

Summary Sheet
Procurement

This Summary Sheet is provided for use by MassDOT Rail & Transit Division potential and current grant recipients. It is meant to be used as a guide to assist grantees with the understanding of federal and state requirements in order to receive funding and is meant only as a summary and not an all-inclusive guidance document. For more information on federal requirements related to procurement, refer to [FTA Circular 4220.1F](#), the Additional Terms & Conditions in your contract, or other documentation provided by MassDOT or the Federal Transit Administration (FTA).

Requirements	
States	<p>Under FTA procurement requirements, a state may use the same procurement policies and procedures that it uses for acquisitions not financed with Federal assistance. At a minimum, the State must comply with the federally mandated requirements on:</p> <ul style="list-style-type: none"> • contract term limitations for revenue vehicle purchases (five years for rolling stock and seven years for rail) • competition • prohibitions against geographic preferences • procurement of architectural engineering (A&E) services • awards to responsible contractors • incorporation of required clauses (including Buy America, suspension and debarment, and Altoona testing) • piggybacking rules
Governmental Sub-recipients of the State	<p>Governmental sub-recipients may use State procurement procedures for their FTA funded contracts. Only those provisions above (as detailed in FTA Circular 4220.1F and the sections of the Common Grant Rule for governmental recipients, 49 CFR Part 18) applicable to the State will apply to procurements by the State's governmental subrecipients.</p>
Private Non-Profit Sub-recipients of the State	<p>Private non-profit sub-recipients must comply with FTA Circular 4220.1F and the Common Grant Rule (for non-governmental recipients), 49 CFR Part 19. In addition to those areas noted above, procurement policies and procedures of private non-profit subrecipients must:</p> <ul style="list-style-type: none"> • Maintain a written code of standards of conduct governing the performance of employees engaged in the award and administration of contracts • Have written procurement policies and procedures • Have written protest procedures to handle and resolve disputes relating to the award of contracts • Have procedures for settlement of contract issues/disputes (procurements >\$100,000) • Analyze each planned acquisition in order to identify and evaluate potential organizational conflicts of interest • Review procurement requests to avoid duplicative or unnecessary purchases • Incorporate a clear and accurate description of the material, product, or services being procured; identify all requirements that offerors must fulfill; and identify evaluation factors in solicitations • Develop an independent cost estimate before receiving bids or proposals • Conduct a contract cost or price analysis for every procurement • Evaluate options at the time of bid award, exercise the options at the agreed upon terms, and determine that the option price is better than current market prices before exercising the options
Summary Sheet Links	<p>Federal Procurement Circular: http://www.fta.dot.gov/legislation_law/12349_8641.html Common Grant Rule for Governmental Recipients: http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr18_main_02.tpl Common Grant Rule for Non-governmental Recipients: http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&tpl=/ecfrbrowse/Title49/49cfr19_main_02.tpl</p>