



# **A Brief Overview of 5311 Procurement**

Presented by

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# MPD Transit Team

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## Key Takeaways for the day

1. When in doubt, please reach out!
2. Follow the most restrictive requirements between local, State, and Federal!
3. Use all the tools in your toolbox!

# Agenda

1. Procurement Overview
2. Procurement Sample Activity
3. Share Resources
4. FAQ
5. Questions?

# What is procurement?

Eligible procurement activities for 5311 agencies:

- Maintenance contract
- Fuel
- Service contract
- Bus stop improvements
- Cleaning & Janitorial
- Accounting services
- Payroll
- Uniforms

# What is procurement? cont.

FTA Third Party Contracting Guidance is based on:

1. Full and open competition
2. Written ethical standards
3. Clear statement of procurement needs
4. Nonrestrictive specifications
5. Equal treatment of bidders/offerors

In short: Communicate everything, treat everyone equally, and open bidding to all.

# Conflicts of Interest

Two types:

Organizational -

- A contractor or potential contractor has an interest that conflicts with faithful, unbiased service to the agency or with fair competition.

Individual -

- An agent of the system (e.g., employee, board member, advisor) has a private interest that conflicts with faithful, unbiased advice, decisions, or actions for the agency.



# What are the Federal thresholds?

## Federal Thresholds

Micro-purchases	Small Purchases	Above \$250,000
By federal regulation, purchases under \$10,000 must document the decision process. ADOT always recommends getting multiple quotes. Construction projects over \$2,000 must include the federal language and follow Davis Bacon requirements.	Between \$10,000-\$250,000, a minimum of 3 quotes are required; federal language must be attached to all purchase documents.	A formal bid process must be followed with all federal clauses included and followed.



# Thresholds cont.

REMINDER: Follow the most restrictive guidelines between local, State, and Federal procurement guidelines.

Example: You are looking to procure bus cameras for three buses and expecting to spend about \$2,500. While the FTA would not require 3 quotes, if your City requires 3 quotes for purchases over \$2,000 **get 3 quotes**





# Sample Procurement

1. Let's say I am looking to procure a service contract to manage the operations of my transit service.
2. I anticipate that it will cost about \$500,000 over the course of three years.
3. Use the subrecipient standard work:
  - a. Save a copy of the checklist

[Subrecipient Procurement Standard Work](#)

[Subrecipient Procurement Compliance Checklist](#)

# Sample Procurement: Develop Scope for the project

- Identify type of project
  - We're doing a service contract
- Identify funding (FTA) and percentage (58% Federal, 42% local)
- Identify public involvement
- Do we need Tribal consultation?
  - Are we located on Tribal land?
- Tab 6 from Procurement Checklist:

# Sample Procurement: MPD Requirements

0. About this Glossary / Add 1. Before Procuring 2. Subrecipient/Contractor Determination 3. Method Determination 4. Each Procurement 5. Mandatory Terms and Conditions 6. MPD Requirements

## Requirements for SubRecipient Procurement using federal US DOT funds through ADOT MPD (not required for MicroPurchases)

This page identifies elements / items to be added to relevant areas of a procurement's scope of work, submission criteria, contractor responsibility requirements or other areas. The information indicates if it is **Suggested**, **Mandatory**, or if it may be **excluded if irrelevant** to the scope.

- Page 6 from checklist includes mandatory and suggested contract language inclusions:
  - Federally-funded projects
  - Contractor relationship
  - ADOT LPA/DBE system
  - Prompt payment
  - Retainage

# Sample Procurement: Price Analysis

		mandatory, some are suggested.	
2.	Write Evaluation Criteria and Determine if Cost or Price Analysis	<ul style="list-style-type: none"><li>● Cost analysis only required for A/E, Brook's Act eligible procurements. (RFQ contracting method)</li><li>● Price Analysis permitted for all other procurements (RFP contracting method, price must be included in evaluation criteria)</li><li>● Consider what the reviewers need to look for, what are the requirements for a good outcome?</li></ul>	

