



**REGIONAL TRANSPORTATION AUTHORITY
OF CENTRAL OKLAHOMA**

PROCUREMENT POLICY

**ADOPTED BY THE
RTA BOARD OF DIRECTORS**

October 16, 2019

Contents

STATEMENT OF POLICY	3
CODE OF ETHICS AND CONFLICT OF INTEREST POLICY	3
GENERAL.....	3
CHANGE, REVIEW AND UPDATES.....	4
VIOLATION.....	4
ADMINISTRATION	4

Regional Transportation Authority of Central Oklahoma Procurement Policy

STATEMENT OF POLICY

It is the policy of RTA to conduct all procurement transactions in a manner providing full and open competition. RTA will avoid the following situations considered to be restrictive of competition:

- (1) Unreasonable requirements placed on firms 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, which 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.

RTA shall conduct procurements in a manner that does **not** give in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. This does not preempt State licensing laws. Geographic location may be a selection criterion in procurements for architectural and engineering (A&E) services if an appropriate number of qualified firms, given the nature and size of the project, are able to compete for the contract.

CODE OF ETHICS AND CONFLICT OF INTEREST POLICY

Procurement activities are to be conducted in an ethical manner in accordance with RTA's Code of Ethics and Conflict of Interest Policy. No employee, officer, agent, immediate family member or Board member shall participate in the selection, award or administration of a contract supported by public funds if a conflict of interest, real or perceived, would be involved.

GENERAL

RTA will abide by applicable federal, state, and local guidelines that govern procurement processes. For contracts and procurements in which federal funds are used, the applicable federal regulations, as may be amended from time to time, will apply. RTA hereby incorporates the following documents into the policy:

- Oklahoma Public Trust Act (60 O.S. Section 176 et seq.)
- RTA Trust Agreement and Indenture (February 20, 2019)
- RTA By-Laws (March 13, 2019)
- FTA Circular 4220.1F, "Third Party Contracting Guidance," can be found at http://www.fta.dot.gov/laws/circulars/leg_reg_8641.html.
- FTA *Best Practices Procurement Manual* http://www.fta.dot.gov/documents/BPPM_fulltext.pdf
- FTA *Master Agreement* <http://www.fta.dot.gov/library/legal/agreements/2001/ma.html>.
- Code of Federal Regulations (CFR) <http://www.access.gpo.gov/nara/cfr/cfr-table-search.html>.
- Federal Acquisition Regulation <http://www.arnet.gov/far/>.
- United States Code <http://www4.law.cornell.edu/uscode/>.

CHANGE, REVIEW AND UPDATES

Any updates to the referenced regulations, statutes or policies will be automatically incorporated. This policy may be reviewed at the end of each fiscal year or when changes in regulations and circumstances require.

VIOLATION

Violation of these procurement policies by any RTA Board Member, RTA employee, or agent of RTA shall subject the individual to disciplinary actions by the management of RTA and/or the Board. Violation or attempt to circumvent these procurement policies by contractors, potential contractors, or their agents shall be considered a breach of RTA's contract, and shall be considered a willful breach if such violation is deemed to be in knowing or careless disregard of these procurement policies, and shall subject the contractors and bids or their agents to disciplinary action up to and including suspension or debarment from contracting with RTA.

It shall be the responsibility of every Board member, employee, agent, and contractor of RTA to familiarize themselves with the provisions of these procurement policies. All inquiries concerning same should be directed to the Executive Director. The Board Chair or Executive Director must be notified of any violation or questionable action immediately.

ADMINISTRATION

The Executive Director will administrator the RTA Procurement Procedures Manual.