
<td>The Sacramento TMA would survey employers, residential and office projects and Commute Coordinators to determine site STAR (Sustainable Transportation Outreach Resource) level, which is based on the level of TDM services offered at the site. TMA staff will rank the employer’s efforts with STAR certification at a one to five level and then encourage employers to raise their level of TDM services and participation to achieve a higher STAR level. Employer sites that offer more TDM services and been shown in other regions to have a higher mode split. This program would pilot a program that mirrors others across the country.</td>
</tr>
<tr>
<td>Yolo TMA</td>
<td>$ 18,000</td>
<td>$ 18,000</td>
<td>Yolo Commute Alternatives Resource</td>
<td>Funds would be used to complete Yolo Commute Alternatives Resource (YCAR), a database that automatically creates an Alternative Transportation Management Plan (ATMP) customized for employers based on employee survey results. The ATMP is created by system calculations that compare the user’s actual “commute footprint” to organization’s targeted reduction goals. YCAR is an interactive, online compendium of TDM information and tools compiled for easy interpretation and use. YCAR is able to deliver a variety of rideshare information and interactive tools organized in a way that leads employer-users through a process to arrive at a point whereby they are equipped to create rideshare programs of their own.</td>
</tr>
</tbody>
</table>

**Total** $106,000 $80,000
Chair’s Report

Chair Rohan will brief the Board members on current issues.

Approved by:

Mike McKeever
Chief Executive Officer
SACOG Board of Directors

August 11, 2016

Board Members’ Reports

Board members will provide updates on local issues.

Approved by:

Mike McKeever
Chief Executive Officer
Chief Executive Officer's Report

The following is a brief status report on some of the major issues and projects currently being advanced by SACOG.

CONSENT ITEMS:
All of the items on the consent calendar received unanimous support in their respective policy committees.

ACTION ITEMS:
Item #11: Approve Transportation Demand Management Tier 2 Funding Program Recommendations. This item is coming to the full Board for consideration. Staff will make a presentation and be available for questions.

Notes:
At the request of our members, SACOG staff has been working on implementation of Senate Bill 743 (CEQA Reform). Since June, staff participated in workshops with Portland State University, the Governor’s Office of Planning and Research, the Southern California Association of Governments, and the California Transportation Commission on research related to the development of CEQA guidelines for Level of Service and some approach to Vehicle Miles Traveled. Concurrently, SACOG staff organized a working group of local agency staff, focused on concerns related to SB743 implementation. Staff will continue to provide updates on this collaborative work.

The Transportation Committee hosted a special presentation from Social Bicycles (SoBi), the bike share operator and equipment provider that SACOG has selected to enter into negotiations with to provide a regional bike share system in the cities of Sacramento, West Sacramento, and Davis. SoBi's "smart bike" system avoids the pitfalls of traditional dock-based systems (e.g., New York City, Washington DC, Chicago, etc.) by incorporating payment and locking technology on the bike instead of the dock. This allows for checking out and parking a bike outside of docks, greatly expanding the possible destinations and avoiding the limitation of only biking between docks. SoBi also reduces operations costs related to the distribution of bikes within the system by offering cheaper rides to those that help rebalance the system. SoBi's business plan also creates the potential to expand the fleet from 900 to 1,200 bicycles over 5 years, with the ability to upgrade to electric assist bicycles in the near future. In the coming months, SACOG staff will complete negotiations with SoBi and plans to bring a recommendation for an award to the Board soon. SACOG staff is also drafting coordination agreement terms with public agency partner's to help share the risk of owning and operating a regional bike share system, to be brought to the Board for consideration this fall.
SACOG is co-hosting Transportation for America's Capital Ideas II Conference in Sacramento this November 16-17. The conference will offer an interactive curriculum of model state legislation, innovative policies, and peer-to-peer collaboration to help participants advance successful state policy and funding proposals. The focus will be on innovations from cap-and-trade funding for infrastructure, to legislation covering ridesharing companies like Uber and Lyft, to the state’s rewrite of level of service standards governing transportation projects.

LAND USE ACTIVITIES:
SACOG conducted the following Blueprint Implementation Land Use Activities in response to requests from member agencies and/or developers or non-governmental organizations:
1) provision of data and/or technical support to member agencies implementing the Blueprint;
2) review and comment on development proposals regarding their consistency with the Blueprint principles or the MTP/SCS; and 3) educational presentations on the Blueprint.

In the month of April, SACOG staff conducted the following Blueprint Implementation land use activities:
- Consulted project proponents on the Sacramento Downtown Railyards Project and at the request of the City of Sacramento submitted a letter of Blueprint consistency.
- At the request of the City of Folsom, submitted a letter of Blueprint consistency on the Cresleigh Ravine and Campus at Iron Point Project.
- Consulted project proponents on the 19J project in Sacramento.
- Provided demonstration of IMPACS infrastructure tool to Rancho Cordova planning staff.

CALENDAR:

- **August 29**  
  10:00 a.m.  
  Government Relations & Public Affairs Committee Meeting
- **September 1**  
  10:00 a.m.  
  Transportation Committee
- **September 1**  
  1:00 p.m.  
  Land Use & Natural Resources Committee
- **September 15**  
  9:30 a.m.  
  SACOG Board Meeting

Approved by:

Mike McKeever  
Chief Executive Officer

Attachments
July 19, 2016

David Miller  
Community Development Director  
City of Folsom  
50 Natoma Street  
Folsom, CA 95630

Dear Mr. Miller:

This letter is in response to the City’s request for review of the proposed Cresleigh Ravine and Campus at Iron Point Mixed Residential Development project at the intersection of Willard Drive and Iron Point Road. Thank you for the invitation to comment on this project as it relates to the Preferred Blueprint Scenario map and principles.

The proposed project was compared to the Preferred Blueprint Scenario map and principles. The Preferred Blueprint Scenario is a conceptual map based on the principles of smart growth. This Preferred Scenario is not intended to direct how a specific parcel should or should not be developed in a particular manner, but rather illustrate how the region should develop in order to reap the benefits of the Blueprint principles.

SACOG staff evaluated the developer’s site plan, which proposes a residential community comprised of 46 detached single-family homes on 7.2 acres and 230 multifamily residential units and an associated clubhouse on 10.1 acres. In total the project proposes 276 residential units on 17.3 acres. Our analysis concludes the project is consistent with the Blueprint principles and specific findings are discussed below:

Findings and Evaluation:

- Compact development and a variety of housing options are important to the Blueprint planning principles. We understand that the proposed single-family lot sizes are under 5,000 square feet, which is the threshold for larger-lot housing. Therefore, the proposed project provides small-lot and attached housing, two products in short supply in the region and near regional job centers, such as Folsom.

- Suburban residential infill, such as this project, is a strategy essential to the success of the Blueprint. The Metropolitan Transportation Plan/Sustainable Communities Strategy envisions an improved jobs-housing balance for the City of Folsom – from a historically high ratio of jobs to housing of 1.95 to a ratio of 1.68. From a regional perspective, better jobs-housing balance within job centers translates into lower vehicle miles traveled per capita and lower congestion on already crowded freeways. This residential project helps achieve a better jobs-housing balance, which supports the Blueprint principle of mixed uses.

- More housing within close proximity to jobs, shopping and services results in more transportation choices for residents, another Blueprint principle. The site’s location across the street from a large employer, and a short quarter-mile walk to nearby shopping and services means that the residents of this community have viable options for traveling to daily destinations – whether by bike, walking, transit, or a shorter car trip.
The design details of a land use development can influence the attractiveness of living in a compact development and facilitate the ease of walking and biking within and out of the neighborhood. These design details include street pattern and design, good architectural design, and the relationship of structures to the street. This is particularly important in a location such as this one, where there are destinations within walking distance. It isn’t enough to have a mix of uses next to each other, they must be safely and easily accessible by foot in order for a true walkable community to exist. Given the project’s suburban surroundings, it manages to create walking connections from within both the single family and multifamily sites to the street to Willard Drive, which is the shortest connection to the nearby retail destination.

Again, thank you for inviting SACOG’s input on this project.

Sincerely,

Mike McKeever
Chief Executive Officer

cc: Steve Miklos, Mayor, City of Folsom
    Steve Banks, Principal Planner, City of Folsom
    Deana Ellis, Vice President Land Resources, Cresleigh Homes Corporation
Sacramento Area Council of Governments: Basis for Comment on Development Proposals

The Sacramento Area Council of Governments (SACOG) is comprised of six counties and 22 cities in the region, including the City of Sacramento. SACOG’s primary responsibility is developing and implementing the Metropolitan Transportation Plan (MTP), a document that establishes transportation spending priorities throughout the region. The MTP must be based on the most likely land use pattern to be built over the 25-year planning period, and it must conform with federal and state air quality regulations.

The MTP must effectively address two, linked, challenges. Current land use patterns, transportation funding levels, and transportation investment priorities are projected to lead to an increase in vehicle miles traveled that exceeds population growth, an increase in congestion levels of 50%, and increases in mobile source emissions, particularly carbon dioxide and particulates\(^1\). To attempt to solve these challenges two and one-half years ago the SACOG Board initiated the Blueprint project, an extensive study of the linkages between transportation, land use and air quality. The study has examined a number of growth alternatives at the neighborhood, county and regional scales and reached several important conclusions, including:

- The region will experience strong growth for the next 50 years, approximately doubling the number of jobs, people and houses;
- The structure of the population will change significantly, with two-thirds of the growth in households 55 years and older, and only 21 percent of the growth in households with school aged children;
- Older households have different housing needs and preferences than younger households – over two-thirds of today’s householders over 55 express housing preferences for what might be termed non-traditional products in this marketplace – homes on small lots and attached housing;
- The rapid increase in housing prices in the region in the past few years has priced many people out of the home-buying market, emphasizing the need for alternative products such as small lot single family and attached housing that can be priced in a range that more people can afford;
- There is a strong connection between land use patterns, travel behavior and air quality;
- Specific land use patterns that lead to increased walking, biking and transit use and shorten the length of automobile trips include higher density housing and employment, locating jobs and housing near each other, and providing strong connectivity in the design of street and bicycle/pedestrian systems.

\(^1\) SACOG Metropolitan Transportation Plan, 2002
July 27, 2016

Scott Johnson, Associate Planner
City of Sacramento, Community Development Department
Environmental Planning Services
300 Richards Boulevard, Third Floor
Sacramento, CA 95811

Dear Mr. Johnson:

SACOG received a Notice of Availability for the Draft Subsequent Environmental Impact Report for the Sacramento Railyards Specific Plan Update, KP Medical Center, MLS Stadium & Stormwater Outfall Project (SCH# 2006032058; Railyards project). Thank you for the opportunity to comment on this unique downtown redevelopment project as it relates to the Preferred Blueprint Scenario map and principles and the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS). The Preferred Blueprint Scenario is a conceptual map based on the principles of smart growth. This Preferred Scenario is not intended to direct how a specific parcel should or should not be developed in a particular manner, but rather give some direction on how the region needs to develop generally to reap the benefits of the Preferred Scenario. The MTP/SCS supports the Blueprint and proactively links land use, air quality, and transportation needs in a regional 20-year transportation plan.

**Proposed Project**
The Railyards project is comprised of approximately 6,000 to 10,000 new dwelling units and almost 19,000 to over 22,000 new employees. Residential development is planned at an average density of 100 units per acre at the low end of the housing unit range and 210 units per acre at the high end, with a maximum allowable density of up to 450 units per acre. Non-residential land uses include over 900,000 square feet of mixed uses, between 4.8 and 5.9 million square feet of employment uses (plus 1,100 hotel rooms and an MLS soccer stadium), and 30 acres of open space. The Railyards project includes five new major streets, a new boulevard, and several minor streets; two bridges allowing through traffic to pass over the realigned Union Pacific Railroad tracks; bicycle infrastructure ranging from Class 1 to Class 4 on most roads; two pedestrian tunnels; and sidewalks throughout. There are also a series of neighborhood parks and plazas included in the development, as well as the Riverfront, Museum, and Vista parks.

**Findings and Evaluation**
SACOG staff evaluated the proposed project as identified in the Draft Subsequent Environmental Impact Report for consistency with the Blueprint Preferred Scenario and growth principles. We evaluated the buildout of the proposed project and find it consistent with the region’s Blueprint Principles and MTP/SCS. The combination of residential, retail, office, medical, public, and natural resource uses that comprise the
Railyards District embody the Blueprint growth principles. The following are our findings and evaluation:

- The Blueprint study revealed the need to aggressively utilize existing redevelopment opportunities and to balance housing and employment in the downtown/midtown area. To achieve the travel benefits that come from locating jobs near housing, the MTP/SCS forecast includes approximately 45,000 new jobs and 23,000 new housing units in this area by 2036. As the largest redevelopment opportunity within the area, the Railyards Specific Plan Update brings much needed jobs and housing to make progress toward that future. Due to the existing jobs-rich conditions, we are supportive of the project’s approach for allowing a range of housing units, up to a maximum of 10,000, to improve the area jobs-housing balance. We understand that large-scale projects such as this one need the flexibility of a capacity range as the site-specific details are developed as the project moves forward. We appreciate that the impact analysis includes this higher housing range and we believe that the existing jobs-rich character of the downtown area and the market indicate its strong economic viability. This is important because people who live downtown generate dramatically lower vehicle miles traveled per household (VMT/HH) than those who live in other parts of the region. SACOG modeling and observed data show that residents of locations like this project will walk, bike, or use transit at two to four times the rate of residents of typical suburban locations and generate less than one-half of the vehicle miles traveled (VMT).

- The Railyards project is located in an area that provides transportation choices, an important Blueprint Principle. The proposed project includes the existing Amtrak station, which is ideal for commuters heading to the bay area or the foothills and for travelers across the west coast. Additionally, the proposed north-south light rail extension along 7th Street would have a stop near the bike and pedestrian path crossing, south of South Park Street in the residential neighborhood. The proposed circulation plan would facilitate bicycling with the system of on-street and off-street bikeways. Good multi-modal street design will be important in providing safe access within the Railyards area for pedestrians and bicyclists. For a project of this size and in this location, it will be particularly important that the circulation plan facilitate safe and easy accessible options for all modes of transportation.

- Compact development and a variety of housing options are important to the Blueprint Planning Principles as a means of increasing quality of life and providing for the needs of all subsets of the population including seniors, young people, and other smaller households, as well as for lower-income households. The Railyards project clearly supports this principle by offering higher density attached housing products ranging from mid- and high rise residential buildings to mixed use developments with ground floor commercial uses. In addition to its location, the travel benefits of reduced VMT and increased walking, biking, and transit use noted above, are in part due to the higher density housing in the proposed plan.
• The Railyards project supports the Blueprint Principle of conserving natural resources, because growth accommodated in the Railyards means less growth that needs to be accommodated at the urban edge. When applied in an urban setting, this principle also encourages the incorporation of public-use open spaces within development projects. The Railyards proposal includes approximately 30 acres of open space divided between a series of parks, public plazas, and riverwalks. This open space is particularly important as larger scale buildings are added to neighborhoods in terms of providing attractive, walkable public spaces that create a community.

While the overall plan is consistent with the Blueprint growth principles, we strongly encourage the applicant and City to refine important details as the project moves through the various approvals required for construction. As noted throughout the DEIR the site is the premier urban infill site in the city, arguably the state or even country. The urban design details identified below are critical to the project’s delivery of the multi-modal transportation and resulting air quality benefits envisioned for the site. Some of these issues below are related to the transition of the project area over time. We look forward to continuing our constructive partnership with the City and the applicant working on these issues as the project proceeds:

• The initial proposed parking ratios are high, more suburban than urban in character. While the structured parking quantities are appropriate and desirable for an urban setting, the extensive temporary surface parking area could be a deterrent to full buildout of the proposed urban district. Similarly, the proposed parking for the Kaiser and soccer facilities is more indicative of suburban campuses than downtown centers.
• Within the Railyards, the proper location and treatment of parking garages will be critical to enhance the activated, pedestrian focus of successful urban streetscapes. Prioritizing active uses at the street and project’s edges is important in order to connect the project to Downtown and the River District, drawing surrounding residents and employees into and around the area and vice versa.
• Some of the block sizes are long and inconsistent with the surrounding urban street pattern. Research shows that a finer-grained grid pattern (i.e. smaller blocks) improves circulation for all modes, from walkers to automobile drivers.

Thank you for inviting SACOG’s input on this important project.

Sincerely,

Mike McKeever
Chief Executive Officer
August 11, 2016

Report on Contracts Under $60,000

The attachment lists the contracts granted between April 1, 2016 and June 30, 2016, under the Chief Executive Officer’s $60,000 contracting authority and the contracts that staff expects to enter into between July 1, 2016 and September 30, 2016.

Attachment

Key Staff: Erik Johnson, Manager of Policy & Administration, (916) 340-6247
Kirk E. Trost, Chief Operating Officer/General Counsel, (916) 340-6210
<table>
<thead>
<tr>
<th>Description</th>
<th>Vendor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANNUAL CUBE MAINTENANCE</td>
<td>CITILABS</td>
<td>$40,000.00</td>
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<tr>
<td>SRTD FINANCIAL AUDIT</td>
<td>CROWE HORWATH</td>
<td>$5,000.00</td>
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<tr>
<td>VANPOOL SUBSIDY</td>
<td>ENTERPRISE RIDESHARE</td>
<td>$17,000.00</td>
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<td>FOOD SYSTEMS MULTIPLIER PROJECT</td>
<td>ERA ECONOMICS</td>
<td>$47,820.00</td>
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<tr>
<td>IT EQUIPMENT</td>
<td>IBM</td>
<td>$2,241.80</td>
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<td>TDM STRATEGIC PLAN</td>
<td>KITTLESON &amp; ASSOCIATES</td>
<td>$9,870.00</td>
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<td>MAY IS BIKE MONTH ACTIVITIES</td>
<td>MCCLELLAN PARK TMA</td>
<td>$500.00</td>
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<tr>
<td>TIER II PROJECT</td>
<td>MCCLELLAN PARK TMA</td>
<td>$5,000.00</td>
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<tr>
<td>STAFF ENGAGEMENT</td>
<td>MIG, INC.</td>
<td>$52,610.00</td>
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<tr>
<td>BIKE SHARE CONSULTING</td>
<td>PARRY BURNAP</td>
<td>$14,480.00</td>
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<tr>
<td>LEGAL ADVERTISEMENTS</td>
<td>THE SACRAMENTO BEE</td>
<td>$1,800.00</td>
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<td>BIKEFEST EVENT</td>
<td>SACRAMENTO TMA</td>
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<td>MAY IS BIKE MONTH ACTIVITIES</td>
<td>SACRAMENTO TMA</td>
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<td>SMART CYCLING CLINICS</td>
<td>SACRAMENTO TMA</td>
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<td>MAY IS BIKE MONTH GIFT CARDS</td>
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<td>SOUTHEAST CONNECTOR MOU</td>
<td>STACEY MCKINLEY</td>
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<td>CONVENTION CENTER STAFFING - REGIONAL FORUM</td>
<td>VALLEY VISION</td>
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<td>CYCLESAC APP</td>
<td>WESTAT</td>
<td>$2,407.00</td>
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<td>STAFF TRAINING</td>
<td>YOUTH DEVELOPMENT NETWORK</td>
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**ANTICIPATED CONTRACTS - BETWEEN JULY 1, 2016 - SEPTEMBER 30, 2016**

<table>
<thead>
<tr>
<th>Description</th>
<th>Vendor</th>
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<td>INTERNAL IT AUDIT</td>
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<td>ITS MASTER PLAN UPDATE</td>
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<td>TDM MEETING FACILITATORS/PLANNERS</td>
<td>CENTER FOR COLLABORATIVE POLICY</td>
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</tr>
<tr>
<td>DIVERSITY TRAINING FOR STAFF</td>
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</table>
State Advocacy Update

The Legislature returns from summer recess on August 1, so there is little to report at this time, but there will, as always, be significant activity during the month of August leading up to the end of session on August 31. Attachment A includes a list of the bills that SACOG is monitoring. Major issues still unresolved and of interest to SACOG include the transportation funding special session, cap and trade funding, and affordable housing funding and policy changes.

The prospects of a transportation funding package emerging from the special session are not good.