- Perform price analysis
  - We have typically spent about \$150,000 a year on our operations contract
    - Three years is \$450,000
      - Let's add a 10% estimate to reflect cost increases year over year
        - Arrive at \$500,000 for three year contract
- Very basic overview

# Sample Procurement: Identify Bid Requirements

3.	Establish submission requirements	Must identify anything required to be received in a response to meet the needs of the reviewers to score the evaluation criteria.
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- Define everything needed in a bid
  - For example
    - Demonstrated fulfillment of relevant services
    - How to submit a bid
    - Etc



# Sample Procurement: Complete Procurement Compliance Checklist

4.	Complete the Subrecipient Procurement Compliance Checklist, Tabs 2 - 4	<p>The Subrecipient Procurement Compliance Checklist includes 5 tabs that will result in a full documentation of how the procurement met all the federal requirements.</p> <p>Tab <b><u>1. Before Procuring</u></b> only needs to be used one time for all procurements, unless your processes are modified; then it needs to be updated.</p> <p>Tab <b><u>2. Subrecipient Contractor Determination</u></b> shall be completed for every procurement prior to sending the procurement to ADOT for review.</p> <p>Tab <b><u>3. Method Determination</u></b> will establish if the procurement qualifies as a Micro Purchase, Small Purchase, or Formal Procurement.</p> <p>Tab <b><u>4. Each Procurement</u></b> shall be completed for every procurement except Micro Purchases. The section <b><u>Pre-Distribution/Advertising Compliance Review and Determinations</u></b> shall be completed prior to sending the scope to ADOT for review.</p>
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# Sample Procurement: Working through the Checklist

- Tab 1, Before Procuring, 17 items including:
  - LPA DBE goal setting
  - LPA DBE access
  - Do you have documented procurement procedures?
  - No conflicts of interest?
- Tab 2, Subrecipient Contractor Determination
  - Defines subrecipient and contractor characteristics

*(a) Subrecipients. A subaward is for the purpose of carrying out a portion of a Federal award and creates a Federal assistance relationship with the subrecipient. See §200.1 Subaward and Subrecipient and § 200.331 (a). Characteristics which support the classification of the non-Federal entity as a subrecipient include when the non-Federal entity:*

1. Check all that Apply	Subrecipient Characteristics
	(1) Determines who is eligible to receive what Federal assistance;
	(2) Has its performance measured in relation to whether objectives of a Federal program were met;
	(3) Has responsibility for programmatic decision making;
	(4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and
	(5) In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity.

*(b) Contractors. A contract is for the purpose of obtaining goods and services for the non-Federal entity's own use and creates a procurement relationship with the contractor. See §200.1 Contract and Contractor and §200.331 (b). Characteristics indicative of a procurement relationship between the non-Federal entity and a contractor are when the contractor:*

1. Check all that Apply	Contractor Characteristics
	(1) Provides the goods and services within normal business operations;
	(2) Provides similar goods or services to many different purchasers;
	(3) Normally operates in a competitive environment;
	(4) Provides goods or services that are ancillary to the operation of the Federal program; and
	(5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.
	{For example, an MPO would be mandated to carry out the provisions of 23 U.S.C. 134. A contractor would not be required to carry out those provisions, but instead only be required to meet federal regulations pertinent to its role as a contractor receiving federal funds under that program.}

# Sample Procurement: Tab 3 Procurement Checklist

- Tab 3, Method Determination
  - Determines procurement method
    - In our case, we're doing a formal procurement and a sealed bid
      - Next slide

