Procurement

2025 RTAP, Tribal and rural transit training.
Rapid City, South Dakota
Hotel Alex Johnson

DARREL WILLIAMS, NINILCHIK VILLAGE TRIBE



Darrel is from here.

Procurement is a Process

•The procurement processes for Federally Recognized Tribes is fundamentally the same

Tribes and agencies are supposed to comply with:

 Indian Self Determination and Education Assistance Act

 Based on the rules that manage costs and contracts and is Generally used with all federal funding

Procurement is a Process

Based on financial regulatory requirements 2 CFR part 200 (with additions such as FAR Federal Acquisition Register clauses

OMB Uniform Guidance: Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

DOI - 25 CFR 900 Indian Self-Determination and Education Assistance Act

FTA Circular 4220

All are based on 2 CFR

Changes.....

□ BRIEFINGS & STATEMENTS

The Office of Federal Procurement Policy Launches Landmark Update to FAR, Ushering in a New Era for Commercial Buying

The White House

August 15, 2025

The Office of Federal Procurement Policy Launches Landmark Update to FAR, Usl a New Era for Commercial Buying

Washington, D.C. – Today, the White House Office of Management and Budget's Of Federal Procurement Policy announced the launch of a historic update to the Federa Acquisition Regulation (FAR), marking the most significant reform to federal comme buying procedures *in over four decades*. This action is part of the Revolutionary FAF Overhaul (RFO), which is returning the FAR to its statutory roots, rewritten in plain lar while removing non-statutory rules when they are not essential to sound procureme

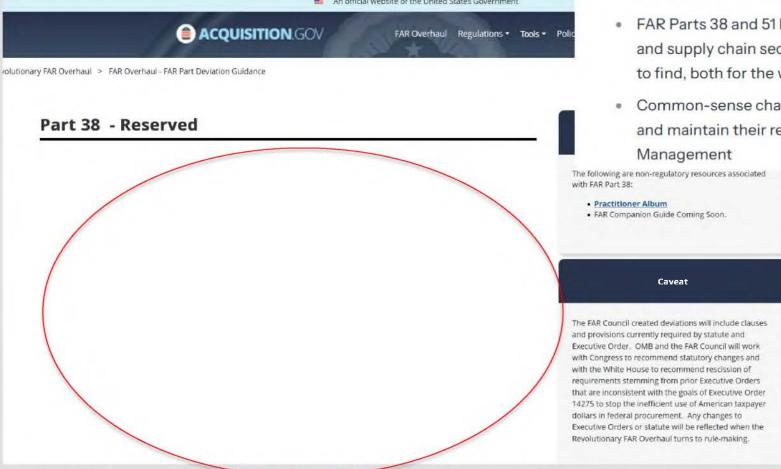
Under today's action, agencies are authorized to immediately begin eliminating one-third of requirements from their future contracts that are not required by statute or executive orders.

Other actions announced by OFPP include:

- The newly issued deviations eliminate outdated requirements—such as paper-based pricing lists and duplicative contract approvals—and consolidate key procedures under a modernized FAR Part 8.
- FAR Parts 38 and 51 have been officially retired and the centralization of information and supply chain security policies into a single FAR part to make requirements easier to find, both for the workforce and contractors.
- Common-sense changes that will make it easier over time for contractors to sign up and maintain their registration with the Federal Government in the System for Award Management

https://www.whitehouse.gov/briefings-statements/2025/08/the-office-of-federal-procurement-policy-launches-landmark-update-to-far-ushering-in-a-new-era-for-commercial-buying/

Changes.....



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- Common-sense changes that will make it easier over time for contractors to sign up and maintain their registration with the Federal Government in the System for Award Management

38 - Supply Schedules, contracting, and GSA

51- GSA and government supplies

https://www.whitehouse.gov/briefings-statements/2025/08/the-office-of-federal-procurement-policy-launches-landmark-update-to-far-ushering-in-a-new-era-for-commercial-buying/

Changes...

How about NEPA 40 CFR 1500-1508



III\ Title 40

Displaying title 40, up to date as of 9/29/2025. Title 40 was last amended 9/29/2025. view historical versions Enter a search term or CFR reference (eg. fishing or 1 CFR 1.1) Q Title 40 / Chapter V / Subchapter A Previous / Next / Top **ECFR CONTENT** ▼ Title 40 Protection of Environment Part / Section **Details** ▼ Chapter V Council on Environmental Quality 1500 - 1599 ▼ Subchapter A National Environmental Policy Act Implementing Regulations 1500 Print Parts 1500-1508 [Reserved] Q Search Subscribe **Timeline** Go to Date Published Edition >= Developer Tools

Changes...