Attachment

Key Staff: Erik Johnson, Manager of Policy and Administration, (916) 340-6247
<table>
<thead>
<tr>
<th>Bill</th>
<th>Author</th>
<th>Title</th>
<th>Location</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB 22</td>
<td>Rodriguez (D)</td>
<td>Office of Emergency Services: Oil-by-Rail Spills</td>
<td>Senate Appropriations Committee</td>
<td>Requires the Curriculum Development Advisory Committee to review the curriculum and courses of instruction offered by public and private programs that train firefighters in response methods for oil-by-rail spills. Requires the Office of Emergency Services to compile a list of those curriculum and courses of instruction.</td>
</tr>
<tr>
<td>AB 448</td>
<td>Brown (D)</td>
<td>Local Government Finance: Vehicle License Fee</td>
<td>Senate Appropriations Committee</td>
<td>Relates to county vehicle license fee property tax compensation funds and the funding of additional allocations from ad valorem property tax revenues otherwise required to be allocated to educational entities. Modifies certain reduction and transfer provisions, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation.</td>
</tr>
<tr>
<td>AB 869</td>
<td>Cooper (D)</td>
<td>Public Transportation Agencies: Fare Evasion</td>
<td>Senate Third Reading File</td>
<td>Relates to prohibited conduct on public transit. Provides a person who fails to pay the administrative penalty when due or successfully complete the administrative process to dismiss the notice of fare evasion or passenger conduct violation may be subject to criminal penalties. Requires the notice of fare contain a printed statement that the person may be charged with an infraction or misdemeanor if the penalty is not paid or dismissed. Requires dismissal of collection if the person is criminally charged.</td>
</tr>
<tr>
<td>AB 1030</td>
<td>Ridley-Thomas S (D)</td>
<td>Global Warming Solutions Act of 2006: Greenhouse Gas</td>
<td>Senate Appropriations Committee</td>
<td>Amends existing law that relates to the Greenhouse Gas Reduction Fund. Requires priority be given to projects involving hiring that supported the targeted training and hiring of workers from disadvantaged communities for career-track jobs.</td>
</tr>
<tr>
<td>AB 1591</td>
<td>Frazier (D)</td>
<td>Transportation Funding</td>
<td>Assembly Transportation Committee</td>
<td>Relates to transportation funding to include the Road Maintenance and Rehabilitation Program and its related fund which would include revenues from a motor vehicle fuel tax increase and a new vehicle registration fee for zero-emission vehicles, related county use of revenues from an approved transactions and use tax, revenue from a diesel fuel tax increase to the Trade Corridors Improvement Fund, truck parking improvements, greenhouse gas reduction, highway operation and improvements funding.</td>
</tr>
<tr>
<td>AB 1746</td>
<td>Stone (D)</td>
<td>Transit Buses</td>
<td>Senate Transportation and Housing Committee</td>
<td>Authorizes the operation of transit buses on the shoulder of a segment of a state highway designated under the program within the areas served by the transit services of specified entities, subject to the same conditions and requirements previously authorized. Requires a program participant to submit a report to the Legislature that includes specified information about the program, and to post the report on its Internet Web site to enable the public to access the report.</td>
</tr>
<tr>
<td>AB 1752</td>
<td>Melendez (R)</td>
<td>Vehicles: Registration Fees</td>
<td>Assembly Appropriations Committee</td>
<td>Requires the Department of Motor Vehicles to clearly identify the registration fee as the base registration fee on any application for renewal of registration, and to aggregate any additional fees or surcharges added to the base registration fee as a separate and distinct line item on those applications. Requires the Department to post on its Internet Web site each additional fee or surcharge added to the base registration fee and the statutory authority therefor. Requires notification of Web site.</td>
</tr>
<tr>
<td>AB 1768</td>
<td>Gallagher (R)</td>
<td>Bonds: Transportation</td>
<td>Assembly Transportation Committee</td>
<td>Provides that no further bonds shall be sold for high-speed rail purposes pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, except as specifically provided with respect to an existing appropriation for high-speed rail purposes for early improvement projects in the Phase 1 blended system. Requires the funds from the remaining from the sale of bonds to fund project in the State Highway Operation and Protection Program.</td>
</tr>
<tr>
<td>AB 1833</td>
<td>Linder (R)</td>
<td>Transportation Projects: Environmental Mitigation</td>
<td>Assembly Appropriations Committee</td>
<td>Creates the Advanced Mitigation Program in the Department of Transportation to implement environmental mitigation measures in advance of future transportation projects. Requires the Department to establish a steering committee to advise the Department in that regard.</td>
</tr>
<tr>
<td>Bill</td>
<td>Author</td>
<td>Title</td>
<td>Location</td>
<td>Summary</td>
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</tr>
<tr>
<td>AB 1873</td>
<td>Holden (D)</td>
<td>Board of Infrastructure Planning, Development, Finance</td>
<td>Assembly Appropriations Committee</td>
<td>Establishes, within the Office of Planning and Research, the Board of Infrastructure Planning, Development, and Finance to categorize and recommend the priority of the State’s infrastructure needs and develop funding to finance those projects.</td>
</tr>
<tr>
<td>AB 1886</td>
<td>McCarty (D)</td>
<td>Environmental Quality Act: Transit Priority Projects</td>
<td>Senate Environmental Quality Committee</td>
<td>Amends the Environmental Quality Act that specifies that a project is considered to be within a specified distance of a major transit stop or high quality transit corridor if all parcels within the project have no more than a specified percentage of their area farther than a specified distance from the stop or corridor. Increases, for a transit priority project to meet the requirements for limited Act review, the percentage of that area.</td>
</tr>
<tr>
<td>AB 2034</td>
<td>Salas (D)</td>
<td>Department of Transportation: Environmental Review</td>
<td>Senate Transportation and Housing Committee</td>
<td>Amends existing law that requires the U.S. Secretary of Transportation to carry out a surface transportation project delivery program, under which the participating states assume certain responsibilities for environmental review and clearance of transportation projects to delete the repeal date and thereby extend these provisions indefinitely.</td>
</tr>
<tr>
<td>AB 2087</td>
<td>Levine (D)</td>
<td>Regional Conservation Frameworks</td>
<td>Senate Second Reading File</td>
<td>Authorizes the Department of Fish and Wildlife, or any other public agency, to propose a regional conservation framework. Authorizes a conservation action and a habitat enhancement to fulfill compensatory mitigation requirements in an incidental take permit issued pursuant to the State Endangered Species Act to reduce adverse fish and wildlife impacts pursuant to a lake or streambed alteration agreement. Relates to mitigation credit agreements and the sale of mitigation credits.</td>
</tr>
<tr>
<td>AB 2090</td>
<td>Alejo (D)</td>
<td>Low Carbon Transit Operations Program</td>
<td>Senate Appropriations Committee - 08/01/2016 10:00 am - John L. Burton Hearing Room (4203)</td>
<td>Authorizes moneys appropriated to the Low Carbon Transit Operations Program to be expended to support the operation of existing bus or rail service if the governing board of the requesting transit agency declares a fiscal emergency and other criteria are met.</td>
</tr>
<tr>
<td>AB 2094</td>
<td>Obernolte (R)</td>
<td>Greenhouse Gas Reduction Fund: State and Local Funds</td>
<td>Assembly Transportation Committee</td>
<td>Transfers an specified amount of money from the Greenhouse Gas Reduction Fund to the Retail sales Tax Fund annually. States that the transferred revenues shall be considered part of the revenues allocated to local transportation funds from the Retail Sales Tax Fund. Provides that, in each year of the above-stated transfer, a specified amount of money would be appropriated from the Retail Sales Tax Fund for allocation to State highway and local street and road purposes.</td>
</tr>
<tr>
<td>AB 2100</td>
<td>Calderon I (D)</td>
<td>The 21st Century Infrastructure Act of 2016</td>
<td>Assembly Natural Resources Committee</td>
<td>Requires the Public Utilities Commission, the State Energy Resources Conservation and Development Commission, the Independent System Operator, and the State Air Resources Board to review and evaluate their policies and plans for expansion of 21st Century infrastructure and to take other related actions.</td>
</tr>
<tr>
<td>AB 2126</td>
<td>Mullin (D)</td>
<td>Public Contracts: Construction Manager/General Contract</td>
<td>Senate Appropriations Committee - 08/01/2016 10:00 am - John L. Burton Hearing Room (4203)</td>
<td>Authorizes the Department of Transportation to use the Construction Manager/General Contractor method on a specified number of projects and requires a specified number of such projects to use Department employees or consultants under contract with the Department to perform all project design and engineering services.</td>
</tr>
<tr>
<td>AB 2170</td>
<td>Frazier (D)</td>
<td>Trade Corridors Improvement Fund: Federal Funds</td>
<td>Senate Second Reading File</td>
<td>Requires revenues apportioned to the state from the National Highway Freight Program established by the federal Fixing America’s Surface Transportation Act to be allocated for trade corridor improvement projects approved pursuant to these provisions. Deletes consideration of the Air Resources Board’s Sustainable Freight Strategy and the statewide port master plan. Includes consideration of the applicable port master plan when determining eligible projects for funding, and railroad and airport improvements.</td>
</tr>
<tr>
<td>AB 2222</td>
<td>Holden (D)</td>
<td>Greenhouse Gas Reduction Fund: Transit Pass Program</td>
<td>Senate Second Reading File</td>
<td>Establishes the Transit Pass Program with moneys from the Greenhouse Gas Reduction Fund to support transit pass programs that provide free or reduced-fare transit passes to specified pupils and students. Requires the development of guidelines for transit providers to make such free transit available and to help participants demonstrate such expenditures will reduce greenhouse gas emissions. Requires agreements to distribute free or reduced fare transit passes to students.</td>
</tr>
<tr>
<td>Bill</td>
<td>Author</td>
<td>Title</td>
<td>Location</td>
<td>Summary</td>
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<tr>
<td>AB 2289</td>
<td>Frazier (D)</td>
<td>Capital Improvement Projects</td>
<td>To Governor</td>
<td>Amends existing law that requires the Department of Transportation to prepare a State highway operation and protection program regarding major capital improvements that do not add a new traffic lane to the system. Adds to the program capital projects relative to the operation of state highways and bridges.</td>
</tr>
<tr>
<td>AB 2292</td>
<td>Gordon (D)</td>
<td>Global Warming Solutions Act: Disadvantaged Communities</td>
<td>Assembly Appropriations Committee</td>
<td>Requires the State Environmental Protection Agency to update the State Communities Environmental Health Screening Tool that identifies disadvantaged communities regarding the monitoring and regulation of sources of emissions of greenhouse gases, when it comes to investment opportunities in the multiyear investment plan for moneys in the Greenhouse Gas Reduction Fund.</td>
</tr>
<tr>
<td>AB 2293</td>
<td>Garcia (D)</td>
<td>Green Business and Green Assistance Program</td>
<td>Assembly Appropriations Committee</td>
<td>Establishes the Green Assistance Program to assist small businesses and small nonprofit organizations in applying for moneys for program using moneys from the Greenhouse Gas Reduction Fund, and the Green Business Program to provide support and assistance to green business certification programs that certify specified companies that voluntarily adopt specified environmentally preferable business practices. Appropriates an unspecified amount annually from the Fund to each program.</td>
</tr>
<tr>
<td>AB 2319</td>
<td>Gordon (D)</td>
<td>Infrastructure and Economic Development Bank</td>
<td>Assembly Appropriations Committee</td>
<td>Expands the authority of the California Infrastructure and Economic Development Bank by adding affordable housing to the types of projects to which the bank is authorized to provide financial assistance.</td>
</tr>
<tr>
<td>AB 2332</td>
<td>Garcia E (D)</td>
<td>Transportation Funding: Complete Streets</td>
<td>Assembly Transportation Committee</td>
<td>Requires the Transportation Commission to increase the annual number of complete street projects undertaken by the State Department of Transportation and increase accessibility for low-income and disadvantaged communities by increasing multimodal transportation proximity to employment, jobs, housing, and recreation areas. Provides goals to be accomplished to increase travel by non-automobile modes of travel. Relates to increased safety projects and funding therefor.</td>
</tr>
<tr>
<td>AB 2343</td>
<td>Garcia (D)</td>
<td>Greenhouse Gas Reduction Fund: Study</td>
<td>Assembly Appropriations Committee</td>
<td>Amends existing law that requires the Department of Finance to annually submit a report to the appropriate committees of the Legislature on the status of projects funded with moneys in the Greenhouse Gas Reduction Fund. Requires the Department to include additional data in that annual report.</td>
</tr>
<tr>
<td>AB 2355</td>
<td>Dababneh (D)</td>
<td>Intercity Rail Services: Mitigation</td>
<td>Assembly Transportation Committee</td>
<td>Requires the Department of Transportation to develop a program for the reasonable mitigation of noise and vibration levels in residential neighborhoods along railroad lines where the department contracts for state-funded intercity rail passenger service, and to determine what constitutes a reasonable level of mitigation.</td>
</tr>
<tr>
<td>AB 2356</td>
<td>Gomez (D)</td>
<td>Zoning: Housing Element; Low Income Housing</td>
<td>Assembly Rules Committee</td>
<td>Authorizes a city or county to include in its housing assessment and inventory the identification of housing for defined extremely low income households. Provides required actions of a local entity if it elects to include this identification in its assessment and inventory. Provides that the development of zones and objective management under these provisions would not be discretionary acts within the meaning of the California Environmental Quality Act.</td>
</tr>
<tr>
<td>AB 2398</td>
<td>Chau (D)</td>
<td>Transportation: State Highways</td>
<td>Assembly Transportation Committee</td>
<td>Requires the Transportation Commission to report to the Speaker of the Assembly, the President Pro Tempore of the Senate, and the chairs of specified committees the number of selections, adoptions, and local determinations for state highways undertaken and the amount of money allocated for the construction, improvement, or maintenance of the highways.</td>
</tr>
<tr>
<td>AB 2411</td>
<td>Frazier (D)</td>
<td>Transportation Revenues</td>
<td>Senate Transportation and Housing Committee</td>
<td>Deletes the transfer of miscellaneous revenues to the Transportation Debt Service Fund. Requires the miscellaneous revenues to be retained in the State Highway Account and to be used solely for transportation expenditures consistent with the restrictions for expenditures consistent with the restrictions for expenditure of fuel tax revenues.</td>
</tr>
<tr>
<td>AB 2415</td>
<td>Garcia E (D)</td>
<td>Clean Technology Program</td>
<td>Assembly Appropriations Committee</td>
<td>Creates the State Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program to fund zero- and near-zero-emission truck, bus, and off-road vehicle and equipment technologies and related projects with priority given to projects, including projects benefiting disadvantaged communities. Requires the State Air Resources Board to ensure results of emissions reductions or benefits can be quantified and to post reduction totals on its Internet Web site. Authorizes an increase in emission standards.</td>
</tr>
<tr>
<td>Bill</td>
<td>Author</td>
<td>Title</td>
<td>Location</td>
<td>Summary</td>
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<tr>
<td>AB 2426</td>
<td>Low (D)</td>
<td>Workplace Charging Station Grant Program</td>
<td>Assembly Transportation Committee</td>
<td>Requires the State Air Resources Board to establish and implement the Workplace Charging Stations Grant Program to award grants for the installation of electric vehicle charging stations in commercial parking facilities for employees and visitors. Requires eligible applicants awarded grants to report usage statistics.</td>
</tr>
<tr>
<td>AB 2432</td>
<td>Brown (D)</td>
<td>State and Local Truck Routes and Services</td>
<td>Assembly Transportation Committee</td>
<td>Relates to the Department of Transportation. Requires the Department to prepare an inventory of all state and locally designated truck routes and services, publish a statewide Truck Route Network Internet Web site, and prepare a plan and schedule for addressing all inefficiencies and truck transportation network gaps, including an estimate of the annual cost and the total cost of carrying out the plan.</td>
</tr>
<tr>
<td>AB 2475</td>
<td>Gordon (D)</td>
<td>Loan Program: Infrastructure and Economic Development</td>
<td>Assembly Appropriations Committee</td>
<td>Establishes the Local Government Affordable Housing Forgivable Loan Program. Requires loans to a local government for the development of affordable housing on terms and conditions deemed in the best interests of the State. Encourages a local government from being required to repay either a portion or all of the principal and interest on the loan if specified requirements are met.</td>
</tr>
<tr>
<td>AB 2492</td>
<td>Alejo (D)</td>
<td>Community Revitalization</td>
<td>Senate Third Reading File</td>
<td>Amends existing law which authorizes certain local agencies to form a community revitalization and investment authority for purposes related to infrastructure, affordable housing, and economic revitalization. Authorizes a certain calculation to be made with a combination of census tracts and census block groups. Authorizes an authority to receive funds allocated to it pursuant to a resolution adopted by a city or county and to transfer such funds from certain tax and assessment revenues.</td>
</tr>
<tr>
<td>AB 2500</td>
<td>Daly (D)</td>
<td>Land Use: Regional Housing Need</td>
<td>Assembly Housing and Community Development Committee</td>
<td>Requires the Department of Housing and Community Development to determine the regional housing need prior to the scheduled revision of a housing element required by law. Requires the adoption of a final regional housing need prior to the scheduled revision for the region.</td>
</tr>
<tr>
<td>AB 2509</td>
<td>Ting (D)</td>
<td>Operation of Bicycles: Speed</td>
<td>Senate Transportation and Housing Committee</td>
<td>Expands the exceptions to riding as close as practicable to the right-hand curb or roadway edge to include, among others, when riding in class I, class IV bikeways.</td>
</tr>
<tr>
<td>AB 2522</td>
<td>Bloom (D)</td>
<td>Land Use: Attached Housing Developments</td>
<td>Assembly Housing and Community Development Committee</td>
<td>Requires an attached housing development to be permitted use by right and subject to the existing conditions imposed on a use by right, if it satisfies specified conditions. Conditions the permitted use by right upon the development complying with written development standards to meeting the jurisdiction's share of the regional housing needs and providing housing for very low, low- or moderate-income households and replacement housing units.</td>
</tr>
<tr>
<td>AB 2542</td>
<td>Gatto (D)</td>
<td>Streets and Highways: Reversible Lanes</td>
<td>Senate Appropriations Committee</td>
<td>Requires the Department of Transportation or a regional transportation planning agency, when submitting a capacity-increasing project or a major street or highway lane realignment project to the Transportation Commission for approval, to demonstrate that reversible lanes were considered for the project.</td>
</tr>
<tr>
<td>AB 2620</td>
<td>Dababneh (D)</td>
<td>Passenger Rail Projects: Funding</td>
<td>Senate Appropriations Committee</td>
<td>Reallocation funds allocated under the Clean Air and Transportation Improvement Act of 1990 that are not expended or encumbered by a specified date, to any other existing passenger rail project with existing rail service. Requires the Transportation Commission to determine the projects pursuant to this reallocation.</td>
</tr>
<tr>
<td>AB 2708</td>
<td>Daly (D)</td>
<td>Department of Transportation: Lean 6-SIGMA Program</td>
<td>Assembly Appropriations Committee</td>
<td>Requires the Department of Transportation to conduct a study to assess the implementation of the Lean 6-SIGMA program to determine the effectiveness of streamlining the application process for private architectural and engineering firms to provide professional and technical project development services to the Department.</td>
</tr>
<tr>
<td>AB 2722</td>
<td>Burke (D)</td>
<td>Transformative Climate Communities Program</td>
<td>Senate Second Reading File</td>
<td>Creates the Transformative Climate Communities Program. Requires the Strategic Growth Council to award competitive grants to specified eligible entities for for the development and implementation of transformative climate community plans, and projects that implement plans, contribute to the reduction of emissions of greenhouse gases and demonstrate potential environmental benefits in disadvantaged communities.</td>
</tr>
<tr>
<td>Bill</td>
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<tr>
<td>AB 2734</td>
<td>Atkins (D)</td>
<td>Local Control Affordable Housing Act</td>
<td>Assembly Appropriations Committee</td>
<td>Establishes and provides funding for the Local Control Affordable Housing Act. Provides that a specified amount of funding be allocated to the Department of Housing and Community Development to provide funding to local agencies for housing purposes. Requires the Department to create an equitable funding formula for funding distributed to local agencies that takes into account person with low- and moderate incomes.</td>
</tr>
<tr>
<td>SB 32</td>
<td>Pavley (D)</td>
<td>Global Warming Solutions Act of 2006: Emissions Limit</td>
<td>Assembly Appropriations Committee - 08/03/2016 9:00 am - State Capitol, Room 4202</td>
<td>Requires the State Air Resources Board to approve a specified statewide greenhouse gas emissions limits that are the equivalent to a specified percentage below the 1990 level to be achieved by 2030. Requires the Board to prepare and submit to the Joint Legislative Budget Committees and appropriate policy committees a report relating to the greenhouse gas emission reduction achieved towards those limits.</td>
</tr>
<tr>
<td>SB 39</td>
<td>Pavley (D)</td>
<td>Vehicles: High-Occupancy Vehicle Lanes</td>
<td>Assembly Transportation Committee</td>
<td>Increases the number of vehicle identifiers that the Department of Motor Vehicle is authorized to issue for HOV lane usage.</td>
</tr>
<tr>
<td>SB 122</td>
<td>Jackson (D)</td>
<td>Environmental Quality Act: Record of Proceedings</td>
<td>Assembly Appropriations Committee</td>
<td>Amends the Environmental Quality Act. Relates to a database for the collection, storage, retrieval, and dissemination of environmental documents, notices of exemption, notices of preparation, notices of determination, and notices of completion provided to the office that shall be available online to the public through the internet. Provides for the phase-in of electronic documents. Requires the lead agency to submit to the State Clearinghouse a sufficient number of environmental documents for review.</td>
</tr>
<tr>
<td>AB 2796</td>
<td>Bloom (D)</td>
<td>Active Transportation Program</td>
<td>Senate Appropriations Committee - 08/01/2016 10:00 am - John L. Burton Hearing Room (4203)</td>
<td>Relates to the Active Transportation Program in the Department of Transportation. Relates to biking and walking. Requires a minimum percentage of all available Active Transportation Program funds to be programmed for planning and noninfrastructure purposes. Requires a minimum percentage to be programmed for planning activities to develop comprehensive activity transportation master plans. Provides purposes for the spending in advance of an allocation of funds by the Transportation Commission.</td>
</tr>
<tr>
<td>AB 2783</td>
<td>Garcia E (D)</td>
<td>Affordable Housing and Sustainable Communities</td>
<td>Senate Environmental Quality Committee</td>
<td>Requires the Strategic Growth Council to consider revisions to the guidelines and selection criteria with respect to affordable housing projects that qualify under the Affordable Housing and Sustainable Communities Program's rural innovation project area, and to provide a written explanation to the Legislature, if the Council determines that it will not make the revisions.</td>
</tr>
<tr>
<td>AB 2741</td>
<td>Salas (D)</td>
<td>Long-Range Transportation Planning: State Plan</td>
<td>Senate Appropriations Committee</td>
<td>Requires the State's long range transportation plan to be approved by the Transportation Commission prior to submission to the Legislature and Governor. Requires the Department of Transportation to submit a draft of its proposed update to the Commission for comments. Provides if the Commission does not approve an updated plan, the Department is to revise that update. Makes other conforming changes.</td>
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<tr>
<td>SB 321</td>
<td>Beall (D)</td>
<td>Motor Vehicle Fuel Taxes: Rates: Adjustments</td>
<td>Senate Inactive File</td>
<td>Relates to motor fuel tax rates. Requires the State Board of Equalization to adjust the rate in a manner as to generate an amount of revenue equal to the amount of revenue loss attributable to an exception that reflects the combined average of the actual fuel price over previous fiscal years and the estimated fuel price for the current fiscal year. Relates to revenue neutrality for each year.</td>
</tr>
<tr>
<td>SB 367</td>
<td>Wolk (D)</td>
<td>Agricultural Lands: Greenhouse Gases</td>
<td>Assembly Appropriations Committee</td>
<td>Authorizes the environmental farming program to provide loans, assistance, educational materials and outreach to farmers whose practices promote the well-being of ecosystems, air quality, and wildlife and their habitat, and reduce on-farm greenhouse gas emissions or increase carbon storage in agricultural soils and woody biomass, or both. Provides funds to support projects agricultural management practices and activities. Requires sustainable agricultural land grants.</td>
</tr>
<tr>
<td>SB 398</td>
<td>Leyva (D)</td>
<td>Green Assistance Program</td>
<td>Assembly Appropriations Committee</td>
<td>Establishes the Green Assistance Program, to be administered by the Secretary for Environmental Protection that provides technical assistance to small businesses, small nonprofits, and disadvantaged communities in applying for an allocation of moneys from the Greenhouse Gas Reduction Fund.</td>
</tr>
<tr>
<td>SB 400</td>
<td>Lara (D)</td>
<td>Greenhouse Gas Reduction Fund</td>
<td>Assembly Appropriations Committee</td>
<td>Relates to the Greenhouse Gas Reduction Fund. Requires the High-Speed Rail Authority to allocate a minimum percentage of moneys continuously appropriated to the Authority from the fund to fund projects that either reduce or offset greenhouse gas emissions directly associated with the construction of the high-speed rail project and provide a co-benefit of improving air quality. Requires priority be given to measures and projects located in areas designated as extreme nonattainment.</td>
</tr>
<tr>
<td>SB 433</td>
<td>Berryhill (R)</td>
<td>Motor Vehicle Fuel Taxes: Diesel Fuel Taxes: Rates</td>
<td>Assembly Revenue and Taxation Committee</td>
<td>Requires, in specified fiscal years, the Department of Finance to adjust the motor vehicle and diesel fuel tax rates in a specified manner, and to notify the Board of Equalization of the rate adjustments.</td>
</tr>
<tr>
<td>SB 824</td>
<td>Beall (D)</td>
<td>Low Carbon Transit Operations Program</td>
<td>Assembly Appropriations Committee - 08/03/2016 9:00 am - State Capitol, Room 4202</td>
<td>Authorizes a recipient transit agency that does not submit an expenditure for funding under the Low Carbon Transit Operations Program in a particular fiscal year to retain its funding share for expenditure in a subsequent fiscal year. Requires certain actions regarding program moneys. Requires the Department of Transportation to annually calculate a funding share for each eligible recipient transit agency. Allows a recipient transit agency to loan or transfer its funding share to another transit agency.</td>
</tr>
<tr>
<td>SB 879</td>
<td>Beall (D)</td>
<td>Affordable Housing Bond Act of 2016</td>
<td>Assembly Appropriations Committee</td>
<td>Enacts the Affordable Housing Bond Act of 2016. Authorizes the issuance of bonds in a specified amount to be used to finance various existing housing programs, as well as infill infrastructure financing and affordable housing matching grant programs.</td>
</tr>
<tr>
<td>SB 882</td>
<td>Hertzberg (D)</td>
<td>Crimes: Public Transportation: Minors</td>
<td>Assembly Third Reading File</td>
<td>Amends existing law making it an infraction or a misdemeanor to evade the payment of a fare on a public transit system or misuse of a transfer, pass, ticket, or token with intent to evade payment of fare or to use a discount ticket without authorization. Prohibits a minor from being charged with an infraction or a misdemeanor for those acts.</td>
</tr>
<tr>
<td>SB 1141</td>
<td>Moorlach (R)</td>
<td>State Highways: Transfer to Local Agencies: Pilot</td>
<td>Senate Transportation and Housing Committee</td>
<td>Requires the Department of Transportation to participate in a multi-year, multi-county pilot program to operate, maintain, and make improvements to all state highways, including freeways, in an affected county. Requires moneys to be appropriated for these purposes as a block grant in the annual Budget Act to a participating county.</td>
</tr>
<tr>
<td>SB 1197</td>
<td>Cannella (R)</td>
<td>Intercity rail Corridors: Extensions</td>
<td>Senate Transportation and Housing Committee</td>
<td>Authorizes the amendment of a joint power agreement to provide for the extension of the affected rail corridor to provide intercity rail service beyond the defined boundaries of the corridor. Requires a proposed extension to first be recommended and justified in the business plan adopted by the joint powers board, and then would require the approval of the Secretary of Transportation.</td>
</tr>
<tr>
<td>SB 1208</td>
<td>Bates (R)</td>
<td>California Transportation Commission</td>
<td>Senate Rules Committee</td>
<td>Makes a nonsubstantive change to existing law that creates the California Transportation Commission, with specified powers and duties relative to programming of transportation capital improvement projects and other related matters.</td>
</tr>
<tr>
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<tr>
<td>SB 1279</td>
<td>Hancock (D)</td>
<td>Transportation Commission: Funding Prohibition</td>
<td>Assembly Appropriations Committee - 08/03/2016 9:00 am - State Capitol, Room 4202</td>
<td>Prohibits the Transportation Commission from programming or allocating any State funds for new bulk terminal projects. Requires terminal project grantees to annually report to the Commission that the project is not be used to handle, store, or transport coal in bulk.</td>
</tr>
<tr>
<td>SB 1320</td>
<td>Runner (R)</td>
<td>State Transportation Commission</td>
<td>Senate Transportation and Housing Committee</td>
<td>Excludes the Transportation Commission from the Transportation Agency. Establishes it as an entity in State government. Requires it to act in an independent oversight role. Requires the Department of Transportation to program capital outlay support resources for each project in its State highway operation and protection program. Provides project rejection and acceptance procedures. Requires approval of the Commission of any change in programmed project's cost, scope, or schedule.</td>
</tr>
<tr>
<td>SB 1402</td>
<td>Pavley (D)</td>
<td>Low Carbon Fuels</td>
<td>Senate Appropriations Committee</td>
<td>Creates the State Low-Carbon Fuels Incentive Program to be administered by the State Air Resources Board and State Energy Resources Conservation and Development Commission. Authorizes money in the Greenhouse Gas Reduction Fund to be used to provide incentives for the in-state production of low-carbon transportation fuels from new and existing facilities using sustainable feedstock, with priority to be given to projects benefitting disadvantaged communities.</td>
</tr>
<tr>
<td>SB 1403</td>
<td>Glazer (D)</td>
<td>Housing Bonds</td>
<td>Senate Rules Committee</td>
<td>States the intent of the Legislature to enact legislation that would authorize the issuance of bonds to finance the development of affordable housing.</td>
</tr>
<tr>
<td>SB 1443</td>
<td>Galgiani (D)</td>
<td>Incarcerated Persons: Health Records</td>
<td>Senate Appropriations Committee</td>
<td>Provides revised provisions governing the confidentiality and security of incarcerated persons health records. Relates to procedures of record treatment upon the movement of such persons released on parole or postrelease community supervision, and inmate transfers to assure the continuity of treatment. Releases to electronic transmission of such records. Relates to the authorization or release of information in such records for medical and mental health treatment purposes.</td>
</tr>
<tr>
<td>AB 1a</td>
<td>Alejo (D)</td>
<td>Transportation Funding</td>
<td>ASSEMBLY</td>
<td>Provides that any loans made to the General Fund from specified transportation funds and accounts with a specified repayment date are to be repaid by a specified date. Repeals specified provisions of existing law, retaining the weight fee revenues in the State Highway Account. Deletes the provisions relating to the reimbursement of the State Highway Account for weight fee revenues and relating to the making of loans to the General Fund, and providing for the portion of fuel excise tax revenues.</td>
</tr>
<tr>
<td>AB 2a</td>
<td>Perea (D)</td>
<td>Transportation Projects: Comprehensive Lease Agreements</td>
<td>Assembly Third Reading File</td>
<td>Amends existing law that authorizes the Department of Transportation and regional transportation agencies to enter into comprehensive development lease agreements with public and private entities for certain transportation projects. Extends this authorization indefinitely and includes within the definition of regional transportation agency the Santa Clara Valley Transportation Authority.</td>
</tr>
<tr>
<td>AB 3a</td>
<td>Frazier (D)</td>
<td>Transportation Funding</td>
<td>In Conference</td>
<td>Declares the intent of the Legislature to enact legislation to establish permanent, sustainable sources of transportation funding to maintain and repair the highways, local roads, bridges, and other critical infrastructure.</td>
</tr>
<tr>
<td>AB 4a</td>
<td>Frazier (D)</td>
<td>Transportation Funding</td>
<td>Senate Rules Committee</td>
<td>Declares the intent of the Legislature to enact legislation to establish permanent, sustainable sources of transportation funding to improve the state's key trade corridors and support efforts by local governments to repair and improve local transportation infrastructure.</td>
</tr>
<tr>
<td>AB 6a</td>
<td>Hernandez R (D)</td>
<td>Affordable Housing and Sustainable Communities Program</td>
<td>ASSEMBLY</td>
<td>Requires a specified percentage of moneys available for allocation under the Affordable Housing and Sustainable Communities Program to be allocated to eligible projects in rural areas. Requires a percentage of those moneys to be allocated to eligible affordable housing projects.</td>
</tr>
<tr>
<td>AB 7a</td>
<td>Nazarian (D)</td>
<td>Public Transit Funding</td>
<td>ASSEMBLY</td>
<td>Continuously appropriates a percentage of the annual proceeds of the Greenhouse Gas Reduction Fund to the Transit and Intercity Rail Capital Program, and a percentage of the proceeds to the Low Carbon Transit Operations Program.</td>
</tr>
<tr>
<td>AB 8a</td>
<td>Chiu (D)</td>
<td>Diesel Sales and Use Tax</td>
<td>ASSEMBLY</td>
<td>Increases the additional sales and use tax rate on diesel fuel.</td>
</tr>
<tr>
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<tr>
<td>AB 13a</td>
<td>Grove (R)</td>
<td>Greenhouse Gas Reduction Fund: Streets and Highways</td>
<td>ASSEMBLY</td>
<td>Relates to the Greenhouse Gas Reduction Fund. Reduces the continuous appropriation to the Strategic Growth Council for the Affordable Housing and Sustainable Communities Program. Appropriates continuously a percentage of the annual proceeds of the Greenhouse Gas Reduction Fund to the Department of Transportation for the State Highway Operation and Protection program and a percentage to cities and counties for local streets and roads.</td>
</tr>
<tr>
<td>AB 14a</td>
<td>Waldron (R)</td>
<td>State Highway Operation and Protection Program</td>
<td>ASSEMBLY</td>
<td>Relates to the State Highway Operation and Protection Program. Appropriates continuously from the General Fund, with a percentage to the Department of Transportation for maintenance of the state highway system or for purposes of the State Highway Operation and Protection Program and a percentage for apportionment to cities and counties for street and road purposes.</td>
</tr>
<tr>
<td>AB 15a</td>
<td>Patterson (R)</td>
<td>State Highway Operation and Protection Program</td>
<td>ASSEMBLY</td>
<td>Relates to the State Highway Operation and Protection Program. Reduces the appropriation for Capital Outlay Support. Appropriates from the State Highway Account to the Department of Transportation for maintenance of the state highway system or for the State Highway Operation and Protection Program and a percentage to cities and counties for street and road purposes.</td>
</tr>
<tr>
<td>AB 16a</td>
<td>Patterson (R)</td>
<td>State Highways: Transfer to Local Agencies: Pilot Program</td>
<td>ASSEMBLY</td>
<td>Relates to the Department of Transportation. Requires the department to participate in a pilot program over a 5 year period under which 2 counties, one in northern California and one in southern California, are selected to operate, maintain, and make improvements to all state highways, including freeways, in the affected county. Appropriates funds.</td>
</tr>
<tr>
<td>AB 17a</td>
<td>Achadjian (R)</td>
<td>Greenhouse Gas Reduction Fund: State Highway Operation</td>
<td>ASSEMBLY</td>
<td>Relates to deposits in the Greenhouse Gas Reduction Fund. Appropriates a percentage of the annual proceeds of the Fund to fund projects in the state highway operation and protection program.</td>
</tr>
<tr>
<td>AB 18a</td>
<td>Linder (R)</td>
<td>Vehicle Weight Fees: Transportation Bond Debt Service</td>
<td>ASSEMBLY</td>
<td>Prohibits weight fee revenue from being transferred from the State Highway Account to the Transportation Debt Service Fund or to the Transportation Bond Direct Payment Account, and from being used to pay the debt service on transportation general obligation bonds.</td>
</tr>
<tr>
<td>AB 19a</td>
<td>Linder (R)</td>
<td>Transportation Commission</td>
<td>ASSEMBLY</td>
<td>Excludes the California Transportation Commission from the Transportation Agency and establishes it as an entity in the state government. Makes conforming changes.</td>
</tr>
<tr>
<td>AB 20a</td>
<td>Gaines B (R)</td>
<td>State Government Vacant Positions Elimination</td>
<td>ASSEMBLY</td>
<td>Relates to the Department of Human Resources. Requires the department to eliminate a percentage of the vacant positions in state government that are funded by the General Fund. Appropriates funds from the General Fund to the Department of Transportation for maintenance of the state highway system or for the state highway operation and protection program and a percentage to be made available to the Controller for apportionment to cities and counties for street and road purposes.</td>
</tr>
<tr>
<td>AB 21a</td>
<td>Obernolte (R)</td>
<td>Environmental Quality: Highway Projects</td>
<td>SENATE</td>
<td>Relates to the California Environmental Quality Act (CEQA) environmental impact reports. Prohibits a court in a judicial action or proceeding under CEQA from staying or enjoining the construction or improvement of a highway unless it makes specified findings.</td>
</tr>
<tr>
<td>AB 22a</td>
<td>Patterson (R)</td>
<td>Design-Build: Highways</td>
<td>ASSEMBLY</td>
<td>Authorizes the Department of Transportation to utilize design-build procurement on an unlimited number of projects. Requires the Department to contract with consultants to perform construction inspection services for those projects. Eliminates the requirement that the Department perform the inspection services for the projects on or interfacing with the State highway system.</td>
</tr>
<tr>
<td>AB 23a</td>
<td>Garcia E (D)</td>
<td>Transportation</td>
<td>ASSEMBLY</td>
<td>Requires the State Transportation Commission to establish a process whereby a department and local agencies receiving funding for highway capital improvements from the State Highway Operation and Protection Program or the State Transportation Improvement Program prioritize projects that provide meaningful benefits to the mobility and safety needs of disadvantaged community residents. Requires a specified amount of moneys to be appropriated for grants that prioritize projects in underserved areas.</td>
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<td>Title</td>
<td>Location</td>
<td>Summary</td>
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<tr>
<td>SB 1a</td>
<td>Beall (D)</td>
<td>Transportation Funding: Environmental Mitigation</td>
<td>Senate Appropriations Committee</td>
<td>Relates to transportation funding to include highway and street maintenance paid for pay increases in gasoline and diesel fuel, local county use tax for road maintenance, intercity and commuter rail lines, vehicle weight fee revenue and high-speed rail bond debt service, an advance transportation project mitigation program and fund, surface transportation projects, the CEQA and minor roadway alterations, the sale of DOT real property, and transportation obligation bonds.</td>
</tr>
<tr>
<td>SB 2a</td>
<td>Huff (R)</td>
<td>Greenhouse Gas Reduction Fund</td>
<td>Senate Transportation and Infrastructure Development Committee</td>
<td>Excludes from allocation under the Greenhouse Gas Reduction Fund provisions the annual proceeds of the fund generated from the transportation fuels sector. Provides that those annual proceeds shall be appropriated by the Legislature for transportation infrastructure, including public streets and highways, but excluding high-speed rail.</td>
</tr>
<tr>
<td>SB 4a</td>
<td>Beall (D)</td>
<td>Transportation Funding</td>
<td>Conference Committee</td>
<td>Declares the intent of the Legislature to enact statutory changes to establish permanent, sustainable sources of transportation funding to maintain and repair the state's highways, local roads, bridges, and other critical transportation infrastructure.</td>
</tr>
<tr>
<td>SB 5a</td>
<td>Beall (D)</td>
<td>Transportation Funding</td>
<td>ASSEMBLY</td>
<td>Declares the intent of the Legislature to enact legislation to establish permanent, sustainable sources of transportation funding to improve the state's key trade corridors and support efforts by local governments to repair and improve local transportation infrastructure.</td>
</tr>
<tr>
<td>SB 7a</td>
<td>Allen (D)</td>
<td>Diesel Sales and Use Tax</td>
<td>Senate Appropriations Committee</td>
<td>Increases the additional sales and use tax rate on diesel fuel. Restricts expenditures of revenues from that increase to transit capital purposes and certain transit services. Requires an existing required audit of transit operator finances to verify that these new revenues have been expended in conformance with these specific restrictions. Provides that the increase in the additional sale and use tax imposed by this bill shall not be considered by the State Board of Equalization in its rate modification.</td>
</tr>
<tr>
<td>SB 8a</td>
<td>Hill (D)</td>
<td>Public Transit: Funding</td>
<td>Senate Appropriations Committee</td>
<td>Appropriates a specified percentage of proceeds of the Greenhouse Gas Reduction Fund to the Transit and Intercity Rail Capital Program, and a percentage to the Low Carbon Transit Operations Program.</td>
</tr>
<tr>
<td>SB 10a</td>
<td>Bates (R)</td>
<td>Regional Transportation Capital Improvement Funds</td>
<td>Senate Transportation and Infrastructure Development Committee</td>
<td>Revises the process for programming and allocating the share of State and federal funds available for regional transportation improvement projects. Requires an annual apportion. Provides that transportation capital improvement funds, and capital outlay support funds would be appropriated annual the the Budget Act to regional agencies. Requires identification of which program will be funded with these funds.</td>
</tr>
<tr>
<td>SB 11a</td>
<td>Berryhill (R)</td>
<td>Environmental Quality: Transportation Infrastructure</td>
<td>Senate Transportation and Infrastructure Development Committee</td>
<td>Exempts from the California Environmental Quality Act a project that consists of the inspection, maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of existing transportation infrastructure if certain conditions are met. Prohibits, in an action or proceeding seeking judicial review under the Act, a court from staying or enjoining such project in which the environmental impact report has been certified unless it makes specified findings.</td>
</tr>
<tr>
<td>SB 12a</td>
<td>Runner (R)</td>
<td>State Transportation Commission</td>
<td>Senate Appropriations Committee</td>
<td>Excludes the State Transportation Commission from the Transportation Agency. Establishes it as an entity in State government, and requires it to act in an independent oversight role. Requires the Department of Transportation to program capital outlay support resources for each program project. Provides the Commission may approve or reject individual projects. Requires the Department to submit any change in programmed project's cost, scope, or schedule to the Commission for its approval.</td>
</tr>
<tr>
<td>SB 13a</td>
<td>Vidak (R)</td>
<td>Office of the Transportation Inspector General</td>
<td>Senate Appropriations Committee</td>
<td>Creates the Office of the Transportation Inspector General in state government as an independent office that would not be a subdivision of any other government entity, to build capacity for self-correction into the government itself and to ensure that all State agencies expending State transportation funds are operating efficiently, effectively, and in compliance with federal and state laws. Requires the appointment of a related Inspector General. Specifies Office funding sources.</td>
</tr>
<tr>
<td>SB 14a</td>
<td>Cannella (R)</td>
<td>Transportation Projects: Comprehensive Lease Agreements</td>
<td>Senate Transportation and Infrastructure Development Committee</td>
<td>Includes within the definition of regional transportation agency the Santa Clara Valley Transportation Authority, thereby authorizing the authority to enter into public-private partnerships under these provisions.</td>
</tr>
<tr>
<td>Bill</td>
<td>Author</td>
<td>Title</td>
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<td>Summary</td>
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<tr>
<td>SCA 1a</td>
<td>Huff (R)</td>
<td>Motor Vehicles Fees and Taxes: Expenditure Restrictions</td>
<td>Senate Appropriations Committee</td>
<td>Proposes an amendment to the Constitution to prohibit the Legislature from borrowing revenues from fees and taxes imposed by the State on vehicles or their use or operation, and from using those revenues other than as specifically permitted by the Constitution. Prohibits using such revenues for interest on mass transit voter-approved bonds. Relates to the use a motor vehicle fuels tax revenues and vehicle license fee revenues.</td>
</tr>
</tbody>
</table>
Federal Advocacy Update