# Sample Procurement: Tab 3

<b>Formal procurement methods.</b> When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with §200.319 or paragraph (c) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold:			2 CFR 200.320 (b)
		1 Sealed bids. A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. {Preferred for construction if all requirements are met, but this is also available for non-construction.}	2 CFR 200.320 (b) (1)
		Does this procurement meet the requirements for a Sealed Bid?	
<b>To use this method, ALL OPTIONS must be met.</b>	a	Is there a complete, adequate, and realistic specification or purchase description is available?	2 CFR 200.320 (b) (1) (i) (A)
	b	Are two or more responsible bidders willing and able to compete effectively for the business?	2 CFR 200.320 (b) (1) (i) (B)
	c	Does 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?	2 CFR 200.320 (b) (1) (i) (C)
	d	Will Bids be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, and be publicly advertised?	2 CFR 200.320 (b) (1) (ii) (A)
	e	Does the invitation for bids, which includes any specifications and pertinent attachments, define the items or services in order for the bidder to properly respond;	2 CFR 200.320 (b) (1) (ii) (B)
	f	Will all bids be publicly opened at the time and place prescribed in the invitation for bids?	2 CFR 200.320 (b) (1) (ii) (C)
	g	Will a firm fixed price contract award be made in writing to the lowest responsive and responsible bidder?	2 CFR 200.320 (b) (1) (ii) (D)
		Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of.	
	h	Any or all bids may be rejected if there is a sound documented reason.	2 CFR 200.320 (b) (1) (ii) (E)

# Sample Procurement

- Tab 4, Each Procurement
  - List of procurement items that must be completed to move forward



**SUBRECIPIENT PROCUREMENT REQUIREMENTS**  
**Certifications, Determinations, Requirements for Each Procurement**  
*(not required for MicroPurchases)*

*Checklist to make sure your each procurement meets requirements.*  
*If you answer "No" to any item on the checklist, please correct the issue before procuring or awarding, as appropriate to the section.*  
*There are four (4) sections on this page that must be completed for every procurement.*

Yes / No	Pre-Distribution/Advertising Compliance Review and Determinations <i>If you answer "NO", to any of these items, you must correct the item before you may proceed with the procurement.</i>	Citation
	1 Did you follow the Subrecipient Procurement Standard Work from ADOT MPD?	Per Subrecipient Grant Agreement
	a In addition to scoping, evaluation criteria, review and other requirements of the standard work, did you submit the project to AZUTRACS setup and include the information about requiring a bidder's list in your solicitation?	
	b If FHWA funded, did you submit a DBE Goal Assessment Request?	
	c Did you include all the applicable items from <b>Tab 6. MPD Requirements</b> ?	
	2 Did you complete a determination that this acquisition will result in a Procurement rather than SubRecipient contract? {See tab <b><u>Subrecipient Contractor Determination</u></b> and complete the form. File that determination in each procurement record.}	2 CFR §200.331
	3 Will you be distributing the procurement to enough qualified sources to ensure maximum open and free competition?	2 CFR §200.319 (d)
	4 Was it assured that the procurement will not preclude potential bidders from qualifying during the solicitation period?	2 CFR §200.319 (d)

- To list a few

# Sample Procurement Using RTAP Procurement Pro Tool

- Now, let's use the RTAP Procurement Pro tool
  - This will create a bid packet with all Federal requirements based on type of project and cost

**ProcurementPRO 2.0** [Back to Cloud Dashboard](#)

## Projects Dashboard

Please ensure that popups are enabled for this website.  
ProcurementPRO was last updated on 9/30/2024.

**+ New Project** **Active** **Archived** **Download All Federal Clauses**

Search:

Title	Created	Modified	Edit	Archive	Status	Download
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1

Title

Service Contract Example

**Info!** In the Title field you cannot use special characters. All numbers and letters are allowed but no punctuation, dashes or other special characters. **Example :** \$#%,!>-/ ×

2

Description

This is a sample procurement activity

3

Who will be FUNDING this project

☒ Federal Government

4

Procurement Type

☐ Rolling Stock ☐ Materials & Supplies ☐ Professional Services ☐ Architecture ☐ Engineering  
☐ Architecture & Engineering ☒ Operations & Management ☐ Construction

Examples

Help

5

What is the TOTAL cost for this project?

\$ 500000 .00

6

What is the METHOD of procurement you will be using for this project?