Have there been changes before?

Sure...

Version: September 2014 Thru FAC 2005-76

FAR Cost Principles Guide

(Chronology of Cost Principle Revisions Issued in Federal Acquisition Circulars (FACs) Since 1984)

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Version: September 2014 Thru FAC 2005-76

FAR Cost Principles Guide

(Chronology of Cost Principle Revisions Issued in Federal Acquisition Circulars (FACs) Since 1984)

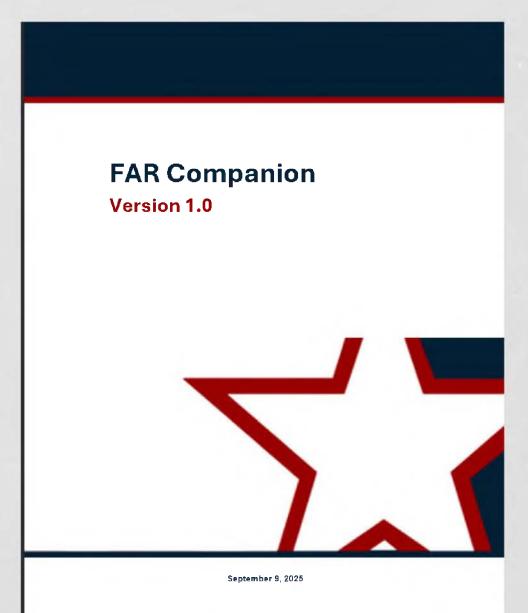
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Changes....

- "Non regulatory Guide."
- Generally Accepted Accounting Principals (GAAP)
- Audits



Changes....There are a lot of agencies included in the new guidance.



Overhauled Parts

Part 1 - Federal Acquisition Regulations System

Agency Deviations (31)

Issuance Date: May 2, 2025

- National Archives and Records Administration (NARA)
- United States Agency for International Development (USAID)
- Department of the Interior (DOI)
- Environmental Protection Agency (EPA)
- National Labor Relations Board (NLRB)
- United States Department of the Treasury
- Federal Election Commission (FEC)
- Housing and Urban Development (HUD)
- Department of Justice (DOJ)
- Social Security Administration (SSA)
- Department of Veterans Affairs (VA)
- Department of Energy (DOE)
- Occupational Safety and Health Review Commission (OSHRC)
- Nuclear Regulatory Commission (NRC)
- Udall Foundation (UDALL)
- Health and Human Services (HHS)
- Department of Education (ED)
- United States Department of Agriculture (USDA)
- National Aeronautics and Space Administration (NASA)
- Merit Systems Protection Board (MSPB)
- Department of Transportation (DOT)
- Commodity Futures Trading Commission (CFTC)

https://www.acquisition.gov/far-overhaul/far-partdeviation-guide

Changes

There will be adjustments that will need to be made in

areas such as tribal policies.

Remember....

- Written
- Legal
- And followed.

Ninilchik Traditional Council

Governing Body of The Ninilchik Village Tribe



Policies & Procedures Manual (Excluding Program Specific Policies)

Approved by the Ninilchik Traditional Council Board of Directors

Revised as of March 4, 2021

NINILCHIK INDIAN HOUSING PROGRAMS

Policies & Procedures Handbook



Mission Statement for the Ninilchik Indian Housing Programs

The Ninilchik Tribe's mission to the people of the Ninilchik Indian area is to promote self-sufficiency through the development of affordable, safe and decent housing opportunities for eligible Alaska Natives/ American Indians/ Native Hawaiians residing within the Ninilchik Tribal boundaries.

Updated June 20, 2014

What I haven't seen in the changes.....