Attached is the monthly update from SACOG’s federal policy services consultant, Transportation for America.

Attachment

Key Staff:  Erik Johnson, Manager of Policy and Administration, (916) 340-6247
Congressional Appropriations Update

The House and Senate are both on a seven week recess, which concludes after Labor Day. Much of the attention has shifted from Congress to this fall's election, leaving large questions surrounding this year's annual appropriations process.

When Congress returns on September 6 they are expected to take up a continuing resolution (CR) to fund the federal government for at least the first two months of FY2017, which begins on October 1. Congress hasn't agreed to a single annual appropriations bill for FY2017, including the Transportation, Housing and Urban Development (T-HUD) appropriations bill. The House and Senate Appropriations Committees both approved their T-HUD bills in April and May, respectively; however, neither bill was agreed to by the full legislative chamber.

The length of the CR will determine the likelihood that a full-year appropriations bill can be agreed to. Many expect a full-year CR for FY2017 should the September agreement run through early 2017. If the CR runs through December, it is likely that Congressional leadership will weigh the results of the November general election before they decide what to do about a full-year appropriations bill. At this point, the House and Senate T-HUD appropriations staff is not even trying to negotiate a full-year appropriations compromise.

FAA Extension Passes

Prior to departing for recess on July 14, Congress passed and President Obama signed an extension of the Federal Aviation Administration's (FAA) authorization, which was set to expire on July 15. The agreement extends the FAA's authorization through September 30, 2017, and makes changes to secure access and badge credentials for airport employees, requires TSA to assess staffing levels to maintain safety and minimize checkpoint wait times, and creates teams within TSA to conduct proactive visible safety and response efforts on both sides of the security checkpoints at up to 60 airports. The bill also requires the FAA to develop consensus safety standards for drones. The bill did not include House Transportation & Infrastructure Committee Chair Bill Shuster's proposal to spin off oversight of the Air Traffic Control system from the FAA to a quasi-public corporation or to increase airport fees.

USDOT Grant Announcements

In July, U.S. DOT announced the FY2016 Fostering Advancements in Shipping and Transportation for the Long-term Achievement of National Efficiencies (FASTLANE) awards, with the list of awardees
found [here](#). The FASTLANE program is a new program created in the Fixing America's Surface Transportation (FAST) Act to fund critical freight and highway projects across the country. U.S. DOT has also hinted that they may release a notice of funding availability for the second round of FASTLANE grants in the fall. The FASTLANE program is authorized to provide $850 million for freight grants in FY2017.

The U.S. DOT is also rounding out their final review of applications for the $500 million FY2016 TIGER grant awards. The 8th round of applications is as competitive as years past with demand far outstripping available funds. U.S. DOT received nearly 600 applications totaling $9.3 billion in requested funds. The announcement of awards is expected in early August.

Grant announcements are also starting to leak out from congressional offices for the Bus and Bus Facilities Program and Low or No Emission Program for FY2016. This program will provide $211 million for the discretionary Bus and Bus Facilities program and $55 million for the discretionary Low or No Emission program this year. We expect the full announcement of grant recipients this week or next.

**RNC: 2016 Transportation Platform**

At the start of the Republican National Convention, the party released its 2016 campaign platform. With regard to transportation, the platform proposes several changes, including the elimination of funding for mass transit, bike-share programs, rails-to-trails, and sidewalks to direct investments solely to roadway and vehicle infrastructure. It also states that the responsibility for providing more funding for transportation most appropriately belongs to the states.

Additionally, the platform includes support for the privatization of intercity passenger rail, allowing private companies to provide passenger rail service in the Northeast Corridor (NEC) and the ending of Federal support for California's high-speed rail project.

Many of these proposals have come up before and been considered by Congress, though unsuccessfully. House Republicans sought to remove transit from the Highway Trust Fund in 2012, but suburban Republicans and Democrats prevented the measure from reaching the floor. Measures to prevent Amtrak from operating less profitable long-distance routes or remove U.S. DOT's ability to approve roadside development have also lacked the support needed to advance.

**DNC: 2016 Transportation Platform**

Ahead of the Democratic National Convention, the party released its 2016 campaign platform. The platform supports greater investment in American infrastructure and claims the party will provide the resources and programs to ensure that critical infrastructure investments are made in areas with the greatest need. It also supports investments in green and resilient infrastructure to mitigate the effects of and protect communities from climate change impacts. However, there is no discussion about specific changes to programs to support these policy initiatives or how this would be funded.

The platform does propose the creation of an independent, national infrastructure bank that would provide loans for investments in transportation and multi-modal infrastructure projects, as well as energy, water, and broadband. It also supports the continuation of interest tax exemption on municipal bonds and the establishment of a permanent version of Build America Bonds. These proposals have,
like the Republican platform proposals, been proposed for years and have not successfully moved forward, nor are they expected to address the funding shortage in the surface transportation program.