☒ Invitation for Bid (IFB) ☐ Request for Proposal (RFP) ☐ Request for Qualification (RFQ) ☐ Sole Source ☐ Piggyback  
☐ Competitive Quotation



# Sample Procurement Using RTAP Procurement Pro Tool

Title	Created	Modified	Edit	Archive	Status	Download
Service Contract Example	04/03/2025				In Progress	 

- Click QuickPRO for the purpose of this sample
  - PDF will be downloaded
    - Click to open
- Remember to add ADOT DBE Goal %!
  - Race neutral goal
- Reference ADOT grant agreement
  - Funding source

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## **Service Contract Example**

**Operations**

**\$ 500,000**

**Invitation**

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# Sample Procurement: Seek ADOT Feedback

5.	Obtain ADOT Approval of Scope / Technical Specifications	Submit scope / technical specifications to ADOT Regional Planner / Program Manager for approval of the scope. ADOT Regional Planner / Program Manager should review the scope/technical specifications to ensure that the item or service specified aligns to the work plan and is eligible for the identified funding. The ADOT Regional Planner / Program Manager review must be completed within 10 business days. A rejection shall include the reason(s). A response must include what needs to be corrected / addressed in the scope / technical specifications.	2 CFR 200.325 (a)  The regional planner / program manager will minimally check for these items: <a href="https://docs.google.com/spreadsheets/d/11rSbc2UyirMbSORTedZPlZiHBbKyJKMIhpQPjmaIsgg/edit?usp=sharing">https://docs.google.com/spreadsheets/d/11rSbc2UyirMbSORTedZPlZiHBbKyJKMIhpQPjmaIsgg/edit?usp=sharing</a>
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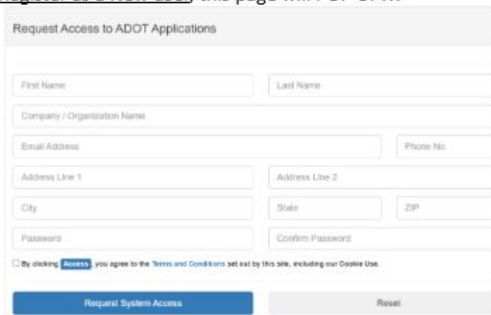

- Send bid packet to your Program Manager
  - They will complete review within 10 business days
    - Back and forth with required edits

# Sample Procurement: Terms and Conditions

6.	<p>Add the Mandatory Terms and Conditions to the solicitation</p> <p><i>Not Applicable to Task Orders / Task Assignments on an Approved OnCall Contract</i></p>	<p>All the terms and conditions required are included on tab <b>5. Mandatory Terms and Conditions</b> in the Subrecipient Procurement Compliance Checklist. <i>If these terms are already in your solicitation, there is no need to duplicate them.</i></p> <p>You shall also COPY and include the Patent terms and conditions with modifications and tailoring to identify the Parties from: <a href="https://www.ecfr.gov/current/title-37/chapter-IV/part-401/section-401.14">https://www.ecfr.gov/current/title-37/chapter-IV/part-401/section-401.14</a>.</p>
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- Procurement Pro would have included all of this language

# Sample Procurement: LPA DBE Setup

<p>7. Request Setup of the DBE Goal Setting System Project</p> <p><b>If this step is not completed, you must cancel the procurement and begin again.</b></p> <p><i>Not Applicable to Task Orders / Task Assignments on an Approved OnCall Contract</i></p>	<p><i>OnCall Contract</i></p> <p>I. Procuring agency must be registered in the LPA DBE System. Each procuring agency <b>MUST</b> register in the DBE Goal Setting System, even for race neutral programs. It is separate from the LPA DBE System. Registration processes are summarized here:  <a href="https://docs.google.com/document/d/1znsz6XpmRbp0xDDq2KTBhDnRxkn5o-oBSU99fr4EP7o/edit?usp=sharing">https://docs.google.com/document/d/1znsz6XpmRbp0xDDq2KTBhDnRxkn5o-oBSU99fr4EP7o/edit?usp=sharing</a></p> <p>A. Go to <a href="#">LPA DBE Goal Requests</a> or <a href="https://azdot.gov/business/business-engagement-and-compliance/lpasubrecipient/lpa-dbe-goal-requests">https://azdot.gov/business/business-engagement-and-compliance/lpasubrecipient/lpa-dbe-goal-requests</a> and select “<b>Register As New User</b>”.</p> <p>B. If you need to complete DBE Goal Assessments (currently FHWA funded projects only), REQUEST MPDContracts to register you via the <a href="#">LPA DBE Goal Access Request Form</a></p> <p>II. Email <a href="mailto:MPDContracts@azdot.gov">MPDContracts@azdot.gov</a> and request a Project Number creation in DBE Goal Setting system if not previously assigned with the Work Program and/or Transit Grant approval. <b>The emailed request must include the project title and must reference the GRT agreement number and the award location / work program element and item, as appropriate.</b></p> <p>A. This is not required for task assignments / task orders on an on-call contract where the Goal Assessment was completed for the on-call</p>	<p>DO NOT INPUT AN EMAIL ADDRESS OR PASSWORD on the first page at the link. When you select <b><u>Register as a New user</u></b>, this page will POP UP...</p>  <p>If you need to create DBE Goals, when you select <a href="#">LPA DBE Goal Access Request Form</a>, you will see this page:</p> 
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- Setup project in LPA DBE (AzUTRACS system)
- For contract reporting and access to more potential bidders