- •Additions or deletions to the Indian Self Determination and Education Assistance Act.
- •Any additional changes since the Progress Act.
- No one repealed 2 CFR



Displaying title 2, up to date as of 9/29/2025. Title 2 was last amended 1/03/2025. Q Title 2 / Subtitle A / Chapter II / Part 200 View Full Text Previous / Next / Tor ▼ Title 2 Federal Financial Assistance Part / Section **Details** ▼ Subtitle A Office of Management and Budget Guidance for Federal Financial Print ▼ Chapter II Office of Management and Budget Guidance 200 - 299 Q Search ▼ Part 200 Uniform Administrative Requirements, Cost Principles, and 200.0 - 200.521 Audit Requirements for Federal Awards ▼ Subpart A Acronyms and Definitions 200 0 - 200 1 Subscribe ▼ Acronyms 200.0 - 200.1 ☑ Timeline § 200.1 Definitions 200.100 - 200.113 Subpart B General Provisions Go to Date ▶ Subpart C Pre-Federal Award Requirements and Contents of Federal 200.200 - 200.217 ▶ Subpart D Post Federal Award Requirements 200.300 - 200.346 Published Edition ▶ Subpart E Cost Principles 200.400 - 200.476 ▶ Subpart F Audit Requirements 200.500 - 200.521 Appendix I to Part 200 Full Text of Notice of Funding Opportunity Appendix II to Part 200 Contract Provisions for Non-Federal Entity Contracts Under Federal Awards Appendix III to Part 200 Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs) Appendix IV to Part 200 Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations Appendix V to Part 200 State/Local Governmentwide Central Service Cost Allocation Appendix VI to Part 200 Public Assistance Cost Allocation Plans Appendix VII to Part 200 States and Local Government and Indian Tribe Indirect Cost Proposals Nonprofit Organizations Exempted From Subpart E of Part 200 Appendix IX to Part 200 Hospital Cost Principles Appendix X to Part 200 Data Collection Form Appendix XI to Part 200 Compliance Supplement Award Term and Condition for Recipient Integrity and Performance Matters

Procurement is directly related to the organization

- •25 CFR Subpart F
- "A tribal organization may expend and account for contract funds in accordance with the procedures of the tribal organization."
- •Other organizations under the state procedures 2 CFR Subpart D §200.317

Tribal Note - This is tricky.....

- Tibal policies
- >Written
- >Legal
- >And followed
- •There is some internal development that plays a role in how the process is done.

Basic Parts of Procurement

- Planning
- Procurement
- Administrating
- Property management
- Records

Processes are usually defined in Policies

•Example: 5311 Certifications and assurances (AKA legal review) Example: GTFS

Federal Register/Vol. 88, No. 42/Friday, March 3, 2023/Notices

13503

many agencies have already noted that even the creation of a static GTFS feed may pose an initial challenge.

Regarding the suggestion that FTA take an active role in the development and updating of the GTFS standard: FTA will monitor and review updates to the standard, but it will not at this time contribute to ongoing standard development. GTFS is an open source developed standard, and as such FTA will continue to allow the community to discover and address needs and will only adopt modifications that are germane to FTA's purposes.

GTFS: Training and Resources

Six comments expressed a desire for additional support in meeting the GTFS reporting requirements, particularly for small and rural reporters. Three of these comments expressed a desire for additional training for transit agency staff, administered nationally by FTA and/or through the National Rural Transit Assistance Program (NRTAP) or State Departments of Transportation (DOTs).

Two further comments stated that FTA should provide technical assistance and provide funding to agencies to develop GTFS feeds, purchase related software and systems, and create in-house technical assistance www.nationalrtap.org/Technology-Tools/GTFS-Builder/Support.

While FTA will not directly issue NTD guidance to agencies on their procurement related to GTFS, FTA encourages all agencies who contract services to ensure a high standard of quality in collection and delivery of GTFS data.

FTA notes that the only programs required to generate a GTFS feed are Microsoft Excel and Google Earth, so the creation of a GTFS, generally speaking, should not require any additional purchased software. At this time, no additional sources of funding for software purchases related to GTFS have been created.

While FTA does not have immediate plans to form formal partnerships with agencies to pool technical assistance resources, FTA will continue to direct agencies to existing resources, will continue to encourage and foster agency training, and will serve as a repository of knowledge and best practices. FTA will continue to consider how best to support reporters, whether on GTFS specifically or in general, on an ongoing basis.

GTFS: Validation

Six comments sought clarification on how NTD analysts would conduct GTFS data validation. One comment inquired

they would validate, for example, financial data reported to the NTD.