**Electric Vehicle Corridor Announcement**

On July 21, the Obama administration announced a set of both federal and private sector actions to get more electric vehicles (EVs) on the road.

**$4.5 billion in Loan Guarantees**

The U.S. Department of Energy (DOE) Loan Program Office increased eligibility for certain electric vehicle (EV) charging facilities under its Title XVII Renewable Energy and Efficient Energy (REEE) project solicitation. This solicitation can provide up to $4.5 billion in loan guarantees to support commercial-scale deployment of innovative renewable energy and energy efficiency technologies.

**EV Corridor Solicitation**

As mandated by the FAST Act, the Federal Highway Administration (FHWA) began the process to identify zero emission and alternative fuel corridors through a solicitation published in the *July 22 Federal Register*. Any state or local agency may nominate a highway corridor for designation as a national EV charging, hydrogen, propane, or natural gas fueling corridor.

Corridors must be a segment of the National Highway System (NHS) or feeder roads that connect to the system. Corridors will be selected based on the number of alternative fuel facilities, the impact of the corridor on mobility, estimated emissions reductions, and the level of support from state and local officials.

Nominations should be submitted by August 22. However, late submissions may be considered because FHWA does not have a cap on the number of corridors it designates. As required by the FAST Act, FHWA must designate an initial group of national transportation corridors by December 2016.

**EV Hack-a-thon, Research, and Support**

In addition, the federal government announced plans to host an EV hack-a-thon, publish a guide on financing and technical assistance, and called for state, county and municipal governments to partner with the federal government to procure EV fleets at a discounted value. Additional research will also be done on fast charging and reducing vehicle battery technology costs.

Highlighted in the announcement was the strong private sector support; 50 industry members signed on to “*Guiding Principles to Promote Electric Vehicles and Charging Infrastructure*” and 35 new businesses, non-profits, universities, and utilities signed on to the DOE’s Workplace Charging Challenge.

**Summary of July Hearings**

**How the Internet of Things Can Bring U.S. Transportation and Infrastructure into the 21st Century Hearing**

On June 28, the Senate Commerce Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security convened for a hearing on how transportation infrastructure can
benefit from the Internet of Things (IoT), a proposed development of the Internet in which everyday objects, such as cars, have network connectivity so that they can send and receive data. U.S.DOT Assistant Secretary for Transportation Policy, Carlos Monje, provided testimony along with representatives from the Los Angeles DOT, C.H. Robinson, Intel Corporation, and AECOM.

Industry representatives expressed concerns about remaining competitive in the technology and self-driving car industry without federal support and desires for clearer federal rules, a national strategy for autonomous vehicles, better tax breaks, and improved customs services.

Mr. Monje stated that U.S. DOT officials are working to remove barriers and better support technology and innovation in transportation, citing recent efforts by the National Highway Traffic Safety Administration (NHTSA), the Federal Transit Administration's Mobility on Demand Sandbox, and the Federal Highway Administration's Accessible Transportation Technologies Research Initiative.

Intermodal and Interdependent: The FAST Act, the Economy, and Our Transportation System Hearing

On July 12, the Senate Commerce Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security held a hearing on stakeholder perspectives regarding implementation of the recently enacted FAST Act.

The hearing included testimony from Amtrak, Kansas City Southern Railway Company, BASF Corporation, the Arkansas Highway Police, and the Commercial Vehicle Safety Alliance. Testimony from Kansas City Southern Railway Company focused on freight rail issues but provided a nod to the importance of passenger rail in alleviating highway and airport congestion.

Amtrak representative Stephen Gardner, Executive Vice President and Chief of the NEC, praised the FAST Act for separating Amtrak revenues and expenses into the National Network and NEC accounts. Mr. Gardner also stressed the need for consistent, reliable funding through appropriations.

Ranking Member Cory Booker (D-NJ) praised Amtrak for being an asset for commuters and the economy. Senator Richard Blumenthal (D-CT) asked pointed questions about keeping NEC funds committed to the NEC and pushed for commitments from Amtrak to allow for the subcommittee’s oversight of repair and expansion plans of the NEC. He also expressed concerns with FRA’s “NEC’s Future” plan, noting that some plans are “half-baked,” are not focused on immediate needs, and have strong community opposition. Mr. Gardner gently pushed back noting that Amtrak has a process and will work with the communities to improve plans.

Senator Amy Klobuchar (D-MN) questioned Amtrak about derailments and positive train control (PTC) compliance. Senator Steve Daines (R-MT) asked about station investments between Chicago and Montana, stations as assets in general, and the role of feasibility studies in planning Amtrak routes.

NTSB Roundtable: A Dialogue on What’s Next in Rail Tank Car Safety

On July 13 representatives from over 20 organizations participated in a roundtable discussion on freight rail safety held by the National Transportation Safety Board. At this day-long event, participants had a lively discussion on the FAST Act deadlines regarding rail safety and rail car retrofits, including detailed technical information on the rail tank car industry. The FAST Act requires an aggressive
schedule for the replacement or retrofitting of legacy DOT-111 and CPC-1232 tank cars, with the first milestone in the phase-out schedule set for January 1, 2018.

One participant noted that politicians in cities and towns try to stop the movement of hazardous materials, but pointed out that local governments cannot interfere with interstate trade and, further, that railroads do not have a choice about the contents of the freight running on their tracks. Other attendees talked about the importance of communicating to the public about rail safety. It was pointed out that hazardous and flammable materials travel by multiple modes and safety should be looked at across modes, especially considering that rail accounts for only approximately five percent of crude oil transportation.

The day also included a discussion of the steps required for retrofitting rail cars, specifications of tank car leases, and how variations in tank car volumes are affecting shippers. A number of participants noted the need for more guidance and clarity moving forward. To support this, the Pipeline Hazardous Materials Safety Administration (PHMSA) anticipates having the final rule required by the FAST Act on oil spill planning and information sharing for high hazard flammable trains out by the end of summer.

Lagging Behind: The State of High Speed Rail in the U.S. Hearing

Mayor Koos of Normal, IL - T4A Advisory Board Member - testified before the House Oversight and Government Reform Committee on July 14 regarding the value of higher speed rail and the economic benefits that have come to his town from the development of a modern rail station - Uptown Normal Station. He explained how the Federal, state, and local support received for the station (which was completed in 2012) has spurred hundreds of millions in economic development that continues to take place.