# Sample Procurement: MPD Contracts Review

9.	Request MPD Contracts compliance review	<p>Subrecipients are exempt from pre-procurement reviews if their procurement system complies with procurement standards - which they can request ADOT or the federal agency perform a review of pursuant to 2 CFR 200.325 (c)(1); and also if they self-certify in writing (c)(2).</p> <p><i>If any audit or procurement system review finds your procurement procedures or operation fails to comply with the 2 CFR 200 et seq. procurement standards, you must request advance compliance reviews of each procurement action until such a time as this has been corrected.</i></p> <p>In accordance with 2 CFR 200.325 (b), the subrecipient must request a pre-award compliance review from <a href="mailto:MPDContracts@azdot.gov">MPDContracts@azdot.gov</a> if:</p> <p>(1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;</p> <p>(2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;</p> <p>(3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;</p>	<p>If your document exceeds email limits, call Sally Palmer at 602.712.6732 and request a ShareFile folder to be created so the documents can be uploaded for review.</p>
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- Request MPD Contracts compliance review
  - They will submit feedback within 5 business days

# Sample Procurement: Send Out Bid

10.	Follow your Procurement Process for Distribution, Evaluation, Negotiation, and Award	<p>Refer to the Subrecipient Procurement Compliance Checklist to assure your processes meet federal / MPD requirements.</p> <p>Complete Tab <b>4. Each Procurement</b> Sections:</p> <ul style="list-style-type: none"><li>• <u>Evaluations</u></li><li>• <u>Post Evaluation &amp; Award Determinations Required</u></li><li>• <u>Procurement Record Requirements</u></li></ul>	Make sure the Subrecipient Procurement Compliance Checklist is maintained as part of your procurement record. It will be requested in any MPD audit or compliance review.
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- Let's do our bid!
  - Website
  - LPA DBE



# Sample Procurement Using RTAP Procurement Pro Tool

- Great, we received three bids
  - One, small firm with little experience that is willing to do the project for \$600,000
  - Two, large firm that is willing to do the project for \$550,000
  - Three, medium sized firm with decent experience and is willing to work at \$500,000 for three years
- We decide that option three is able to perform the service for the most reasonable price, and we move forward



