



NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION

Together We Make The Difference

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RESOLUTION 12-24

A RESOLUTION OF THE NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION UPDATING THE ADOPTED "FTA PROCUREMENT PROCEDURES MANUAL"

Whereas, the Northwestern Indiana Regional Planning Commission (herein called the "Commission") is a designated recipient of Federal Transit Administration (FTA) grants for funding FTA eligible projects; and

Whereas, the Commission conducts procurements for itself and its subrecipients; and

Whereas, FTA Circular 4220.1F provides procurement guidance to federal recipients and subrecipients in complying with the Federal Laws and Regulations that affect FTA funded procurements; and

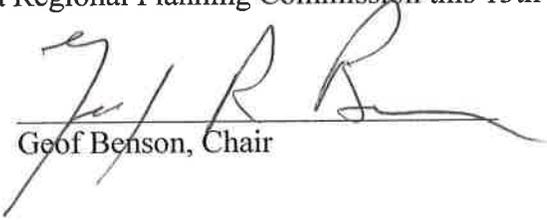
Whereas, the FTA conducted a Procurement System Review of the Commission; and

Whereas, deficiencies were identified within the Commission's "FTA Procurement Procedures Manual" for FTA funded projects; and

Whereas, the Commission has updated its "FTA Procurement Procedures Manual" to address these deficiencies approved on 21st day of June 2012, Resolution 12-15; and

Now, therefore be it resolved by the Northwestern Indiana Regional Planning Commission that its "FTA Procurement Procedures Manual" is hereby amended to include those provisions referenced in Exhibit A as part of the official policy and procedures to be followed by the Commission and its designed subrecipients.

Duly adopted by the Northwestern Indiana Regional Planning Commission this 13th day of December, 2012.


Geoff Benson, Chair

ATTEST:


Blair Milo, Secretary

EXHIBIT A

Prohibition of Geographic Preferences

Specifying in-state or local geographical preferences, or evaluating bids or proposals in light of in-state or local geographic preferences is prohibited when purchasing with FTA Funds.

Exceptions expressly mandated or encouraged by Federal law include the following:

- Architectural Engineering (A&E) Services. Geographic location may be a selection criterion if an appropriate number of qualified firms are eligible to compete for the contract in view of the nature and size of the project.
- Licensing. A state may enforce its licensing requirements, provided that those state requirements do not conflict with Federal law.
- Major Disaster or Emergency Relief. Federal assistance awarded under the Stafford Act, 42 U.S.C. Section 5150, to support contracts and agreements for debris clearance, distribution of supplies, reconstruction, and other major disaster or emergency assistance activities permits a preference, to the extent feasible and practicable, for organizations, firms, and individuals residing or doing business primarily in the area affected by a major disaster or emergency.

Organizational Conflicts of Interest

NIRPC staff will analyze each planned acquisition in order to identify and evaluate potential organizational conflicts of interest as early in the acquisition process as possible, and avoid, neutralize, or mitigate potential conflicts before contract award.

An organizational conflict of interest occurs when any of the following circumstances arise:

- Lack of Impartiality or Impaired Objectivity. When the contractor is unable, or potentially unable, to provide impartial and objective assistance or advice to the recipient due to other activities, relationships, contracts, or circumstances.
- Unequal Access to Information. The contractor has an unfair competitive advantage through obtaining access to nonpublic information during the performance of an earlier contract.
- Biased Ground Rules. During the conduct of an earlier procurement, the contractor has established the ground rules for a future procurement by developing specifications, evaluation factors, or similar documents.

Prohibition of Arbitrary Actions

NIRPC and its Subrecipients agree to follow the policies and procedures outlined in this manual. NIRPC and its Subrecipients will prohibit any arbitrary actions that do not follow FTA guidelines and the policies and procedures within this manual.