The hearing also included testimony from FRA Administrator Sarah Feinberg, President of Rail Roward Thomas Hart Jr., and Baruch Feigenbaum, Assistant Deputy Director of Transportation at the Reason Foundation.
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<tr>
<th>Bill No.</th>
<th>Title</th>
<th>Lead Sponsor(s)</th>
<th>Cosponsors</th>
<th>Summary</th>
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<tr>
<td>H.R. 127</td>
<td>Transportation for Heroes Act of 2015</td>
<td>Rep. Green [D-TX-9]</td>
<td>2 cosponsors; 2 D</td>
<td>Revises urbanized area formula grant recipient requirements to require a recipient to certify that it will ensure a fare of no more than 50% of the peak hour fare will be charged to a U.S. veteran during non-peak hours for transportation using or involving a facility or equipment of a project financed by the grant.</td>
<td>Referred to House T&amp;I</td>
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<td>H.R. 198</td>
<td>MOVE Freight Act of 2015</td>
<td>Rep. Sires, Albio [D-NJ-8]</td>
<td>4 cosponsors; 4 D</td>
<td>Directs USDOT to require (currently, encourage) states to develop state freight plans for immediate and long-range planning activities and investments with respect to freight. Requires states to coordinate with neighboring states to ensure multistate network continuity and connectivity. Directs the Secretary to establish a competitive grant program for capital investment projects that improve the efficiency of the national transportation system to move freight. Limits the federal share of project net capital costs to 80%. Requires a grant recipient to submit to the Secretary: (1) a project management plan and an annual financial plan for a project with a total cost of $500 million or more, or (2) an annual financial plan for a project with a total cost of $100 million or more.</td>
<td>Referred to House T&amp;I</td>
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<tr>
<td>H.R. 199</td>
<td>Bicycle and Pedestrian Infrastructure Improvement Act of 2015</td>
<td>Rep. Sires, Albio [D-NJ-8]</td>
<td>17 cosponsors; 17 D and 0 R</td>
<td>Authorizes the Secretary of Transportation to establish a pilot program to make loans and loan guarantees to eligible entities to carry out bicycle and pedestrian infrastructure projects. Prescribes project eligibility requirements. Requires the Secretary to ensure that at least 25% of funds provided under this Act are used to support projects in low-income communities.</td>
<td>Referred to House T&amp;I</td>
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<tr>
<td>H.R. 200</td>
<td>Commute Less Act of 2015</td>
<td>Rep. Sires, Albio [D-NJ-8]</td>
<td>2 cosponsors; 2 D</td>
<td>Requires metropolitan planning organization (MPO) transportation plans to include, among other things, employer and transportation management organization outreach activities and strategies to help create and expand employer-based commuter programs.</td>
<td>This language was added as an amendment to STRR Act in T&amp;I committee with one change in language from &quot;shall&quot; to &quot;may&quot;. House passed STRR Act on November 5th. This language was kept in and passed as part of the FAST Act.</td>
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<tr>
<td>H.R. 278</td>
<td>TIGER CUBS</td>
<td>Rep. Larsen, Rick [D-WA-2]</td>
<td>1 cosponsor: Rep. DelBene, Suzan K. [D-WA-1]*</td>
<td>This bill provides $500 million in supplemental FY2015 appropriations to the Department of Transportation for national infrastructure investments under a competitive grant program commonly known as the Transportation Investment Generating Economic Recovery (TIGER) program. At least $100 million of the funds must be used for projects located in cities with populations between 10,000 and 50,000.</td>
<td>Referred to House Appropriations and House Budget</td>
</tr>
<tr>
<td>H.R. 301</td>
<td>44 to 69 Act of 2015</td>
<td>Rep. Farenthold, Blake [R-TX-27]</td>
<td>4 cosponsors; 0 R, 4 D</td>
<td>Amends the Intermodal Surface Transportation Efficiency Act of 1991 to include Texas State Highway 44 from United States Route 59 at Freer, Texas, to Texas State Highway 358 as part of the high priority Lower Rio Grande Valley Corridor of the National Highway System in Texas.</td>
<td>Referred to House T&amp;I; Same language included in and passed as part of the FAST Act.</td>
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<tr>
<td>H.R. 309</td>
<td>Gas Tax Replacement Act of 2015</td>
<td>Rep. Huffman, Jared [D-CA-2]</td>
<td>1 cosponsor: [D-CA-13]</td>
<td>Amends the Internal Revenue Code to: (1) repeal the excise taxes on gasoline and diesel fuels; (2) add a carbon dioxide equivalent rate to the tax on crude oil and petroleum products; and (3) impose an new excise tax on the carbon content of methanol, ethanol, and biodiesel produced in the United States and entered into the United States for consumption, use, or warehousing.</td>
<td>Referred to House Energy &amp; Commerce and House Ways &amp; Means</td>
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<td>H.R. 354</td>
<td>To impose a civil penalty against a railroad carrier when a shift change of train employees causes a blockage of vehicular traffic at a grade crossing.</td>
<td>Rep. Duffy, Sean [R-WI-7]</td>
<td>2 cosponsors; 2 R</td>
<td>This bill directs the Secretary of Transportation to assess a civil penalty of $10,000 against a railroad carrier for each complete hour in which a shift change of rail carrier employees causes a blockage of vehicular traffic at a grade crossing.</td>
<td>Referred to House T&amp;I</td>
</tr>
<tr>
<td>H.R. 365</td>
<td>To direct the Secretary of Transportation to conduct a notice and comment rulemaking before implementing certain policies relating to obstruction evaluation aeronautical studies, and for other purposes.</td>
<td>Rep. Cohen, Steve [D-TN-9]</td>
<td>4 cosponsors; 3 R, 1 D</td>
<td>Authorizes the Secretary of Transportation (DOT) to implement the policy set forth in the notice of proposed policy entitled &quot;Proposal To Consider the Impact of One Engine Inoperative Procedures in Obstruction Evaluation Aeronautical Studies&quot; published by the Department of Transportation (DOT) on April 28, 2014, only if the policy is adopted pursuant to notice and comment rulemaking.</td>
<td>Referred to House T&amp;I</td>
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<tr>
<td>H.R. 390</td>
<td>Moving Obstructed Trains In-between Openings Now (MOTION) Act</td>
<td>Rep. F. James Sensenbrenner, Jr. [R-WI-5]</td>
<td>6 cosponsors; 5 R, 1 D</td>
<td>Allows railroad employees to remain or go on duty for a period in excess of the limitations established under hours-of-service requirements to the extent necessary to clear a blockage of vehicular traffic at a grade crossing.</td>
<td>Referred to House T&amp;I</td>
</tr>
<tr>
<td>H.R. 413</td>
<td>Partnership to Build America Act of 2015</td>
<td>Rep. Delaney (D-MD-6)</td>
<td>41 cosponsors; 22 D, 19 R</td>
<td>To establish the American Infrastructure Fund, to provide bond guarantees and make loans to States, local governments, and infrastructure providers for investments in certain infrastructure projects, and to provide equity investments in such projects, and for other purposes.</td>
<td>Referred to House T&amp;I, Ways &amp; Means</td>
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<td>H.R. 625</td>
<td>Infrastructure 2.0 Act</td>
<td>Rep. Delaney (D-MD-6)</td>
<td>24 cosponsors; 9 R, 15 D</td>
<td>Amends the Internal Revenue Code, with respect to the taxation of earnings and profits of a deferred foreign income corporation, to: (1) make such earnings and profit subject to taxation in the last taxable year that ends before the enactment of this Act; (2) reduce the rate of tax on such earnings and profits by allowing an exemption of 75% (equal to a tax of 8.75% of repatriated earnings and profits); and (3) allow such corporations to elect to pay such tax in eight installments. Establishes the American Infrastructure Fund to provide assistance to states, local governments, and other public and private entities for investment in public infrastructure projects. Appropriates tax revenues from this Act to the Highway Trust Fund. Establishes the Highway Trust Fund Solvency Commission to submit recommendations and proposed legislation for achieving long-term solvency of the Highway Trust Fund. Sets forth congressional procedures for the expedited consideration of a bill containing such legislation. Directs the Secretary of Transportation to establish a regional infrastructure accelerator pilot program to assist public entities in developing infrastructure projects.</td>
<td>Referred to House T&amp;I, Ways &amp; Means</td>
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<tr>
<td>H.R. 652</td>
<td>State Transportation and Infrastructure Financing Innovation Act (STIFIA)</td>
<td>Rep. Hanna (R-NY-22)</td>
<td>3 cosponsors; 2 D, 1 R</td>
<td>Revises and reauthorizes the state infrastructure bank program for FY2016-FY2020.</td>
<td>Referred to House T&amp;I</td>
</tr>
<tr>
<td>H.R. 679</td>
<td>Road Usage Charge Pilot Program Act of 2015</td>
<td>Rep. Blumenauer (D-OR-3)</td>
<td>0 cosponsors</td>
<td>Directs the Secretary of the Treasury to establish the Road Usage Charge Pilot Program to make competitive grants to state or local governments, or metropolitan planning, regional transportation planning, or tribal organizations to conduct pilot studies on implementing mileage-based fee systems as a method for funding transportation highway projects.</td>
<td>Referred to House Ways &amp; Means; House T&amp;I; House Commerce</td>
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<tr>
<td>H.R. 680</td>
<td>UPDATE Act</td>
<td>Rep. Blumenauer (D-OR-3)</td>
<td>38 cosponsors; 38 D</td>
<td>Amends the Internal Revenue Code, with respect to the excise tax on motor fuels, to increase the rate of tax on: (1) gasoline other than aviation gasoline to 26.3 cents per gallon in 2016, 30.3 cents per gallon in 2017, and 33.3 cents per gallon after 2017 and before 2028; (2) diesel fuel or kerosene to 32.3 cents per gallon in 2016, 36.3 cents per gallon in 2017, and 39.3 cents per gallon after 2017 and before 2027; and (3) diesel-water fuel emulsion.</td>
<td>Referred to House Ways &amp; Means</td>
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<tr>
<td>H.R. 705</td>
<td>Rail Crossings Safety Improvement Act</td>
<td>Rep. Maloney (D-PA-18)</td>
<td>1 cosponsor; 1 D</td>
<td>This bill reauthorizes appropriations to the Secretary of Transportation for FY2016-FY2019, at levels reduced from those for FY2006-FY2009, for capital grants to states for rail line relocation and improvement projects.</td>
<td>Referred to House T&amp;I</td>
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<tr>
<td>H.R. 749</td>
<td>Passenger Rail Reform and Investment Act of 2015 (PRRIA)</td>
<td>Rep. Shuster (R-PA-9)</td>
<td>12 cosponsors; 6 D, 6 R</td>
<td>See T4 Summary for details</td>
<td>Passed House 316 YEA -101 NAY, Referred to Senate Commerce</td>
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<tr>
<td>H.R. 844</td>
<td>To require a plan approved by the Surface Transportation Board for the long-term storage of rail cars on certain railroad tracks.</td>
<td>Rep. Kline, John (R-MN-2)</td>
<td>0 cosponsors</td>
<td>Requires a rail carrier to have a storage plan, meeting specified requirements and approved by the Surface Transportation Board, for any of its rail cars that it stores for three or more years, and continues to store, on tracks (except rail yard or storage yard tracks) that pass through a commercial- or residential-zoned area that were designed or previously used for through transportation of trains.</td>
<td>Referred to House T&amp;I</td>
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<tr>
<td>H.R. 910</td>
<td>Vehicle-to-Infrastructure Technology Investment Flexibility Act of 2015</td>
<td>Rep. Miller, Candice S. (R-MI-10)</td>
<td>4 cosponsor; 3 D, 1 R</td>
<td>Defines Vehicle to Vehicle communications and makes the installation of V2V communication equipment an eligible funding project under the National Highway Performance Program, the Surface Transportation Program, and the Highway Safety Improvement Program.</td>
<td>Referred to House T&amp;I + Subcommittee on Highways and Transit</td>
</tr>
<tr>
<td>H.R. 935</td>
<td>National Freight Trust Fund Act of 2015</td>
<td>Rep. Hahn (D-CA-44)</td>
<td>18 cosponsors; 16 D, 2 R</td>
<td>Amends the Internal Revenue Code to establish the National Freight Network Trust Fund, from which expenditures shall be made to fund awards under the National Freight Network Grant Program. Appropriates to the Fund amounts equivalent to 5% of the import duties imposed under the Harmonized Tariff Schedule of the United States.</td>
<td>Referred to House T&amp;I, Ways &amp; Means</td>
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<tr>
<td>Bill Number</td>
<td>Title</td>
<td>Sponsor</td>
<td>Cosponsors</td>
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<tr>
<td>H.R. 990</td>
<td>Commuter Parity Act of 2015</td>
<td>Rep. Peter King (R-NY-2)</td>
<td>44 D, 10 R</td>
<td>Amends the Internal Revenue Code to modify the exclusion from gross income, for income tax purposes, of certain transportation benefits provided by an employer to an employee, including cash reimbursements for such benefits, to allow a monthly exclusion amount of: (1) $235 for transportation in a commuter highway vehicle from home to work and any transit pass, (2) $235 for qualified parking, and (3) $35 for qualified bicycle commuting reimbursement. Allows an annual cost-of-living adjustment to such exclusion amounts after 2016.</td>
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<tr>
<td>H.R. 1274</td>
<td>Vision Zero Act of 2015</td>
<td>Rep. Earl Blumenauer (D-OR-3)</td>
<td>31 D, 1 R</td>
<td>Authorizes the Secretary of Transportation to award grants to a city, town, township, borough, county, parish, district, village, or other political subdivision of a state to develop a Vision Zero plan to eliminate transportation-related fatalities and serious injuries in its jurisdiction within 10 years. The total number of grants awarded is limited to 5. At least 25% of funds made available for this Act shall be used to make grants to eligible entities serving a jurisdiction with a population of under 200,000. The federal share of projects costs shall not exceed 80%.</td>
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<tr>
<td>H.R. 1290</td>
<td>Impact of diverting freight in urban areas</td>
<td>Rep. Ellison, Keith</td>
<td>0</td>
<td>Directs the Secretary of Transportation to make appropriate arrangements with the Transportation Research Board of the National Academy of Sciences, the National Academy of Engineering, the Institute of Medicine, and the National Research Council to study the cost and impact of rerouting freight rail traffic of hazardous material to avoid its transportation through urban areas.</td>
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<tr>
<td>H.R. 1308</td>
<td>Economy in Motion: The National Multimodal and Sustainable Freight Infrastructure Act</td>
<td>Rep. Lowenthal, Alan S. (D-CA-47)</td>
<td>15 D, 2 R</td>
<td>Establish a Multimodal Freight Funding Formula Program to distribute funds to states, and a National Freight Infrastructure Competitive Grant Program to make grants to entities for projects, to improve the efficiency and reliability of freight movement in the United States; establish a multimodal national freight network to accomplish the goals of the national freight policy; develop and improve tools to support an outcome-oriented, performance-based approach to evaluate proposed freight-related and other transportation projects. Amends the Internal Revenue Code to: impose a 1% excise tax upon taxable ground transportation of property (i.e., transportation by freight rail or truck trailer and semitrailer chassis and bodies, suitable for use with a trailer or semitrailer with a gross vehicle weight of 26,000 pounds or more), and deposit such tax revenues into a Freight Trust Fund to finance the Multimodal Freight Funding Formula Program and the National Freight Infrastructure Competitive Grant Program.</td>
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<tr>
<td>H.R. 1330</td>
<td>American-Made Energy and Infrastructure Jobs Act</td>
<td>Rep. Sivers, Steve (R-OH-15)</td>
<td>1 D</td>
<td>Authorizes the Secretary of the Treasury, with the President's approval, to: (1) borrow for highway and transportation project expenditures and for water infrastructure expenditures, and (2) issue interest-bearing infrastructure revenue bonds for the amounts borrowed. Uses funds from increased oil and gas leasing under the Outer Continental Shelf Lands Act to provide source of revenue for bonds. Amends the Internal Revenue Code to appropriate to the Highway Trust Fund 95% of any proceeds from the issuance of such infrastructure revenue bonds.</td>
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<tr>
<td>Bill Number</td>
<td>Bill Title</td>
<td>Sponsor(s)</td>
<td>Cosponsors (R:Democrats; D:Republicans)</td>
<td>Description</td>
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<td>H.R. 1371</td>
<td>Safer Trucks and Buses Act</td>
<td>Rep. Lou Barletta (R-PA-11)</td>
<td>7 cosponsors; 7 D, 0 R</td>
<td>The Department of Transportation (DOT) shall enter into an agreement with the National Academy of Public Administration to study how to improve the Compliance, Safety, Accountability initiative of the Federal Motor Carrier Safety Administration. DOT must ensure that motor carrier safety data predictive of crashes which is generated under this initiative is not made available to the public (except law enforcement personnel) until the study findings and recommendations are reported to Congress. Such data may not be used in a civil action for damages resulting from an incident involving a motor carrier. Referred to the House Committee on Transportation and Infrastructure</td>
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<tr>
<td>H.R. 1393</td>
<td>Innovation in Surface Transportation Act</td>
<td>Rep. Davis, Rodney (R-IL-13)</td>
<td>11 cosponsors; 9 D, 2 R</td>
<td>Requires states to make competitive grants for innovative surface transportation projects to eligible entities, including local governments, metropolitan planning organizations, regional transportation authorities, transit agencies, tribal governments, private providers of public transportation, nonprofit transportation organizations, port authorities, joint power authorities, and local rail authorities. Referred to House T&amp;I</td>
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<tr>
<td>H.R. 1461</td>
<td>DRIVE Act</td>
<td>Rep. Massie, Thomas (R-KY-4)</td>
<td>7 cosponsors; 7 R</td>
<td>Removes the Mass Transit Account from the HTF effective October 2015; Removes the Transportation Alternatives Program (TAP), programs related to complying with the ADA and safe routes to school from the HTF; Removes bike path and pedestrian walkway programs from the HTF; Removes non-federal aid highway bridges (so-called off-system bridges), currently eligible for funding per 23 USC 133g, from the Trust Fund. Referred to House T&amp;I, Ways &amp; Means</td>
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<tr>
<td>H.R. 1483</td>
<td>Highway Trust Fund Reform Act of 2015</td>
<td>Rep. Foxx, Virginia (R-NC-5)</td>
<td>1 cosponsor; 1 R</td>
<td>Repeals Davis Bacon (Davis Bacon requires the federal government to pay local prevailing wages on any federal public works project) Referred to House T&amp;I, Education &amp; Workforce</td>
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<tr>
<td>H.R. 1606</td>
<td>National Intersection and Interchange Safety Construction Program Act of 2015</td>
<td>Rep. Emmer, Tom (R-MN-6)</td>
<td>0 cosponsors</td>
<td>This bill directs the Secretary of Transportation to establish a $250 million national intersection and interchange safety construction grant program. Referred to House T&amp;I</td>
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<tr>
<td>H.R. 1679</td>
<td>Bakken Crude Stabilization Act of 2015</td>
<td>Rep. Garamendi, John (D-CA-3)</td>
<td>0 cosponsors</td>
<td>This bill authorizes Bakken crude oil to be transported by rail only if it has a Reid vapor pressure of not more than 9.5 pounds per square inch (the maximum volatility set by the New York Mercantile Exchange for crude oil futures contracts). Referred to House T&amp;I</td>
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<tr>
<td>H.R. 1692</td>
<td>Safety, Efficiency, and Accountability in Transportation Projects Through Public Inspection Act of 2015</td>
<td>Rep. Edwards, Donna (D-MD-4)</td>
<td>11 cosponsors; 11 D</td>
<td>Requires public employees to perform construction inspections on all surface transportation projects receiving federal funding. Referred to House T&amp;I</td>
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<tr>
<td>H.R. 1724</td>
<td>Transportation Funds Exemption Act of 2015</td>
<td>Rep. Westerman, Bruce (R-AR-4)</td>
<td>0 cosponsors</td>
<td>Requires PHMSA standards for volatility of gases in crude oil hauled by rail. Immediately ban the use of tank cars shown to be unsafe for shipping crude oil. Those models include DOT-111s and unjacketed CPC-1232s. Require new tank car design standards that include 9/16th inch shells, thermal protection, pressure relief valves and electronically-controlled pneumatic (ECP) brakes. Increase fines on railroads that violate hazardous materials laws and establish new fines for railroads and energy companies that don’t comply with safety laws. Authorize funding for first responder training, equipment and emergency preparedness. Also would authorize funding for increased rail inspections and energy product testing. Require comprehensive oil spill response plans for trains carrying oil, petroleum and other hazardous products. Mandate railroads establish a confidential &quot;close-call&quot; reporting system for employees to anonymously report problems. Require railroads to disclose crude-by-rail movements to State Emergency Response Commissions and Local Emergency Planning Committees along hazmat rail routes. Referred to House T&amp;I</td>
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<td>Bill Number</td>
<td>Bill Title</td>
<td>Sponsor</td>
<td>Cosponsors</td>
<td>Sponsor Party</td>
<td>Summary</td>
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<td>H.R. 1846</td>
<td>The Bridge to Sustainable Infrastructure Act</td>
<td>Rep. Renacci, James (R-OH-16)</td>
<td>33 cosponsors; 25 D, 8 R</td>
<td></td>
<td>Amends the Internal Revenue Code to require an inflation adjustment in calendar years after 2015 to the rates of the excise taxes on petroleum and petroleum products, diesel fuel, alcohol-based fuel, and fuels used in certain buses. There is established in the legislative branch the Bipartisan Task Force for Sustainable Highway Funding. The Task Force shall identify and make recommendations addressing factors that affect the long-term fiscal imbalance of the HTF. The rates of excise taxes on petroleum and diesel fuels are increased to cover an identified three- and five-year shortfall in funding of the HTF in 2017 and each subsequent calendar year through 2024.</td>
</tr>
<tr>
<td>H.R. 1914</td>
<td>No More Tolls for Roads Act of 2015</td>
<td>Rep. Johnson, Sam (R-TX-3)</td>
<td>0 cosponsors</td>
<td></td>
<td>Bans future toll and toll pilot projects on any roads with federal participation</td>
</tr>
<tr>
<td>H.R. 2021</td>
<td>To prohibit the expenditure of Federal funds to Amtrak</td>
<td>Rep. Salmon, Matt (R-AZ-5)</td>
<td>0 cosponsors</td>
<td></td>
<td>Prohibits the expenditure of Federal funds to Amtrak</td>
</tr>
<tr>
<td>H.R. 2071</td>
<td>Safe Streets Act</td>
<td>Rep. Matsui, Doris (D-CA-6)</td>
<td>22 cosponsors; 11 R, 11 D</td>
<td></td>
<td>Ensures the safety of all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, as they travel on and across federally funded streets and highways.</td>
</tr>
<tr>
<td>H.R. 2172</td>
<td>To establish a pilot toll credit market place program, and for other purposes</td>
<td>Rep. Lipinski, Daniel (D-IL-3)</td>
<td>2 cosponsors; 1 R, 1 D</td>
<td></td>
<td>Establishes a pilot toll credit market place program, and for other purposes</td>
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<tr>
<td>H.R. 2332</td>
<td>Nation Building Here at Home Act of 2015</td>
<td>Rep. Higgins, Brian (D-NY-26)</td>
<td>0 cosponsors</td>
<td></td>
<td>Directs the Secretary of Transportation to establish a transformational infrastructure competitive grant program, and for other purposes. Provides $985 billion for highway, bridge, port, public transit, rail, aviation, and water infrastructure projects for FY16-20, with 85% reserved for highway, bridge, transit, and rail, 2% for ports, 4% for aviation, and 9% for water infrastructure</td>
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<tr>
<td>H.R. 2379</td>
<td>To prohibit the transportation of certain volatile crude oil by rail</td>
<td>Rep. Lowey, Nita (D-NY-17)</td>
<td>5 cosponsors; 5 D</td>
<td></td>
<td>Prohibits the transportation of certain volatile crude oil by rail of 8.5 psi or higher until a rule can be finalized</td>
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<tr>
<td>H.R. 2410</td>
<td>Grow America Act</td>
<td>Rep. DeFazio, Peter (D-OR-4)</td>
<td>62 cosponsors; 62 D</td>
<td></td>
<td>Provides a total of $478 billion over six years, a 45 percent increase for highways, bridges, public transportation, highway safety, and rail programs.</td>
</tr>
<tr>
<td>H.R. 2495</td>
<td>TIGER Grants for Job Creation Act</td>
<td>Rep. Waters, Maxine (D-CA-43)</td>
<td>69 cosponsors; 69 D</td>
<td></td>
<td>This bill will provide an emergency supplemental appropriation of $7.5 billion over the next 6 years for the TIGER program. The funding will be exempt from sequestration and will not reduce funds available for other federal programs.</td>
</tr>
<tr>
<td>H.R. 2497</td>
<td>NEPA Reciprocity Act</td>
<td>Rep. Denham, Jeff (R-CA-10)</td>
<td>12 cosponsors; 12 R</td>
<td></td>
<td>Directs the Secretary of Transportation to establish a program to eliminate duplicative environmental reviews and approvals under state and federal law for rail and highway transportation projects. Authorizes a state to use state environmental review and approval laws and procedures, consistent with certain requirements, in lieu of federal environmental laws and regulations.</td>
</tr>
<tr>
<td>H.R. 2563</td>
<td>State and Local Predatory Towing Enforcement Act</td>
<td>Rep. Van Hollen, Chris (D-MD-8)</td>
<td>6 cosponsors; 6 D</td>
<td></td>
<td>Waives federal preemption to allow states to regulate tow truck operations performed without the prior consent or authorization of the owner or operator of the towed motor vehicle.</td>
</tr>
<tr>
<td>H.R. 2577</td>
<td>Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2016</td>
<td>Rep. Diaz-Balart, Mario (R-FL-25)</td>
<td>0 cosponsors</td>
<td></td>
<td>Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016. The Senate used this bill as the vehicle to pass the FY2017 THUD appropriations bill. The content from the FY16 bill passed by the house has been replaced with the Senate’s bill</td>
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Notes:
- FY2017 THUD appropriations bill. The content from the FY16 bill passed by the House has been replaced with the Senate’s bill.
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<tr>
<th>Bill Number</th>
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<th>Sponsor(s)</th>
<th>Cosponsors</th>
<th>Referred To</th>
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<tbody>
<tr>
<td>H.R. 2609</td>
<td>Right-of-Way for American Drivers Act of 2015</td>
<td>Rep. Johnson, Sam (R-TX-3)</td>
<td>7 cosponsors; 7 R</td>
<td>Referred to House T&amp;I</td>
</tr>
<tr>
<td>H.R. 2716</td>
<td>Transportation Empowerment Act</td>
<td>Rep. DeSantis, Ron (R-FL-6)</td>
<td>50 cosponsors; 50 R</td>
<td>Substantially reduce the federal gas tax over time, and shift the burden to the states for making up lost revenues. Would focus any revenues collected to the maintenance of core federal highways, and would require transfer of money in mass transit account to highways. Referred to House T&amp;I; Ways &amp; Means; Budget; Rules</td>
</tr>
<tr>
<td>H.R. 2738</td>
<td>Highways Bettering the Economy and Environment Pollinator Protection Act</td>
<td>Rep. Hastings, Alcee (D-FL-20)</td>
<td>10 cosponsors; 10 D, 2 R</td>
<td>Authorizes as an eligible project cost for the construction of a federal-aid highway the cost of improving habitat and forage for pollinators on rights of way adjacent to highways. Referred to House T&amp;I</td>
</tr>
<tr>
<td>H.R. 2859</td>
<td>Sonoran Corridor Interstate Development Act of 2015</td>
<td>Rep. McNally, Martha (R-AZ-2)</td>
<td>8 cosponsors; 4 D, 4 R</td>
<td>Amends the Intermodal Surface Transportation Efficiency Act of 1991 to designate the Sonoran Corridor connecting Interstate 19 to Interstate 10 south of the Tucson International Airport as a future part of the Interstate System. Referred to House T&amp;I</td>
</tr>
<tr>
<td>H.R. 2886</td>
<td>Future Transportation Research and Innovation for Prosperity Act</td>
<td>Rep. Lipinski, Daniel (D-IL-3)</td>
<td>1 cosponsor; [R-VA-10]</td>
<td>Directs the Secretary of Transportation to establish an Automated and Connected Vehicle Research Initiative. Includes requirements to collect multi-model data. Referred to House Science, Space, and Technology</td>
</tr>
<tr>
<td>H.R. 2904</td>
<td>To amend title 49, United States Code, to clarify the use of a towaway trailer transportation combination, and for other purposes</td>
<td>Rep. Jenkins, Lynn (R-KS-2)</td>
<td>7 cosponsors; 6 R, 1 D</td>
<td>Allows two light or medium duty trailers to be towed at the same time when empty and being delivered to a retailer for sale. Subjects trailers to existing size and weight limit. Referred to House T&amp;I; Same language included in and passed as part of the FAST Act.</td>
</tr>
<tr>
<td>H.R. 2933</td>
<td>At-Grade Crossing Enhancement Act of 2015</td>
<td>Rep. Larsen, Rick (D-WA-2)</td>
<td>3 cosponsors; 3 D</td>
<td>Establishes a local rail facilities and safety program to award grants for freight capacity projects. Authorizes $300M per year for FY16-21. Referred to House T&amp;I</td>
</tr>
<tr>
<td>H.R. 2971</td>
<td>Highway Trust Fund Certainty Act</td>
<td>Rep. Tom Rice (R-SC-7)</td>
<td>0 cosponsors</td>
<td>Amends the Internal Revenue Code, with respect to the excise tax on motor fuels, to increase the rate of tax on by 10.3 cents per gallon, index the gas tax to inflation using CPI, provides a maximum income tax credit of $133 to individuals with an earned income up to $75,000 and $266 for joint filers with a combined earned income up to $150,000. Referred to the House Committee on Ways and Means</td>
</tr>
<tr>
<td>H.R. 3038</td>
<td>Highway and Transportation Funding Act of 2015, Part II</td>
<td>Rep. Ryan, Paul (R-WI-1)</td>
<td>1 cosponsor; 1 R</td>
<td>Extends the Federal-aid highway, highway safety, motor carrier safety, transit, programs funded out of the Highway Trust Fund, until December 18th, 2015. Passed House 312-119; Placed on Senate legislative calendar</td>
</tr>
<tr>
<td>H.R. 3044</td>
<td>ROADS SAFE Act of 2015</td>
<td>Rep. Lowey, Nita M. (D-NY-17)</td>
<td>3 Cosponsors; 3 D</td>
<td>Establishes a research program to accelerate the development of new technology that would prevent drunk drivers from running their car by disabling the ignition. Authorizes $48 million dollars in appropriations over 6 years for the program. Referred to House T&amp;I Committee</td>
</tr>
<tr>
<td>H.R. 3064</td>
<td>Grow America Act</td>
<td>Rep. Van Hollen, Chris (D-MD-8)</td>
<td>12 Cosponsors; 12 D</td>
<td>Prohibits the public disclosure of safety ratings for trucks used by the Federal Motor Carrier Safety Administration under the compliance, safety, and accountability program. Referred to House T&amp;I; Energy and Commerce; Ways and Means; Science, Space, and Technology; Natural Resources; Oversight and Government Reform; Budget; Rules</td>
</tr>
<tr>
<td>H.R. 3093</td>
<td>Correct the Safety Analysis Act</td>
<td>Rep. Gibbs, Bob (R-OH-17)</td>
<td>3 Cosponsors; 3 R</td>
<td>President's six year $478 billion transportation bill. Referred to House T&amp;I</td>
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<tr>
<td>H.R. 3168</td>
<td>Safe Bridges Investment Act of 2015</td>
<td>Rep. Maloney, Sean Patrick (D-NY-18)</td>
<td>1 Cosponsor; 1 R</td>
<td>Allows Federal-aid highway bridges to be eligible for funding from the National Highway Performance Program. Referred to House T&amp;I</td>
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<tr>
<td>H.R. 3181</td>
<td>To amend title 23, United States Code, to permit States to designate certain funds for border infrastructure projects, and for other purposes</td>
<td>Rep. Hurd, Will (R-TX-23)</td>
<td>3 Cosponsors; 2 D, 1 R</td>
<td>Creates a Coordinated Border Infrastructure (CBI) Reserve Fund creating an explicit avenue through which border States can reserve up to 5% of statewide Surface Transportation Funds for qualified border infrastructure purposes. Referred to House T&amp;I</td>
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<tr>
<td>H.R. 3247</td>
<td>FAIR TOW act</td>
<td>Rep. Fleischmann, Chuck (R-TN-3)</td>
<td>3 Cosponsor; 1 D, 2 R</td>
<td>Exempts covered heavy-duty tow and recovery vehicles from certain interstate highway weight limitations. Referred to House T&amp;I</td>
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<tr>
<td>Bill Number</td>
<td>Bill Title</td>
<td>Sponsor(s)</td>
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<td>Summary</td>
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<td>H.R. 3283</td>
<td>Securing America’s Next Generation of Safe Loggers and Truckers Act</td>
<td>Rep. Poliquin, Bruce (R-ME-2)</td>
<td>5 Cosponsors; 4 R, 1 D</td>
<td>Requires the Administrator of the Federal Motor Carrier Safety Administration to establish a test program that allows States and the District of Columbia to enter into interstate compacts with contiguous States to standardize the requirements for operators of commercial motor vehicles in interstate commerce</td>
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<tr>
<td>H.R. 3337</td>
<td>National Infrastructure Development Bank Act of 2015</td>
<td>Rep. DeLauro, Rosa (D-CT-3)</td>
<td>95 Cosponsors; 95 D</td>
<td>Would create and fund a public bank to leverage public and private dollars for meritorious infrastructure projects of national or regional significance. Would supplement other federal infrastructure programs by providing loans, loan guarantees and proceeds from bond issuances for projects, and make payments to help states and localities cover their bond interest payments</td>
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<tr>
<td>H.R. 3344</td>
<td>Metropolitan Planning Enhancement Act</td>
<td>Rep. Frankel, Lois (D-FL-22)</td>
<td>2 Cosponsors; 2 D</td>
<td>Bill requires consolidation of multiple MPO's in the same area, directs more STP funds to high performing MPOs. High performing MPOs are defined as ones that have established performance target metrics for projects</td>
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<tr>
<td>H.R. 3376</td>
<td>To authorize States to carry out bridge construction, maintenance, repair, and replacement projects using previously allocated surface transportation funds that are identified as being excess or inactive, and for other purposes.</td>
<td>Rep. Lowey, Nita (D-NY-17)</td>
<td>0 Cosponsors</td>
<td>Allows States to request that excess or inactive transportation funds from previous transportation reallocations (not including MAP-21) be reallocated to eligible bridge construction, replacement, or repair projects</td>
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<tr>
<td>H.R. 3398</td>
<td>National Multimodal Freight Policy and Investment Act</td>
<td>Rep. Reichert, Dave (R-WA-8)</td>
<td>2 Cosponsors; 1 R, 1 D</td>
<td>Creates multi-modal freight strategy based off of National Freight advisory committee recommendations. Establishes a program to invest in multimodal freight projects with authorization for general appropriations at $2 billion for each of fiscal years 2016 through 2021. Authorizes investments in grade separations. Creates a strong national multimodal freight policy that strategically identifies freight bottlenecks, major trade corridors, and helps prioritize federal investment. Establishes freight planning, permitting, and development.</td>
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<tr>
<td>H.R. 3454</td>
<td>Gas Accessibility and Stabilization Act of 2015</td>
<td>Rep. Walorski, Jackie (R-IN-2)</td>
<td>1 Cosponsor; 1 R</td>
<td>Expands the EPA’s waiver authority to allow retailers to buy and sell any fuel blends on the market during a supply disruption. Currently, the EPA requires different blends of gasoline to be sold in different parts of the country, which can complicate the supply chain and drive up prices when fuel is in short supply.</td>
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<tr>
<td>H.R. 3458</td>
<td>Connected Transportation Research and Innovation Act of 2015</td>
<td>Rep. Johnson, Eddie Bernice (D-TX-30)</td>
<td>12 Cosponsors; 12 D</td>
<td>Authorize research and development activities within USDOT for both Highway Transportation Research and Multimodal Transportation Research. The bill authorizes funds to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account). The title reflects the national effort to increase implementation of intelligent transportation systems, particularly connected vehicle technology, as well as to reflect the need to move towards a more intermodal transportation system that seamlessly connects all modes of transportation, including highways, transit, rail, and ports.</td>
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<tr>
<td>H.R. 3465</td>
<td>Public-Private Partnership Infrastructure Investment Act</td>
<td>Rep. Maloney, Sean Patrick (D-NY-18)</td>
<td>0 Cosponsors</td>
<td>Direct USDOT to establish a Transportation Procurement Office to work with the modal agencies, states, and other grant recipients on implementing design-bid-build, design-build, and P3 procurement best practices, including P3 model contracts. In addition, the Office should issue best practices on standardizing state P3 authorities and practices, including fair and balanced assumptions made in the calculations, consistency on unsolicited bids, non-compete clauses, and other major elements.</td>
</tr>
<tr>
<td>H.R. 3473</td>
<td>Local Farm Vehicle Flexibility Act</td>
<td>Rep. Barletta, Lou (R-PA-11)</td>
<td>15 Cosponsors; 15 R</td>
<td>Clarifies language from MAP-21, to allow states to adopt their own safety standards for agricultural vehicles operating near farms without jeopardizing federal transportation funding. The change is meant meant to allow states to permit farmers to operate vehicles that are technically &quot;uncovered&quot; as they travel from point to point on a farm or to a nearby processing facility, even if they traverse public roads in the process.</td>
</tr>
<tr>
<td>H.R. 3488</td>
<td>Safe, Flexible, and Efficient Trucking Act of 2015</td>
<td>Rep. Ribble, Ried J. (R-WI-8)</td>
<td>27 Cosponsors; 2 D, 25 R</td>
<td>Permit individual states to authorize freight trucks to carry a maximum of 91,000 pounds, up from the current 80,000 thousand. Heavier trucks would be required to have a 6th axle, up from the current 5.</td>
</tr>
<tr>
<td>Bill Number</td>
<td>Title</td>
<td>Sponsor(s)</td>
<td>Cosponsors</td>
<td>Summary</td>
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<tr>
<td>H.R. 3501</td>
<td>Alisa's Law of 2015</td>
<td>Rep. Lowey, Nita M. (D-NY-17)</td>
<td>0 Cosponsors</td>
<td>Directs USDOT to withhold specified graduated percentages of a state's apportionment of certain federal-aid highway funds for FY2017-FY2019 if state has not enacted and is not enforcing a law requiring the installation of an ignition interlock device for a minimum of 180 days on each motor vehicle operated by an individual convicted of driving while intoxicated or driving under the influence.</td>
</tr>
<tr>
<td>H.R. 3506</td>
<td>State and Local Fleet Efficiency Act</td>
<td>Rep. Engel, Elliot L. (D-NY-16)</td>
<td>0 Cosponsors</td>
<td>Recognizes state or local government authority to require fleet owners or operators to acquire only new fleet vehicles that: utilize natural gas a fuel; are flexible fuel vehicles that operate on gasoline E85 and M85; or meet technology or performance-based characteristics that is commercially available.</td>
</tr>
<tr>
<td>H.R. 3509</td>
<td>EV-COMUTE Act</td>
<td>Rep. Lofgren, Zoe (D-C9-19)</td>
<td>1 D, 2 R</td>
<td>Authorizes the head of any federal agency that owns or operates a parking area for use by agency employees to: (1) install, construct, operate, and maintain on a reimbursable basis a battery recharging station in such parking area for the use of privately-owned employee vehicles; and (2) charge a user fee to cover the costs of such station.</td>
</tr>
<tr>
<td>H.R. 3585</td>
<td>To authorize surface transportation research and development programs, and for other purposes.</td>
<td>Rep. Comstock, Barbara (R-VA-10)</td>
<td>7 Cosponsors; 6 R, 1 D</td>
<td>Authorize research and development activities within USDOT for both Highway Transportation Research and Multimodal Transportation Research, with heavy focus on congestion mitigation research.</td>
</tr>
<tr>
<td>H.R. 3592</td>
<td>To establish a pilot program to reduce the number of vehicles owned by certain Federal departments and increase the use of ride-sharing services.</td>
<td>Rep. Schweiert, David (R-AZ-6)</td>
<td>0 Cosponsors</td>
<td>Directs the Departments of Agriculture, Interior and Energy to reduce the size of their light vehicle fleets by 10%, either by selling the vehicles or through “appropriate disposal of such vehicles.” The bill further directs these agencies to encourage their employees to “increase the use by the department of commercial ride-sharing companies” for their transportation needs. Requires annual reports to Congress on the results of the pilot program for each agency.</td>
</tr>
<tr>
<td>H.R. 3651</td>
<td>Positive Train Control Enforcement and Implementation Act of 2015</td>
<td>Rep. Shuster, Bill (R-PA-9)</td>
<td>156 Cosponsors; 100 R, 56 D</td>
<td>Provides PTC extension through December 2018, with the possibility of an additional 2 years extension made on annual basis to individual entities that have made good faith efforts towards PTC implementation.</td>
</tr>
<tr>
<td>H.R. 3665</td>
<td>To authorize appropriations for the university transportation centers program for fiscal years 2016 through 2021, and for other purposes.</td>
<td>Rep. Curbelo, Carlos (R-FL-26)</td>
<td>22 Cosponsors; 4 R, 18 D</td>
<td>Would authorize appropriation of $75.5 million per year for each FY 2016-2021. Funds would come out of the Highway Trust Fund, but not the Mass Transit Account, and would be used for grants to support the university transportation centers program.</td>
</tr>
<tr>
<td>H.R. 3670</td>
<td>21st Century Buy America Act</td>
<td>Rep. Cicilline, David N. (D-RI-1)</td>
<td>0 Cosponsors</td>
<td>Would define the requirement that “substantially all” parts are from the US, to mean that the US manufactured or supplied parts must add up to at least 60% of the cost of the final product. It restricts Buy America exceptions to goods that are either urgently needed for national security or would be at least 50% more expensive if bought in the US. Agencies would be required to notify OMB of granted exceptions and OMB would be required to post this information online. It also authorizes the Department of Defense to establish and carry out a program to make or guarantee loans to certain business entities, up to $500,000 per entity, under the Defense Production Act.</td>
</tr>
<tr>
<td>H.R. 3739</td>
<td>Veteran's Expanded Trucking Opportunities Act</td>
<td>Rep. Woodall, Rob (R-GA-7)</td>
<td>15 Cosponsors; 9 R, 6 D</td>
<td>Would allow qualified physicians to certify that a veteran is able to operate a commercial motor vehicle</td>
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<tr>
<td>Bill Number</td>
<td>Bill Title</td>
<td>Sponsor(s)</td>
<td>Cosponsors</td>
<td>Summary</td>
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<tr>
<td>H.R. 3740</td>
<td>Integrated Transportation and Economic Development Act</td>
<td>Rep. Waters, Maxine (D-CA-43)</td>
<td>16 D</td>
<td>Would add as a national goal the improvement of road conditions in economically distressed urban communities and increased access to jobs, markets, and economic opportunities for people who live in those communities. Accordingly, it would also require the Secretary to establish performance measures for State to assess the conditions, accessibility, and reliability of roads in economically distressed urban communities.</td>
</tr>
<tr>
<td>H.R. 3759</td>
<td>Drunk Driving Repeat Offender Act of 2015</td>
<td>Rep. Engel, Eliot L. (D-NY-16)</td>
<td>0 Cosponsors</td>
<td>Withholds 1% of federal funding starting in 2018 to states that do not have laws requiring people convicted of drunk driving to use ignition interlock devices for at least 180 days. Withheld funds would grow to 5% of a states apportionment by 2020. Any money withheld from a state would remain available to the state for 3 fiscal years, after which the state would forgo access to the withheld funds.</td>
</tr>
<tr>
<td>H.R. 3763</td>
<td>Surface Transportation Reauthorization and Reform Act</td>
<td>Rep. Shuster, Bill R. (PA-9)</td>
<td>3 Cosponsors; 2 D, 1 R</td>
<td>Requires the Secretary to develop an Intelligent Technology Initiative grant program to support large scale installation and deployment of ITS technologies through the use of innovative project development, finance, operations, or delivery methods, such as design-build.</td>
</tr>
<tr>
<td>H.R. 3773</td>
<td>Protect Riders of Metrorail Public Transportation Act of 2015</td>
<td>Rep. Norton, Eleanor Holmes (D-DC-AT Large)</td>
<td>2 Cosponsors; 1 D, 1 R</td>
<td>Requires that within 6 years of enactment, the Secretary establishes performance measures for States and MPOs on connectivity and accessibility of roadways, public transit infrastructure, pedestrian and bikeway infrastructure.</td>
</tr>
<tr>
<td>H.R. 3778</td>
<td>TIMBER Act of 2015</td>
<td>Rep. Duffy, Sean P. (R-WI-7)</td>
<td>1 Cosponsor; 1 R</td>
<td>Requires the USDOT to administer state safety oversight activities for WMATA Metrorail until the District of Columbia, Virginia, and Maryland develop a state safety oversight agency certified by the Secretary.</td>
</tr>
<tr>
<td>H.R. 3787</td>
<td>The Metropolitan Planning Enhancement Act</td>
<td>Rep. DeSaulnier, Mark (D-CA-11)</td>
<td>2 Cosponsors; 1 D, 1 R</td>
<td>Authorizes the USDOT to administer state safety oversight activities for WMATA Metrorail until the District of Columbia, Virginia, and Maryland develop a state safety oversight agency certified by the Secretary.</td>
</tr>
<tr>
<td>H.R. 3788</td>
<td>MOVE Act</td>
<td>Rep. Ellison, Keith (D-MN-5)</td>
<td>4 Cosponsors; 4</td>
<td>Would require that projects listed in long range transportation plans and TIPs are ranked or scored by criteria and these scores are made publicly available; would require an explanation if a lower scoring project supersedes a higher scoring project.</td>
</tr>
<tr>
<td>H.R. 3805</td>
<td>Broadband Conduit Deployment Act of 2015</td>
<td>Rep. Eshoo, Anna G. (D-CA-18)</td>
<td>55 Cosponsors; 20 R, 35 D</td>
<td>Requires the Secretary to give preference to surface transportation projects that achieve cost efficiencies through the use of innovative project development, finance, operations, or delivery methods, such as design-build.</td>
</tr>
<tr>
<td>H.R. 3810</td>
<td>Design-Build Incentive Act of 2015</td>
<td>Rep. Maloney, Sean Patrick (D-NY-18)</td>
<td>0 Cosponsors</td>
<td>Requires the Secretary to give preference to surface transportation projects that achieve cost efficiencies through the use of innovative project development, finance, operations, or delivery methods, such as design-build.</td>
</tr>
<tr>
<td>H.R. 3819</td>
<td>Surface Transportation Extension Act of 2015</td>
<td>Rep. Shuster, Bill R. (PA-9)</td>
<td>2 Cosponsors; 1 R, 1 D</td>
<td>Extends authorization for federal highway and transportation programs through November 20th. Extends PTC deadline for three years, through December 2018, with possible additional 2 years of extension beyond that.</td>
</tr>
<tr>
<td>H.R. 3825</td>
<td>Intelligent Technologies Initiative Act of 2015</td>
<td>Rep. Takano, Mark (D-CA-41)</td>
<td>0 Cosponsors</td>
<td>Requires the Secretary to develop an Intelligent Technology Initiative grant program to support large scale installation and deployment of ITS technologies through the use of innovative project development, finance, operations, or delivery methods, such as design-build.</td>
</tr>
<tr>
<td>H.R. 3863</td>
<td>Disaster Assistance Equity Act of 2015</td>
<td>Rep. Israel, Steve (D-NY-3)</td>
<td>21 Cosponsors; 3 R, 18 D</td>
<td>Expands eligibility under the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include common interest communities, including condominiums and housing cooperatives. This would allow disaster relief funds to be used for improvement of damaged roads, bridges, walkways and other facilities in these communities.</td>
</tr>
<tr>
<td>H.R. 3876</td>
<td>Autonomous Vehicle Privacy Protection Act of 2015</td>
<td>Rep. Meng, Grace (D-NY-6)</td>
<td>0 Cosponsors</td>
<td>Requires the Secretary to develop an Intelligent Technology Initiative grant program to support large scale installation and deployment of ITS technologies through the use of innovative project development, finance, operations, or delivery methods, such as design-build.</td>
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<tr>
<td>Bill Number</td>
<td>Bill Title</td>
<td>Sponsor</td>
<td>Cosponsors</td>
<td>Committee referrals</td>
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<tr>
<td>H.R. 4050</td>
<td>TIFIA 2.0 Act</td>
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<td>0 Cosponsors</td>
<td>Referred to House T&amp;I</td>
</tr>
<tr>
<td>H.R. 4050</td>
<td>Passenger Train Derailment Prevention Act</td>
<td>Rep. Sean Patrick Maloney (D-NY-18)</td>
<td>0 Cosponsors</td>
<td>Referred to House T&amp;I</td>
</tr>
<tr>
<td>H.R. 4014</td>
<td>Distracted Driving Education Act of 2015</td>
<td>Rep. Steve Israel (D-NY-3)</td>
<td>2 Cosponsors; 2 R</td>
<td>Referred to House T&amp;I</td>
</tr>
<tr>
<td>H.R. 4097</td>
<td>To amend MAP-21 to establish a veterans business enterprises program, and for other purposes</td>
<td>Rep. Cummings, Elijah E. (D-MD-7)</td>
<td>40 Cosponsors; 40 D</td>
<td>Referred to House T&amp;I and Small Business</td>
</tr>
<tr>
<td>H.R. 3994</td>
<td>SPY Car Study Act of 2015</td>
<td>Rep. Wilson, Joe (R-SC-2)</td>
<td>1 Cosponsor; 1 D</td>
<td>Referred to House Energy and Commerce</td>
</tr>
<tr>
<td>H.R. 3932</td>
<td>ECONOMICS Act</td>
<td>Rep. Newhouse, Dan (R-WA-4)</td>
<td>14 Cosponsors; 13 R, 1 D</td>
<td>Referred to House T&amp;I; Education and Workforce</td>
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</tbody>
</table>