# Sample Procurement: Update LPA DBE System

11.	Complete AZUTRACS LPA DBE System Entries, Audits, and Documentation Requirements	<p>I. Enter &amp; Upload the awarded / executed contract(s)</p> <p>II. Pay Primes as required in the contract. {Don't forget - never pay the final invoice to prime until DBE compliance is confirmed, documented.}</p> <p>III. Enter, on a monthly basis, all payments to Primes</p> <p>IV. Perform oversight to assure Prime enters subcontractor payments &amp; that subcontractors confirm Prompt Payment</p> <p>V. Submit final certification documents to BECO for DBE participation</p> <p>VI. Close contract after final payment audit to Prime and final Prime payments to subcontractors are confirmed.</p> <p>Perform all the reporting and monitoring requirements as indicated in your Grant Agreement under the section labeled Disadvantaged Business Enterprise.</p>	<p>For more information about DBE Contract Compliance and Goals, see the website at: <a href="http://azdot.gov/business/business-engagement-and-compliance/dbe-compliance">http://azdot.gov/business/business-engagement-and-compliance/dbe-compliance</a> or contact the BECO office at 602.712.7761.</p> <p>For FTA-funded projects, see additional information at <a href="http://www.azdot.gov/transitguidebooks">www.azdot.gov/transitguidebooks</a>.</p> <p><b>AZUTRACS LPA DBE System:</b> <a href="https://arizonalpa.dbesystem.com">https://arizonalpa.dbesystem.com</a></p> <p><b>Note:</b> "AZUTRACS LPA DBE System" is also referred to as "AZ UTRACS", "ADOT LPA DBE SYSTEM", "B2G NOW", AZ DBE SYSTEM, etc. DOORS is the current acronym for the "DBE &amp; OJT Online Reporting System" used by ADOT staff only.</p>
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- Setup entries, audits, and documentation in the LPA DBE system
  - Reach out for support

# Sample Procurement: Get Reimbursed

12	Request Reimbursement of Contractor Expenses	<p>Follow the requirements of your Grant Agreement to request reimbursement of eligible costs for the project.</p> <p>On the Final reimbursement request for a procured project, attach the final certification documents to the Reimbursement Request either in eGrants or as a required document with the Billing Summary and Reimbursement Form packet. You must also upload those into AZUTRACS LPA DBE System.</p>
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- Seek reimbursement from ADOT!

# Resources

# Resources

1. [ADOT 5311 Guidebook](#)
  - a. Simple outline of procurement requirements
2. [ADOT Subrecipient Procurement Standard Work](#)
3. [ADOT Subrecipient Procurement Checklist](#)
4. [FTA Procurement Website](#)
  - a. Includes:
    - i. Third Party Procurement Circular
    - ii. Best Practices Procurement Manual
    - iii. Third Party Procurement FAQs
5. [Contractor's Manual](#)
  - a. Section 9 covers every compliance item for 5311 procurement in the event of an audit

# Resources Cont.

1. [National RTAP Procurement Pro](#)
  - a. Handy tool to produce all federal requirements
    - i. Remember to add State language!
2. [National Transit Institute Online Training Course](#)
  - a. Four day training course to understand transit procurement best practices
    - i. There is a part 2
3. Your assigned Program Manager!
  - a. Great resource
4. ADOT BECO Office
  - a. LPA DBE AzUTRACS Questions
5. Your Grant Agreement
6. Your Agency's Transit Manager

# Common Procurement Questions

# What's required in my agency's procurement policy?

Your City, Town, or Tribal Government will **need to** have a procurement policy to follow **that complies with FTA requirements** (and upload in your 5311 grant application)

ADOT has a procurement policy template. Contact your PM for a copy. Here is what is covered:

- Code of Ethics and Conflict of Interest Policy
- Agency Responsibilities under Federal Law
- Sources of Acquisitions
- Procedures for Open Market Procurements
- Contract Administration Requirements
- Protest Procedures

# How can I procure vehicles?

ADOT procures vehicles for 5311 agencies

- Submit application to ADOT for replacement or expansion vehicles
  - 5307/5339 app opens every year
- ADOT reviews and awards based off of eligibility and availability of funds
  - Maintaining current service > Expansion of service, depends on funding available



# What about Construction?

Over \$2,000 must follow all Federal Requirements, follow Davis-Bacon wages.

- Davis-Bacon, relevant union wages

## Key Takeaways for the day

1. When in doubt, please reach out!
2. Follow the most restrictive requirements between local, State, and Federal!
3. Use all the tools in your toolbelt!

# Questions?

Contact:

Luke Taylor, ADOT Transit Program Manager

Mary Villarreal-Perry, ADOT Transit Program Manager

[transitgroup@azdot.gov](mailto:transitgroup@azdot.gov)