Increases maximum civil and criminal penalties regarding commercial motor vehicle safety from $2,500 to $5,000. Removes language that disqualifies individuals form operating a commercial motor vehicle for one year, when those individuals commit their first violation with a commercial motor vehicle that results in their driver's license being revoked, canceled, or suspended. Adds language to disqualify individuals from operating a commercial motor vehicle for one year, when those individuals operate a commercial motor vehicle that the driver knew or should have known had a defect that resulted in a fatality.

Allows individuals donating a vehicle to charity, to claim a deduction amount between $500 and $2,500 provided 1) they obtain a valuation from an authorized online valuation service (such as Kelley Blue Book), and 2) the receiving charity verifies the physical condition of the vehicle.

Would designate port facilities in four regions; Would require President to appoint a board of inquiry within 10 days if a slow-down, threat to strike, or actual strike at four or more facilities in a region; if a slow-down, threat to strike or actual strike occurs in which the number of employees actively involved is 6,000 or greater or if the Export Import Vessel value decreases by 20% or more in any one month compared to the previous month for that region. Would require the Bureau of Transportation Statistics to collect additional data regarding port facilities.

Requires National Highway Safety Administration to conduct a study to determine appropriate standards for the regulation of the cybersecurity of motor vehicles manufactured or imported for sale in the United States that should be adopted by the Administration and any other appropriate Federal agencies.

Requires that at least 10% of the funds made available under MAP-21 for federal-aid highways and highway safety construction programs, including highway safety research and development, and for the Federal Public Transportation Act of 2012 be expended through small business concerns owned and controlled by veterans.

Authorizes a state to establish local hiring bid specifications or consider the hiring of local workers in the evaluation of bids and proposals for federal-aid highway projects. Authorizes recipients of federal assistance to also establish local hiring bid specifications or consider local hiring in the evaluation of bids and proposals for public transportation projects.

Requires that a vehicle manufacturer's fleet must be comprised of at least 30% qualified vehicles that do not run on a petroleum or petroleum-based fuel by 2018 and at least 50% of qualified vehicles by 2019. Qualifying vehicles include EVs, biodiesel, natural gas, etc.

Directs USDOT to establish a distracted driving education competitive grant program and authorizes to the program $5million for FY 2017 and $5 million for FY 2018. Eligible applicant entities for the program would include non-profit organizations.

Requires that a vehicle's annual passenger travel shall not exceed 10,000 miles per year (or 15,000 miles in the case of commercial motor vehicles) and that the operator of the commercial motor vehicle for one year, when those individuals commit their first violation with a commercial motor vehicle for one year, when those individuals commit their first violation with a commercial motor vehicle for one year, when those individuals commit their first violation with a commercial motor vehicle for one year, when those individuals commit their first violation with a commercial motor vehicle that the driver knew or should have known had a defect that resulted in a fatality.

Within 90 days of enactment, each railroad carrier providing commuter rail transportation shall submit to USDOT a list of each location on commuter rail tracks where the maximum authorized operating speed is at least 20 miles/hr less than the maximum approach speed. The Secretary would submit list to House T&I and Senate Commerce, Science, and Transportation Committees and would require additional safety precautions at those locations. Segments of track where operations are governed by PTC would be exempt.

Would establish a revolving fund and require that not more than 10% of deposited funds in any FY be used for rural infrastructure projects. Would require USDOT to give priority to projects with sponsors who have previously sponsored a project and have repaid the loan in full.
<table>
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<tr>
<th>Number</th>
<th>Bill Title</th>
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<th>Notes</th>
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<tbody>
<tr>
<td>H.R. 4082</td>
<td>Coordinating Transportation Services for Transportation-Disadvantaged Individuals</td>
<td>Rep. Daniel Webster (R-FL-10)</td>
<td>0 Cosponsors</td>
<td>Establishes a Federal Interagency Transportation Coordinating Council on access and mobility to coordinate transportation services for individuals who require the use of public transportation but have difficulty accessing public transportation due to disability, income level, age or veteran status. Also establishes State Transport Coordinating Commissions to coordinate transportation services for transportation-disadvantaged individuals in the state.</td>
</tr>
<tr>
<td>H.R. 4104</td>
<td>Bike to Work Act of 2015</td>
<td>Rep. Joseph Crowley (D-NY-14)</td>
<td>1 Cosponsor; 1 R</td>
<td>Adds bicycle sharing systems as eligible mass transit systems under the qualified transportation fringe benefit</td>
</tr>
<tr>
<td>H.R. 4106</td>
<td>Vehicle Innovation Act of 2015</td>
<td>Rep. Debbie Dingell (D-MI-12)</td>
<td>2 Cosponsors; 2 D</td>
<td>Creates a program at Department of Energy focused on research and development of vehicle technologies that reduce or eliminate petroleum use and the emissions of the Nation’s passenger and commercial vehicles. Bill would authorize such sums as may be necessary for fiscal years 2016 through 2020.</td>
</tr>
<tr>
<td>H.R. 4162</td>
<td>Clean Energy Victory Bond Act of 2015</td>
<td>Rep. Zoe Lofgren (D-CA-19)</td>
<td>18 Cosponsors; 18 D</td>
<td>Extends various tax credits and includes a provision to allow for plug-in electric vehicle grants in lieu of tax credits. Establishes a $7.5 billion bond program to offset tax extension costs.</td>
</tr>
<tr>
<td>H.R. 4228</td>
<td>Transportation Megaprojects Accountability and Oversight Act of 2015</td>
<td>Rep. Mark DeSaulnier (D-CA-11)</td>
<td>1 Cosponsor; 1 D</td>
<td>For transportation projects costing $2.5 billion or more establishes additional requirements, including the development of a comprehensive risk management plan, establishment of a peer review group that would meet annually and submit annual reports, and online publication of information about the project to increase transparency.</td>
</tr>
<tr>
<td>H.R. 4259</td>
<td>To prohibit the Administrator of the Environmental Protection Agency from establishing, implementing, or enforcing any limit on the aggregate emissions of carbon dioxide from a State or any category or subcategory of sources within a State.</td>
<td>Rep. Sensenbrenner, F. James, Jr. (R-WI-5)</td>
<td>2 Cosponsors; 2 R</td>
<td>Prohibits the EPA Administrator from establishing, implementing, or enforcing any aggregate emissions limit of CO2 from a State or any subcategory of emissions sources within a state.</td>
</tr>
<tr>
<td>H.R. 4283</td>
<td>Consumers REBATE Act</td>
<td>Rep. Jerry McNerney (D-CA-9)</td>
<td>1 Cosponsor; 1 D</td>
<td>Establishes a tax on coal, oil, and natural gas of $15 per ton of carbon dioxide content of the life cycle emissions of the substance, and a carbon equivalency fee for imports. Revenue raised would be distributed to Americans on a quarterly basis</td>
</tr>
<tr>
<td>H.R. 4343</td>
<td>Bikeshare Transit Act of 2016</td>
<td>Rep. Blumauer, Earl (D-OR-3)</td>
<td>1 Cosponsor; 1 R</td>
<td>Expands associated transit improvement eligible projects to include bikeshare projects. Expands capital project eligibility to include the acquisition or replacement of bicycles, related equipment, technology or vehicles, and the construction of bicycle-related facilities to facilitate bikeshare.</td>
</tr>
<tr>
<td>H.R. 4371</td>
<td>Article I Consolidated Appropriations Amendments, 2016</td>
<td>Rep. Buck, Ken (R-CO-4)</td>
<td>25 Cosponsors; 25 R</td>
<td>Amends the Consolidated Appropriations Act of 2016. With regard to Title VII it: Would increase permissible length of semitrailers from 28 feet to 33 feet; Prevents the use of any funds from the Act for carrying out Affirmatively Furthering Fair Housing; Removes language listing the practices of air transportation ticket agents that the DOT regards as unfair and deceptive.</td>
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<tr>
<td>H.R. 4373</td>
<td>End Drunk Driving Act of 2016</td>
<td>Rep. Rice, Kathleen M. (D-NY-4)</td>
<td>0 Cosponsors</td>
<td>Requires the USDOT to issue a final rule within 10 years of enactment, that utilizes technology to prevent the operation of motor vehicles if the driver has a blood alcohol content above the legal limit. Authorizes a total of $176 million in funds for FY 2017-2026 to carry out this section and expedite research and development of such technology. Requires the use of ignition interlock devices to prevent repeat intoxicated driving.</td>
</tr>
<tr>
<td>H.R. 4397</td>
<td>Rail Safety Act</td>
<td>Rep. Kind, Ron (D-WI-3)</td>
<td>1 Cosponsor; Rep. Walz, Timothy J. (D-MN-1)</td>
<td>Requires the Administrator of the Federal Emergency Management Agency within 6 months to establish stores of emergency response equipment in strategic locations along rail lines transporting high volumes of hazardous materials, including crude oil or flammable liquids.</td>
</tr>
<tr>
<td>H.R. 4512</td>
<td>Relief from Sequestration Act of 2016</td>
<td>Rep. Smith, Adam (D-WA-9)</td>
<td>0 Cosponsors</td>
<td>Would repeal sequestration under the Balanced Budget and Emergency Deficit Control Act of 1985</td>
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<tr>
<td>Bill Number</td>
<td>Bill Description</td>
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<td>Cosponsors</td>
<td>Summary</td>
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<tr>
<td>H.R. 4552</td>
<td>Gas Pump Access Act of 2016</td>
<td>Rep. Jolly, David (R-FL-13)</td>
<td>4 Cosponsors: 1 R, 3 D</td>
<td>Requires all self-service gas stations to improve accessibility for individuals with disabilities by (1) including decals at each gas pump that display the telephone number for a gas station at which a pump meeting requirements is located (2) ensuring that the phone number listed is operational and (3) providing assistance to the individual if two or more attendants are on duty.</td>
</tr>
<tr>
<td>H.R. 4626</td>
<td>BRACE Act</td>
<td>Rep. Jenkins, Lynn (R-KS-2)</td>
<td>180 Cosponsors: 113 R, 67 D</td>
<td>Permanently extends the railroad track maintenance credit, which would apply to expenditures paid or incurred in taxable years beginning after December 31, 2016. Also introduced in Senate as S. 2595</td>
</tr>
<tr>
<td>H.R. 4630</td>
<td>CLEANUP Act</td>
<td>Rep. Rush, Bobby L. (D-IL-1)</td>
<td>1 Cosponsor: Rep. Pallone, Frank, Jr (D-NJ-6)</td>
<td>Strengthens penalties for corporate average fuel economy credits obtained through a violation of law by requiring a civil penalty in the case of a violation that is equal to $5 multiplied by the number of such credits. Establishes an Air Quality Restoration Trust Fund within the Department of Treasury to utilize funds received from violations to (a) increase EV infrastructure, (b) retrofit school buses or heavy-duty fleets to reduce air emissions significantly, (c) purchase hybrid or zero emissions school buses or heavy-duty vehicles, (d) purchase electric drive vehicles for municipal fleets, (e) provide public health grants to help track, treat, and reduce the number of air emissions-related illnesses, such as asthma, cardiovascular disease, and lung cancer, or (f) provide projects to improve air quality in low-income communities. Also introduced in Senate as S. 2603</td>
</tr>
<tr>
<td>H.R. 4636</td>
<td>POWERS Act of 2016</td>
<td>Rep. Mullin, Markwayne (R-OK-2)</td>
<td>23 Cosponsors: 23 R</td>
<td>Prohibits a rule from being published within 60 days of the NPRM being published. During those 60 days, if a House or Senate committee that has jurisdiction over the law authorizing the rule submits written data, views or arguments to the agency, the agency must publish a response in the Federal Register within 10 days. This 10 day response requirement will not apply to subsequent submissions by a House or Senate committee, if the subsequent submission addresses different content that the first submission.</td>
</tr>
<tr>
<td>H.R. 4648</td>
<td>To repeal the Advanced Technology Incentive Program</td>
<td>Rep. Kilmer, Derek (D-WA-6)</td>
<td>2 Cosponsors: 2 R</td>
<td>Incentivizes investment in green stormwater infrastructure by requiring at least 20% of the state's water pollution control revolving fund go to projects with a green stormwater infrastructure component. It also requires the Secretary to prioritize public transportation projects, including TIGER projects, that include green stormwater infrastructure.</td>
</tr>
<tr>
<td>H.R. 4769</td>
<td>Rest Act of 2016</td>
<td>Rep. Russell, Steve (R-OK-5)</td>
<td>2 Cosponsors: 2 R</td>
<td>Repeals the Advanced Technology Incentive Program, under which the DOE provides awards or loans for ultra efficient vehicles or light duty vehicles that achieve low emission standards and high fuel economy.</td>
</tr>
<tr>
<td>H.R. 4844</td>
<td>REST Act of 2016</td>
<td>Rep. Cartwright, Matt (D-PA-17)</td>
<td>10 Cosponsors: 10 D</td>
<td>Directs the Department of Transportation to revise federal regulations regarding trucking hours of service of drivers to require that: (1) in the case of specially trained drivers of commercial motor vehicles that are specially constructed to service oil wells, on-duty time shall include waiting time at a natural gas or oil well site; and (2) the requirements relating to rest breaks and maximum driving time for commercial motor vehicles are applied, without exception, to such drivers and to drivers of com, ker, motor, or public service vehicles used exclusively in the transportation of oil field equipment.</td>
</tr>
<tr>
<td>H.R. 5105</td>
<td>WMATA Governance Reform Act</td>
<td>Rep. Delaney, John K. (D-MD-6)</td>
<td>2 Cosponsors: 2 R</td>
<td>Requires WMATA board members to have certified expertise in at least one of the following: transit, management, finances, or safety in order to be approved to serve on the board. Requires signatories that appoint an individual to the board who does not meet the expertise requirement to provide an explanation of the individual's qualifications. Requires the Secretary of Transportation to ensure that the next 3 Federal WMATA board appointments and an absolute majority thereafter meet the expertise qualifications and to the extent practicable, include appointees who reflect the diversity if the communities in the region served by WMATA.</td>
</tr>
<tr>
<td>H.R. 5126</td>
<td>Early Warning Reporting System Improvement Act of 2016</td>
<td>Rep. Cartwright, Matt (D-PA-17)</td>
<td>0 Cosponsors</td>
<td>Tasks DOT with requiring manufacturers to report additional information, to be publicly disclosed, in cases where possible defects of a motor vehicle or motor vehicle equipment caused a fatality. This information would be entered into NHTSA early warning reporting database. Tasks DOT with improving public accessibility to information on NHTSA's public vehicle safety databases; and with giving public notice via the internet of all inspections or investigations conducted by DOT to enforce a motor vehicle safety requirement or order, or that are related to a motor vehicle accident due to a possible defect.</td>
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<tr>
<td>Bill Number</td>
<td>Title</td>
<td>Sponsor(s)</td>
<td>Cosponsors</td>
<td>Text</td>
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<tr>
<td>H.R. 5355</td>
<td>VOLT Act of 2016</td>
<td>Rep. Ashford, Brad (D-NE-2)</td>
<td>2 Cosponsors; 1 D, 1 R</td>
<td>Allows advertisement and awarding of public transportation contracts for construction to include requirements for the employment of veterans residing in or adjacent to the work area if - the estimated project cost exceeds $10 million. There are no requirements to hire individuals who do not have the necessary skills, and the requirements do not compromise the quality of the project, unreasonably delay the project, or unreasonably increase the cost of the project.</td>
</tr>
<tr>
<td>H.R. 5368</td>
<td>Save Our Communities from Risky Trains Act of 2016</td>
<td>Rep. Norton, Eleanor Holmes (D-DC-AI Large)</td>
<td>1 Cosponsor; Rep. Cartwright, Matt (D-PA-17)</td>
<td>Creates a Cybersecurity and Infrastructure Protection Agency within the Department of Homeland Security. This agency would tasked with leading national efforts to protect and enhance the security and resilience of cyber and critical infrastructure - meaning systems and assets, whether physical or virtual, so vital to the US that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters. It would also establish an office of Biometric Identity Management.</td>
</tr>
<tr>
<td>H.R. 5390</td>
<td>Cybersecurity and Infrastructure Protection Agency Act of 2016</td>
<td>Rep McCaul, Michael (R-TX-10)</td>
<td>2 Cosponsors; 1 D, 1 R</td>
<td>Provides FY2017 appropriations to the Department of Transportation, Department of Housing and Urban Development and related agencies. See T4America summary.</td>
</tr>
<tr>
<td>H.R. 5585</td>
<td>Driver Fatigue Prevention Act</td>
<td>Rep. Speier, Jackie (D-CA-14)</td>
<td>6 Cosponsors; 6 D</td>
<td>For government agency employees who receive transit benefits, expands eligibility under the transportation fringe benefit to include the use of mobility technologies that provide alternatives to driving alone. Eligibility would include car-share, bike-share, carpool, vanpool, multimodal fare payment</td>
</tr>
<tr>
<td>H.R. 5647</td>
<td>To amend the Internal Revenue Code of 1986 to treat certain ride-sharing services provided by transportation network companies as excludable transportation fringe benefits, and for other purposes</td>
<td>Rep. Meadows, Mark (R-NC-11)</td>
<td>1 Cosponsor; Re. Connolly, Gerald E (D-VA-11)</td>
<td>Establishes a hazardous liquids rail spill liability account within the oil spill liability trust fund. Requires a fee for the placement of any hazardous flammable liquids into a DOT-111 tank car in the US or entry of such a tank car into the US; fees would start at $175 and increase to $1,400 by December 31, 2018. The bill also authorizes $15 million for high hazard rail shipment preparedness grants, $25 million for track relocation and railroad inspection safety grants, and requires the Secretary of Transportation to conduct a national preparedness survey, a train length study, and conduct surveys to determine the number and types of rail tank cars used to carry Class 3 Hazardous materials. The Secretary of Transportation would also work with the Administrator of the Energy Information Administration to collect data on the volume of energy products transported by rail and their origins and destinations.</td>
</tr>
<tr>
<td>H.R. 5786</td>
<td>To amend title 49, United States Code, to provide for a rail spill preparedness fund, and for other purposes.</td>
<td>Rep. DeFazio, Peter (D-OR-4)</td>
<td>2 Cosponsors; 1 D, 1 R</td>
<td>Text not available.</td>
</tr>
<tr>
<td>H.R. 5831</td>
<td>To require the Secretary of Transportation to establish and implement a fatigue management plan, and for other purposes.</td>
<td>Rep. DeLauro, Rosa (D-CT-3)</td>
<td>1 Cosponsor; Rep. Norton, Eleanor Holmes (D-DC-AI Large)</td>
<td>Text not available.</td>
</tr>
<tr>
<td>H.R. 5913</td>
<td>Diesel Emissions Reduction Act of 2016</td>
<td>Rep. Ellmers, Renee L (R-NC-2)</td>
<td>3 Cosponsors; 2 D, 1 R</td>
<td>Reauthorizes the diesel emissions reduction program through fiscal year 2021.</td>
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<tr>
<td>Bill No.</td>
<td>Title</td>
<td>Lead Sponsor(s)</td>
<td>Cosponsors</td>
<td>Summary</td>
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<tr>
<td>S 188</td>
<td>A bill to ensure that oil transported through the Keystone XL pipeline into the U.S. is used to reduce U.S. dependence on Middle Eastern oil</td>
<td>Markey (D-MA)</td>
<td>0 cosponsor</td>
<td>A bill to ensure that oil transported through the Keystone XL pipeline into the U.S. is used to reduce U.S. dependence on Middle Eastern oil.</td>
</tr>
<tr>
<td>S 206</td>
<td>Local Transportation Infrastructure Act</td>
<td>Ayotte (R-NH)</td>
<td>0 cosponsor</td>
<td>Revises and reauthorizes the state infrastructure bank program for FY2015 and FY2016.</td>
</tr>
<tr>
<td>S 268</td>
<td>Rebuild America Act of 2015</td>
<td>Sanders (I-VT)</td>
<td>1 cosponsor; 1 D</td>
<td>Reduces the non-federal share of the cost of any activity funded by this Act by 50% of what it was before enactment of this Act. Appropriates funds for FY2015-FY2022 to the Highway Trust Fund to improve roads, bridges, and other U.S. transportation infrastructure. Establishes the National Infrastructure Development Bank as a wholly owned government corporation.</td>
</tr>
<tr>
<td>S 443</td>
<td>A bill to prohibit the long-term storage of rail cars on certain railroad tracks unless STB approved rail carrier's rail car storage plan</td>
<td>Klobuchar (D-MN)</td>
<td>0 cosponsor</td>
<td>Requires a rail carrier to have a storage plan, meeting specified requirements and approved by the Surface Transportation Board, for any of its rail cars that it stores for three or more years, and continues to store, on tracks (except rail yard or storage yard tracks) that pass through a commercial- or residential-zoned area that were designed or previously used for through transportation of trains.</td>
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<tr>
<td>S 650</td>
<td>Railroad Safety and Positive Train Control Extension Act</td>
<td>Blunt (R-MO)</td>
<td>12 cosponsors; 11R, 1D</td>
<td>Extends from December 31, 2015, to December 31, 2020, the deadline for submission to the Secretary of Transportation by each Class I railroad carrier and each entity providing regularly scheduled intercity or commuter rail passenger transportation of a plan for implementing a positive train control (PTC) system on certain of its tracks.</td>
</tr>
<tr>
<td>S 705</td>
<td>Transportation Alternatives Program Improvement Act</td>
<td>Cochran (R-MS)</td>
<td>3 cosponsors; 3D</td>
<td>Increases funding for the Transportation Alternatives Program (TAP); increases amount suballocated to regional governments to 66% of the entire program; provides states flexibility to meet federal cost-sharing requirements across the entire program, which results in lower matching requirements for lower-resourced communities offset by higher matches from larger communities within a state. Allows nonprofit organizations and small metropolitan planning organizations to compete for funds.</td>
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<tr>
<td>S 762</td>
<td>Innovation in Surface Transportation Act</td>
<td>Wicker (R-MS)</td>
<td>3 cosponsors; 2 D, 1 R</td>
<td>Requires states to make competitive grants for innovative surface transportation projects to eligible entities, including local governments, metropolitan planning organizations, regional transportation authorities, transit agencies, tribal governments, private providers of public transportation, nonprofit transportation organizations, port authorities, joint power authorities, and local rail authorities.</td>
</tr>
<tr>
<td>S 769</td>
<td>Trains Act</td>
<td>Blunt (R-MO)</td>
<td>3 cosponsors; 2 R, 1D</td>
<td>This bill exempts improvements to, maintenance, rehabilitation, or operation of railroad or rail transit lines (but not stations) that are in use or were historically used for the transportation of goods or passengers from federal policies and requirements for the preservation of public park and recreation lands, wildlife and waterfowl refuges, and historic sites. This permits such activities without the necessity to: (1) demonstrate there is no feasible and prudent alternative to the use of such land, and (2) plan to minimize harm to a historic site.</td>
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<tr>
<td>S 808</td>
<td>The Surface Transportation Board (STB) Reauthorization Act of 2015</td>
<td>Thune (R-SD)</td>
<td>1 cosponsor; 1 D</td>
<td>Removes the Surface Transportation Board from the Department of Transportation (DOT) to establish it as an independent U.S. agency. Increases Board membership from three to five members. Reauthorizes appropriations for FY2016-FY2020 for the Board.</td>
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<tr>
<td>Bill Number</td>
<td>Bill Name</td>
<td>Sponsor</td>
<td>Cosponsors/Parties</td>
<td>Summary</td>
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<td>S 853</td>
<td>Rail Shipper Fairness Act of 2015</td>
<td>Baldwin (D-WI)</td>
<td>1 cosponsor; 1 D</td>
<td>Reforms Surface Transportation Board (STB) and makes changes to the Staggers Act of 1980 to promote rail competition and reduce shipping rates. Specifically, under the bill the STB may: issue emergency service orders covering rail carrier shipments moving under contract only, if they are part of a regional service order; and require reports, service plans, or other documents that cover shipments moving under contract. Rail carriers shall be liable to any person in federal district court for damages or equitable relief as a result of inadequate or deficient service in violation of federal law. Civil monetary penalties for rail carriers increase from $5,000 to $25,000 per violation. Number of Board members on the STB increases from 3 to 5 and the board is required to meet regularly and be subject to open meeting laws. Declares it is U.S. transportation policy to provide for and promote the protection of the shipping public. Provides shippers ability to obtain rates to or from any interchange points of two or more rail carriers.</td>
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<tr>
<td>S 859</td>
<td>Crude-By-Rail Safety Act</td>
<td>Cantwell (D-WI)</td>
<td>8 cosponsors; 7 D, 1 Independent</td>
<td>Requires Pipelines and Hazardous Materials Safety Administration (PHMSA) to develop standards for volatility of gases in crude oil hauled by rail. Immediately bans the use of tank cars shown to be unsafe for shipping crude oil. Those models include DOT-111s and unjacketed CPC-1232s. Requires new tank car design standards that include 9/16th inch shells, thermal protection, pressure relief valves and electronically-controlled pneumatic (ECP) brakes. Increases fines on railroads that violate hazardous materials laws and establish new fines for railroads and energy companies that don’t comply with safety laws.Authorizes funding for first responder training, equipment and emergency preparedness. Also would authorize funding for increased rail inspections and energy product testing. Require comprehensive oil spill response plans for trains carrying oil, petroleum and other hazardous products. Mandate railroads establish a confidential “close-call” reporting system for employees to anonymously report problems. Requires railroads to disclose crude-by-rail movements to State Emergency Response Commissions and Local Emergency Planning Committees along hazmat rail routes.</td>
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<tr>
<td>S 981</td>
<td>Invest in Transportation Act</td>
<td>Paul (R-KY)</td>
<td>5 cosponsors; 4 R, 1 D</td>
<td>To allow a domestic corporation to elect to repatriate its overseas income earned prior to 2015 at an effective tax rate of 6.5%. The corporation must complete the repatriation of such income during a specified five-year period and establish a domestic reinvestment plan under which not less than 25% of such income is used for investment in the United States, including for increased hiring, wages, pension contributions, energy efficiency, environmental and capital improvements, and research and development. No funds may be spent on increases in executive compensation. The bill requires the Department of the Treasury to make an initial estimate of the amount of tax revenue from repatriated income to be received by Treasury prior to October 1, 2019, and another estimate not later than October 1, 2023, and transfer such estimated amounts to the Highway and Mass Transit Accounts of the Highway Trust Fund.</td>
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<tr>
<td>S 1175</td>
<td>Hazardous Materials Rail Transportation Safety Improvement Act of 2015</td>
<td>Wyden (D-OR)</td>
<td>12 cosponsors; 12 D</td>
<td>Speed up the phase-out of older tank cars and encourages companies to replace them with newer, safer cars by charging $175 per shipment fee on older tank cars with widely known safety risks that are used to ship crude oil and other hazardous materials and makes available a tax credit for companies that upgrade the newer cars to the highest required safety standard. Revenue raised from hazardous material car charges would establish a dedicated fund for clean-up costs of oil train accidents, advanced training for first responders, and grant money for states and cities to reroute rail tracks carrying large volumes of hazardous materials away from highly populated areas. The bill also would require USDOT to implement recommendations from the National Transportation Safety Board (NTSB) to give first responders real-time information on rail transportation, update track maintenance standards and study first responder preparedness for rail accidents involving large amounts of flammable liquids.</td>
</tr>
<tr>
<td>S 1186</td>
<td>Move America Act</td>
<td>Wyden (D-OR)</td>
<td>1 cosponsor; 1 R</td>
<td>Establishes two investment tools: Move America Bonds, to expand tax-exempt financing for public-private partnerships, and Move America Credits, to leverage additional private equity investment at a lower cost for states.</td>
</tr>
<tr>
<td>S 1273</td>
<td>Strengthening America’s Bridges Act</td>
<td>Ayotte (R-NH)</td>
<td>0 cosponsors</td>
<td>To establish the Strengthening America’s Bridges Fund, which is funded by the increase in revenue to the Treasury by restricting the refundable portion of the child tax credit through requiring a Social Security number to claim benefits. The purpose of the Strengthening America’s Bridges Fund is to make grants to States for the repair or maintenance of any bridges classified as deficient in the National Bridge Inventory, as authorized under section 144(b) of title 23, United States Code.</td>
</tr>
<tr>
<td>S 1296</td>
<td>Build USA Act</td>
<td>Fischer (R-NE)</td>
<td>0 cosponsors</td>
<td>This bill establishes the American Infrastructure Bank as a wholly owned government corporation. States would have the opportunity to enter into three-year agreements with the AIB. Through these voluntary agreements, states would have the option to remit federal transportation dollars, apply for a transportation project loan through the AIB, or both. Through a state-AIB remittance agreement, states would receive 90 percent of the remitted money for core infrastructure projects, and states would assume authority and oversight for compliance with certain federal regulations and requirements. Voluntary repatriated dollars (over a three-year period) would be used to capitalize the bank and fund AIB infrastructure loans, along with interest revenues and receipts from remittance agreements. Only core infrastructure projects (i.e. highway projects) would be eligible for completion under state-AIB agreements and loans.</td>
</tr>
<tr>
<td>S 1350</td>
<td>Surface Transportation Extension Act of 2015</td>
<td>Carper (D-DE)</td>
<td>1 cosponsor; 1D</td>
<td>To provide a short-term extension of surface transportation program from May 31, 2015 to July 31, 2015</td>
</tr>
<tr>
<td>S 1360</td>
<td>A bill to amend the limitation on liability for passenger rail accidents or incidents</td>
<td>Nelson (D-FL)</td>
<td>4 cosponsors; 4D</td>
<td>Amends the limitation on liability for passenger rail accidents or incidents under section 28103 of title 49, from $200M to $500M and adjusts the liability cap annually to inflation (CPI)</td>
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<tr>
<td>S 1370</td>
<td>Support for Bridges Act</td>
<td>Blunt (R-MO)</td>
<td>1 cosponsor; 1D</td>
<td>Increases apportionment for the Surface Transportation Program (STP) by 14.7% by decreasing the amount apportioned to the National Highway Performance Program (NHPP) by an equal amount.</td>
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<tr>
<td>S 1404</td>
<td>State Transportation Flexibility Act</td>
<td>Portman (R-OH)</td>
<td>3 cosponsors; 3R</td>
<td>Amends federal distracted driving grant requirements to ensure more states that are taking steps to curb distracted driving can qualify to receive funds, such as including distracted driving issues as part of the State’s driver’s license examination, restricting a driver to text through a personal wireless communication device while stopped in traffic, and does not provide for an exception that specifically allows a driver younger than 18 years of age to use a personal wireless communication device while stopped in traffic.</td>
</tr>
<tr>
<td>S 1433</td>
<td>Improving Driver Safety Act of 2015</td>
<td>Klobuchar (D-MN)</td>
<td>3 cosponsors; 2R, 1D</td>
<td>Establishes hiring standards for third-party logistics and shipping companies and requires FMCSA to release within 18 months its Safety Fitness Determination rule</td>
</tr>
<tr>
<td>S 1454</td>
<td>Transportation and Logistics Hiring Reform Act</td>
<td>Fischer (R-NE)</td>
<td>2 cosponsor; 2R</td>
<td>Establishes restrictions that rail carriers may not ship any hazardous material in any non-refurbished DOT-111 or non-jacketed CPC-1232 tank car, requires the formulation of a crude volatility standard within 1 year, restricts speeds for DOT-111 and non-jacketed CPC-1232 tank cars to 40 mph, and require each rail carrier that transports crude to develop oil spill response plans</td>
</tr>
<tr>
<td>S 1462</td>
<td>Eliminating Dangerous Oil Cars and Ensuring Community Safety Act</td>
<td>Schumer (D-NY)</td>
<td>6 cosponsors; 5D, 1 Independent</td>
<td>Requires the USDOT to establish new standards for automobile hoods and bumpers to reduce pedestrian injuries, and to make separated bikeways as eligible projects under HSIP</td>
</tr>
<tr>
<td>S 1467</td>
<td>Pedestrian Safety Act of 2015</td>
<td>Gillibrand (D-NY)</td>
<td>3 cosponsors; 3D</td>
<td>Establishes the American Infrastructure Bank as a wholly owned government corporation. States would have the opportunity to enter into three-year agreements with the AIB. Through these voluntary agreements, states would have the option to remit federal transportation dollars, apply for a transportation project loan through the AIB, or both. Through a state-AIB remittance agreement, states would receive 90 percent of the remitted money for core infrastructure projects, and states would assume authority and oversight for compliance with certain federal regulations and requirements. Voluntary repatriated dollars (over a three-year period) would be used to capitalize the bank and fund AIB infrastructure loans, along with interest revenues and receipts from remittance agreements. Only core infrastructure projects (i.e. highway projects) would be eligible for completion under state-AIB agreements and loans.</td>
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<tr>
<td>S 1499</td>
<td>Vehicle-to-Infrastructure Safety Technology Investment Flexibility Act of 2015</td>
<td>Peters (D-MI)</td>
<td>2 cosponsors; 1 D, 1 R</td>
<td>Defines Vehicle to Vehicle (V2V) communications and makes the installation of V2V communication equipment an eligible funding project under the National Highway Performance Program, the Surface Transportation Program, and the Highway Safety Improvement Program</td>
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<tr>
<td>Bill Number</td>
<td>Description</td>
<td>Sponsor</td>
<td>Cosponsors</td>
<td>Status</td>
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<tr>
<td>S. 1541</td>
<td>Transportation Empowerment Act</td>
<td>Lee (R-UT)</td>
<td>5 cosponsors; 5 R</td>
<td>Phases out highway trust fund and federal support for transportation projects and devolves responsibility to states</td>
</tr>
<tr>
<td>S. 1544</td>
<td>Jurassic Pork Act (A bill to rescind unused earmarks provided for the Department of Transportation)</td>
<td>Flake (R-AZ)</td>
<td>2 cosponsors; 1 D, 1 R</td>
<td>After 10 years of going unused, all unobligated DOT earmark funds are rescinded and shall be transferred to the Highway Trust Fund. The term “unused DOT earmark” means an earmark of funds provided for the Department of Transportation as to which more than 90 percent of the dollar amount of the earmark of funds remains available for obligation at the end of the 9th fiscal year following the fiscal year during which the earmark was made available.</td>
</tr>
<tr>
<td>S. 1589</td>
<td>BRIDGE Act</td>
<td>Warner (D-VA)</td>
<td>11 cosponsors; 5D, 6R</td>
<td>Establishes a new agency that would receive a $10 billion to develop a national infrastructure bank. To qualify, projects in more populated areas would have to cost at least $50 million dollars; projects in rural areas would qualify for funding at $10 million in costs. The new agency could provide up to 49 percent of a project’s funding to encourage private sector investment. The new agency would have a seven-member board of directors and a CEO – all required to demonstrate expertise in financial management and all would be subject to confirmation by the Senate.</td>
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<tr>
<td>S. 1626</td>
<td>Railroad Reform, Enhancement, and Efficiency Act</td>
<td>Wicker (R-MS)</td>
<td>1 cosponsor; 1 D</td>
<td>Authorizes the federal passenger rail program for 4 FY. The bill would sustainably grow funding authorization levels to Amtrak. Creates a Rail Service Capital and Operating grant program, funded at $350 million next year and rising to $900 million in FY2019, to assist regions in planning and deploying new or expanded passenger rail service; Unlocks billions in private capital to develop transit oriented developments that support passenger rail stations, service, and increased ridership potential through the underutilized Railroad Rehabilitation and Improvement Financing (RRIF) program — a $35 billion program that provides direct loans and loan guarantees to finance development of public and private railroad infrastructure. Ensures the Amtrak Board of Directors is representative of the entire nation’s interests by guaranteeing seats for voices representing State-Supported and Long-Distance corridors, as well as the Northeast Corridor.</td>
</tr>
<tr>
<td>S. 1647</td>
<td>DRIVE Act</td>
<td>Inhofe (R-OK)</td>
<td>3 cosponsors; 2 D, 1 R</td>
<td>Authorizes the federal passenger rail program for 4 FY. The bill would sustainably grow funding authorization levels to Amtrak. Creates a Rail Service Capital and Operating grant program, funded at $350 million next year and rising to $900 million in FY2019, to assist regions in planning and deploying new or expanded passenger rail service; Unlocks billions in private capital to develop transit oriented developments that support passenger rail stations, service, and increased ridership potential through the underutilized Railroad Rehabilitation and Improvement Financing (RRIF) program — a $35 billion program that provides direct loans and loan guarantees to finance development of public and private railroad infrastructure. Ensures the Amtrak Board of Directors is representative of the entire nation’s interests by guaranteeing seats for voices representing State-Supported and Long-Distance corridors, as well as the Northeast Corridor.</td>
</tr>
<tr>
<td>S. 1649</td>
<td>Sonoran Corridor Interstate Development Act of 2015</td>
<td>McCain (R-AZ)</td>
<td>1 Cosponsor; 1 R</td>
<td>Amends the Intermodal Surface Transportation Efficiency Act of 1991 to designate the Sonoran Corridor connecting Interstate 19 to Interstate 10 south of the Tucson International Airport, as a future part of the Interstate System</td>
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<tr>
<td>S. 1669</td>
<td>TRUCK Safety Reform Act (Reforms the Federal Motor Carrier Safety Administration)</td>
<td>Fischer (R-NE)</td>
<td>0 Cosponsors</td>
<td>Requires FMCSA to review rules, regulations, guidance and enforcement policies as well as report on the results of such reviews, every five years. FMCSA would have 24 months following each five-year review to amend the current regulations and enforcement policies to ensure that they are consistent and uniform.</td>
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<tr>
<td>S. 1672</td>
<td>Commercial Driver Act</td>
<td>Fischer (R-NE)</td>
<td>1 Cosponsor; 1 D</td>
<td>Requires FMCSA to establish a pilot program standardizing commercial driver license requirements via interstate agreements. Encourages said pilot to include allowing persons between the ages of 16 and 21 to drive commercial vehicles across state lines pending interstate compacts between said states.</td>
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<tr>
<td>S. 1680</td>
<td>National Multimodal Freight Policy and Investment Act</td>
<td>Cantwell (D-WI)</td>
<td>4 Cosponsors; 4 D</td>
<td>Creates multi-modal freight strategy based off of National Freight advisory committee recommendations. Establishes a program to invest in multimodal freight projects, and authorizes $2 billion annually for FY16-21. Creates a strong national multimodal freight policy that strategically identifies freight bottlenecks, major trade corridors, and helps prioritize federal investment. Establishes new office of freight planning, permitting, and development.</td>
</tr>
<tr>
<td>S. 1689</td>
<td>A bill to amend title 23, United States Code, to reduce the funding available for a State if the State issues a license plate that contains an image of a flag of the Confederate States of America, including the Battle Flag of the Confederate States of America</td>
<td>Cantwell (D-WI)</td>
<td>4 Cosponsors</td>
<td>Reduces NHPP and STP funds overall by 5% for any State that issues license plates with the confederate flag image, including the confederate battle flag, on them.</td>
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<td>Bill Number</td>
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<tr>
<td>S. 1692</td>
<td>A bill to amend title 49, United States Code, to clarify the use of a towaway trailer transportation combination</td>
<td>Moran (R-KS)</td>
<td>3 Cosponsors; 2 R, 1 D</td>
<td>Permits drivers transporting light- and medium-duty trailers from manufacturers to retailers to tow two trailers at once as long as the trailers are empty, the combined weight of the towing vehicle and trailers is less than 26,000 pounds and the combined length of the vehicle and trailers is 82 feet or less (Current federal law prohibits the towing of more than one trailer at one time)</td>
</tr>
<tr>
<td>S. 1703</td>
<td>ROADS SAFE Act of 2015</td>
<td>Udall (D-NM)</td>
<td>1 Cosponsor; 1 D</td>
<td>Establishes a research program to accelerate the development of new technology that would prevent drunk drivers from running their car by disabling the ignition. Authorizes $48 million dollars in appropriations over 6 years for the program</td>
</tr>
<tr>
<td>S. 1732</td>
<td>Comprehensive Transportation and Consumer Protection Act of 2015</td>
<td>Thune (R-SD)</td>
<td>2 Cosponsors; 2 R</td>
<td>Original Senate Commerce Committee title of Senate surface transportation authorization (DRIVE Act). See T4A member summary of bill for more information</td>
</tr>
<tr>
<td>S. 1734</td>
<td>Expedite Transit Act of 2015</td>
<td>Kirk (R-IL)</td>
<td>0 Cosponsors</td>
<td>Allows the Secretary under the MAP 21 pilot program for expedited project delivery to waive the requirement that the asset be in a state of good repair as long as the Secretary determines the grant will allow the recipient to make progress toward achieving a state of good repair</td>
</tr>
<tr>
<td>S. 1739</td>
<td>Truck Safety Act</td>
<td>Booker (D-NJ)</td>
<td>0 Cosponsors</td>
<td>Increases the minimum level of insurance trucks must carry from $750,000 to $1.5 million. Insurance minimums have not been raised since the 1980’s. The bill also increases insurance levels to keep pace with inflation, and gives the Secretary of Transportation discretion to raise minimum levels if deemed necessary. Requires a rulemaking for commercial motor vehicles to have crash avoidance systems, such as forward collision warning systems and lane departure warning systems. Requires the Secretary of Transportation to finalize regulations requiring commercial motor vehicles to have speed limiting devices to prevent speeding. Requires the Secretary of Transportation to mandate that employers compensate truck drivers for hours worked. Standard industry practice is for truck drivers to be paid based on miles driven and not hours worked and this bill would change that practice. Requires a study on the effects of excessively long commutes.</td>
</tr>
<tr>
<td>S. 1743</td>
<td>Motor Vehicle Safety Act of 2015</td>
<td>Nelson (D-FL)</td>
<td>2 Cosponsors; 2 D</td>
<td>Comprehensive auto safety reform bill. Among other provisions, the bill would require automakers to install warning lights on vehicle dashboards to notify owners of safety recalls, establish criminal penalties for people who knowingly conceal safety defects, lift the cap on delayed recall fines and would require the DOT Secretary to mandate crash-avoidance technologies on all new cars. The bill also increases triples defect investigation appropriations for NHTSA and requires new hood and bumper design standards to protect pedestrians and cyclists.</td>
</tr>
<tr>
<td>S. 1748</td>
<td>A bill to authorize TIGER discretionary grants</td>
<td>Murray (D-WA)</td>
<td>4 Cosponsors; 3 D, 1 R</td>
<td>Permanently authorize TIGER Program. Doesn't authorize set appropriations amount, so appropriators have complete discretion for annual TIGER spending.</td>
</tr>
<tr>
<td>S. 1776</td>
<td>T IRES Act</td>
<td>Barasso (R-WY)</td>
<td>2 Cosponsors; 2 R</td>
<td>Streamlines the environmental process to start and complete safety projects on Indian Reservations, increases available funding for tribal road programs, and reinstates the tribal facility bridge program</td>
</tr>
<tr>
<td>S. 1792</td>
<td>Commuter Benefits Equity Act of 2015</td>
<td>Schumer (D-NY)</td>
<td>11 Cosponsors; 11 D</td>
<td>Equalizes the exclusion from gross income of parking and transportation fringe benefits at $250 monthly and provides for a common cost-of-living adjustment by basing future increases on 2015 prices.</td>
</tr>
<tr>
<td>S. 1806</td>
<td>SPY Car Act of 2015</td>
<td>Markey (D-MA)</td>
<td>1 Cosponsor; 1 D</td>
<td>Direct the National Highway Traffic Safety Administration (NHTSA) and the Federal Trade Commission (FTC) to establish federal standards to secure cars and protect drivers’ privacy. The bill also establishes a rating system — or “cyber dashboard” — that informs consumers about how well the vehicle protects drivers’ security and privacy beyond those minimum standards</td>
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<tr>
<td>Bill Number</td>
<td>Bill Title</td>
<td>Sponsor</td>
<td>Cosponsors</td>
<td>Description</td>
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<tr>
<td>S. 1813</td>
<td>A bill to establish a bus state of good repair program</td>
<td>Moran</td>
<td>1 Cosponsor; 1 D</td>
<td>Establishes a national goal (Sec. 150 of Title 23) to achieve an interconnected transportation system that connects people to economic opportunities such as jobs, job training, education and other critical services such as health care and child care. To achieve this goal, it would set up a pilot project to allow ten Metropolitan Planning Organizations with populations over 200,000 to identify and implement approaches to improving their residents' ability to connect to opportunities through the transportation network. Provides $70M per year for FY16-19. Makes changes to TAP program. Directs USDOT to develop a performance management data support program and provides 100% federal cost share for these services.</td>
</tr>
<tr>
<td>S. 1908</td>
<td>Transportation, Access, and Opportunity Act of 2015</td>
<td>Merkley</td>
<td>0 Cosponsors</td>
<td>A bill to require the Administrator of the Environmental Protection Agency to establish a program under which the Administrator shall defer the designation of an area as a nonattainment area for purposes of the 8-hour ozone national ambient air quality standard if the area achieves and maintains certain standards under a voluntary early action compact plan.</td>
</tr>
<tr>
<td>S. 2072</td>
<td>A bill to modify a provision relating to adjustments of certain State apportionments for Federal highway programs, and for other purposes.</td>
<td>Cooper</td>
<td>4 Cosponsors; 2 R, 2 D</td>
<td>Starting in 2016 and for each FY thereafter, apportionments from the Highway Trust Fund to States would be based off of the apportionments received by states in 2012 and adjust the state apportionment share.</td>
</tr>
<tr>
<td>S. 2103</td>
<td>An Act Making Appropriations to Improve the Nation's Infrastructure and for Other Purposes, 2016</td>
<td>Donnelly</td>
<td>4 Cosponsors; 2 R, 2 D</td>
<td>A bill to modify a provision relating to adjustments of certain State apportionments for Federal highway programs, and for other purposes.</td>
</tr>
<tr>
<td>S. 2129</td>
<td>Streamlining and Investing in Broadband Infrastructure Act</td>
<td>Klobuchar</td>
<td>5 Cosponsors; 3 R, 2 D</td>
<td>Would mandate the inclusion of broadband conduit—plastic pipes which house fiber-optic communications cable—during the construction of any road receiving federal funding if there is a demonstrated need for broadband in the area.</td>
</tr>
<tr>
<td>S. 2163</td>
<td>21st Century Buy America Act</td>
<td>Murphy</td>
<td>0 Cosponsors</td>
<td>Establishes a competitive grant program to assist with the replacement and repair of buses, including the purchase of buses and related equipment to ensure transit buses are safe. In addition, the grant program would provide states with greater flexibility in how to use the funding for buses. For example, the funding could be used toward the construction of bus-related facilities. The bill takes funding for the program from the Mass Transit Account and authorizes appropriations for fiscal years 2016-2021 ranging from $462 million in 2016, to $1.39 billion in 2021.</td>
</tr>
<tr>
<td>S. 2247</td>
<td>SAFE Bridges Act of 2015</td>
<td>Shaheen</td>
<td>0 Cosponsors</td>
<td>Increase gas and diesel taxes by four cents a year for four years, and subsequently index them to inflation. The legislation would also extend and expand the earned income (EITC) and child (CTC) tax credits. It would make both credits permanent, as well as expand the EITC for childless workers, index the CTC to inflation, and make it easier for working Americans who qualify to claim the EITC.</td>
</tr>
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* Not applicable
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<thead>
<tr>
<th>Bill Number</th>
<th>Bill Title</th>
<th>Sponsor</th>
<th>Cosponsors</th>
<th>Summary</th>
<th>Referred To</th>
</tr>
</thead>
<tbody>
<tr>
<td>S. 2258</td>
<td>Surface Transportation Project Delivery Program Improvement Act</td>
<td>Hatch (R-UT)</td>
<td>0 Cosponsors</td>
<td>Strengthens authority of the State in cases of a written agreement between USDOT and a State, in which the State assumes responsibilities of the Secretary with respect to one or more highway projects. Would expand the timing of audits from the first 2 years of State participation to the first 4 years of State participation and clarifies timeline around the start and end of audits. Requires that the audit team include at least one person designated by the State, who is not an employee of the Secretary or State.</td>
<td>Referred to Environment &amp; Public Works Committee</td>
</tr>
<tr>
<td>S. 2322</td>
<td>Driver Fatigue Prevention Act</td>
<td>Schumer (D-NY)</td>
<td>5 Cosponsors; 5 D</td>
<td>Amends the Fair Labor Standards Act of 1938 to provide that over-the-road bus drivers are covered under the maximum hours requirements.</td>
<td>Referred to Health, Education, Labor, and Pensions</td>
</tr>
<tr>
<td>S. 2391</td>
<td>American Clean Energy Investment Act of 2015</td>
<td>Sanders (I-VT)</td>
<td>2 Cosponsors; 2 D</td>
<td>Establishes a fee on coal, petroleum, any petroleum product, and natural gas. The fee will be charged by per ton of carbon dioxide content (including CO2e of methane) and will be charged at $15/metric ton in 2017 increasing to $73/metric ton by 2035. Revenue from this act would be disbursed through block grants with eligible project uses for public transportation and resiliency planning and infrastructure improvements.</td>
<td>Referred to Senate Finance</td>
</tr>
<tr>
<td>S. 2399</td>
<td>Climate Protection and Justice Act of 2015</td>
<td>Sanders (I-VT)</td>
<td>0 Cosponsors</td>
<td>Provides Federal support to encourage public transportation ridership by college students. Funds could be used to provide discounted fares to students, up to 75% of the fare for both monthly and single-ride fares, or for operating or capital costs associated with providing public transportation services and routes that serve higher education. Authorizes $250,000,000 for each fiscal year 2016-2020 to carry the program out.</td>
<td>Referred to Senate Finance</td>
</tr>
<tr>
<td>S. 2433</td>
<td>UTRIP Act</td>
<td>Schumer (D-NY)</td>
<td>0 Cosponsors</td>
<td>Permanently extends the railroad track maintenance credit, which would apply to expenditures paid or incurred in taxable years beginning after December 31, 2016. Also introduced in House as H.R. 4626</td>
<td>Referred to Banking, Housing, and Urban Affairs</td>
</tr>
<tr>
<td>S. 2595</td>
<td>Building Rail Access for Customers and the Economy Act</td>
<td>Crapo (R-ID)</td>
<td>43 Cosponsors; 19 R, 24 D</td>
<td>Permanently extends the railroad track maintenance credit, which would apply to expenditures paid or incurred in taxable years beginning after December 31, 2016. Also introduced in House as H.R. 4626</td>
<td>Referred to Senate Finance</td>
</tr>
<tr>
<td>S. 2603</td>
<td>CLEANUP Act</td>
<td>Markey (D-MA)</td>
<td>2 Cosponsors; 2 D</td>
<td>Strengthens penalties for corporate average fuel economy credits obtained through a violation of law by requiring a civil penalty in the case of a violation that is equal to $5 multiplied by the number of such credits. Establishes an Air Quality Restoration Trust Fund within the Department of Treasury to utilize funds received from violations to (a) increase EV infrastructure, (b) retrofit school buses or heavy-duty fleets to reduce air emissions significantly, (c) purchase hybrid or zero emissions school buses or heavy-duty vehicles, (d) purchase electric drive vehicles for municipal fleets, (e) provide public health grants to help track, treat, and reduce the number of air emissions-related illnesses, such as asthma, cardiovascular disease, and lung cancer, or (f) provide grants for projects to improve air quality in low-income communities. Also introduced in House as H.R. 4630</td>
<td>Referred to Senate Environment and Public Works</td>
</tr>
<tr>
<td>S. 2659</td>
<td>RPM Act of 2016</td>
<td>Burr (R-NC)</td>
<td>22 Cosponsors; 18 R, 4 D</td>
<td>Exempts motor vehicles used solely for competition from Clean Air Act requirements</td>
<td>Referred to Senate Environment and Public Works</td>
</tr>
<tr>
<td>S. 2844</td>
<td>Transportation, Housing and Urban Development, and Related Agencies Appropriations Act 2017</td>
<td>Collins (R-ME)</td>
<td>0 Cosponsors</td>
<td>Provides grants to at least 6 clean technology consortia within 10 years to promote domestic development, manufacture, and deployment of clean technologies, including technologies that increase energy efficiency for transportation, such as electric vehicles, among other technologies. Grants would be at least $30,000 per year and the grant period would be no more than 5 years, with no more than an additional 5 year extension. Clean technology consortia would include one or more institutions of higher education and 3 or more entities with expertise in translational research, clean technology, and cluster development. $100 million would be authorized for this program.</td>
<td>Referred to Senate Commerce, Science, and Transportation</td>
</tr>
<tr>
<td>S. 2963</td>
<td>Consortia-Led Energy and Advanced Manufacturing Networks Act</td>
<td>Markey (D-MA)</td>
<td>0 Cosponsors</td>
<td></td>
<td>Referred to Senate Commerce, Science, and Transportation</td>
</tr>
<tr>
<td>S. 3187</td>
<td>Mandate Oil Spill Investigations and Emergency Rules (MOSIER) Act of 2016</td>
<td>Merkley (D-OR)</td>
<td>1 Cosponsor; Sen. Wyden, Ron (D-OR)</td>
<td>Authorizes $108 million for each of fiscal years 2018 through 2020 for the National Transportation Safety Board, of which $2 million is dedicated for the NTSB to investigate major oil and other hazardous materials derailments. Expands the Secretary of Transportation's emergency order authority to include the ability to respond to incidents and issue moratoriums without regard to section 20103(e) and requires the Secretary to establish a volatility standard for crude oil transported by rail.</td>
<td>Referred to Senate Commerce, Science, and Transportation</td>
</tr>
<tr>
<td>S. 3265</td>
<td>A bill to improve rail passenger safety by prohibiting individuals convicted of driving under the influence from holding a license or certification authorizing them to operate a commuter train.</td>
<td>Menendez (D-NJ)</td>
<td>0 Cosponsors</td>
<td>Text not available.</td>
<td>Referred to Senate Commerce, Science, and Transportation</td>
</tr>
</tbody>
</table>
Update on the Transportation Demand Management Strategic Plan Implementation Work

SACOG staff, external stakeholders, and interested Board members updated the strategic plan for the Transportation Demand Management (TDM) program with the intent of informing future program funding guidelines to implement a program that is performance-based and clear in outcomes. The draft of the Strategic Plan was shared with Board committees during May and June for review and comment. Work is now focused on developing an Implementation Plan.

The following are steps that staff has recently taken and still plan to take to complete the Strategic Plan and accompanying Implementation Plan:

- On July 13, the TDM Task Force met and brainstormed some specific initiatives to help inform two Implementation Plan workshops.

- On July 28, staff convened stakeholders for a first TDM Implementation Plan Workshop. A facilitator led group exercises and discussions focused on prioritizing initiatives and identifying timelines for implementing these initiatives. This stakeholder input will inform the drafting of an implementation plan and budget priorities for the remaining funding that the TDM program has guaranteed for the next two years under the existing Transportation Control Measure, as well as some longer term initiatives.

- On August 26, staff will convene stakeholders for a second TDM Implementation Plan Workshop to gather feedback from stakeholders on the Draft Implementation Plan.

Staff provided the committees with a summary of the initiatives and discussion from stakeholders. Staff received feedback from board members on the strategic direction of these initiatives.

Based on all of this feedback, staff will complete a draft final Implementation Plan and provide an opportunity for stakeholder feedback prior to bringing the final Strategic Plan and Implementation Plan to the committee/board cycle for action. Timing in September or October will depend largely on the amount of changes needed based on stakeholder feedback from the August 26 workshop.

Key Staff: Matt Carpenter, Director of Transportation Services, (916) 340-6276
Sharon Sprowls, Senior Program Specialist, (916) 340-6235
Sabrina Bradbury, Associate Analyst, (916) 340-6211
Rural-Urban Connections Strategy Multiplier Study

Through its Rural-Urban Connections Strategy (RUCS) program SACOG has completed a multiplier study that provides updated economic indicators of the larger ripple effect of the local agricultural sector, highlighting the rural and urban linkages of the regional food system. This project has also led to a further refinement of the data and tools at SACOG that help contextualize shared opportunities across the entire region.

The Food System Multiplier project moves beyond the farm to look at the larger economic impact of the region’s agricultural system. As the project was funded by a USDA Specialty Crop Block Grant, the work delves only into specialty crops (which are fruit, nut, vegetable and nursery products), not the entire agricultural system. However, the work does begin to present a much fuller picture of this component of the agricultural sector in the region, showing how the region’s rural and urban areas are linked economically through the food system. As such, the work also helps respond to committee direction from prior meetings to continue to highlight the application of RUCS across the entire region.

In the August 2016 meeting of the LUNR committee RUCS staff presented the findings of the study. First, staff highlighted the benefit of the work to numerous local efforts such as the Sacramento Convention and Visitors Bureau’s Farm-to-Fork initiative, Valley Vision’s Food System Action Plan, and AgPlus, the federal designation that provides funding priority for food system-related projects (with RUCS identified as the technical support for food system efforts throughout the Central Valley).

Next, the presentation turned to the work of the study itself, which draws on a data and modeling effort unprecedented in understanding specialty crop agriculture in the region. By expanding the food system beyond the farm, this study finds the multiplier effect of the specialty crop cluster to be over 31,000 jobs, $2.4 billion in value add, and $5.8 billion in total output value a year. In addition to the expanded look at the regional food system (which documents the economic connection between rural and urban food system activities), the study provides the means to test future scenarios, strategies and investments through enhancements to the RUCS toolkit. For example, the project’s demonstration scenario models the effect of attracting a peach processing facility to the region, which would add 600 jobs and $150 million in output value. Notably, these 600 additional jobs consist of employment opportunities across the region, be it on the farm, at the processing facility, or in the community in general. The presentation concluded with how the project helps support future SACOG planning and work activities.

Key Staff:  
Kacey Lizon, Planning Manager, (916) 340-6265  
David Shabazian, Rural-Urban Connections Strategy Manager, (916) 340-6231  
Garett Ballard-Rosa, Associate Analyst, (916) 319-5183