In addition, FTA and its contractors will conduct validation of GTFS data once it has been submitted to the NTD. The primary validation check will be that all links to public GTFS are viable and current. The Uniform Resource Locators (URLs) provided by agencies will be checked periodically and agencies may be notified if a link they have provided is broken. Further, as part of FTA's existing NTD validation procedures, FTA can query the existing database of route information and service to ensure that data reported is consistent across the GTFS files and other elements of the NTD. This validation process is consistent with prior NTD data validation procedures, as described in the NTD Policy Manual at page 14: "[v]alidation includes, but is not limited to . . . [l]ogic checks between data items on different forms." Validation analysts will also manually inspect files and routes, particularly the shapes.txt file (if provided), as an additional check on accuracy. Thus, FTA confirms that there will be some auditing of individual .txt files, though not necessarily for every submission.

GTFS: Reflecting Service Changes

Three comments sought clarification

FTA Guidebook



Best Practices Procurement & Lessons Learned Manual

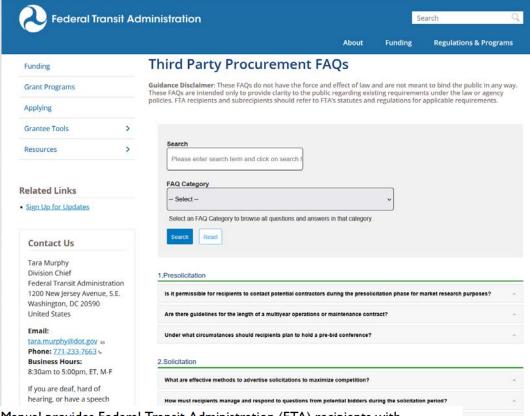
OCTOBER 2016

FTA Report No. 0105 Federal Transit Administration

PREPARED BY
Federal Transit Administration







This Manual provides Federal Transit Administration (FTA) recipients with examples of procurement practices and lessons learned from a variety of third party procurements undertaken by FTA recipients. The Manual is divided into four major sections that cover the entire procurement cycle: Planning, Selecting Type of Contracting Method, Evaluation of Proposals and Contract Award, and Contract Administration. The topics discussed in each section are derived from Federal statutes, regulations, and guidance that affect recipients' FTA assisted procurements. This Manual does not include any requirements that are not included in statutes, regulations, FTA Circular 4220.IF, FTA's Master Agreement, or the Uniform Guidance (also referred to as the "Super Circular," found at 2 C.F.R. 200, replacing and superseding FTA's Common Grant Rules found at 49 C.F.R. 18).

FTA Procurement

Defaults to 2 CFR

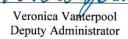
This circular revision also incorporates provisions of U.S. Department of Transportation (USDOT) regulations, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR Part 1201. These regulations incorporate by reference the Office of Management and Budget (OMB), "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," 2 CFR Part 200, which supersedes the former OMB circulars on Uniform Administrative Guidance (49 CFR Parts 18 and 19). The most recent updates to 2 CFR Part 200 were published on April 22, 2024, (89 FR 30046) and are effective October 1, 2024. The date of an award or amendment adding funds may determine the application of the specific regulatory requirements.

Procurement - Waivers

Page ii FTA C 4220.1G
DATE 01/17/2025

3. AUTHORITY.

- a. Federal Transit Laws, codified at 49 U.S.C. Chapter 53.
- b. 49 CFR 1.91
- c. 2 CFR Part 200
- d. 2 CFR Part 1201.1
- e. 42 U.S.C. 4601 et seg · 49 CFR Part 24
- WAIVER. FTA reserves the right to waive any provisions of this circular to the extent permitted by Federal law or regulation.
- FEDERAL REGISTER NOTICE. In association with the publication of this circular, a Federal Register notice will be published.
- 6. <u>AMENDMENTS TO THE CIRCULAR</u>. FTA reserves the right to update this circular to reflect changes in other revised or new guidance and regulations that undergo notice and comment, without further notice and comment on this circular. FTA will post updates on the <u>FTA website</u>. The website allows the public to register for notification when FTA issues Federal Register notices or new guidance. Please visit the website and click on "Subscribe to Email Updates" for more information.
- 7. <u>ACCESSIBLE FORMATS</u>. This document is available in accessible formats upon request. To obtain paper copies of this circular as well as information regarding these accessible formats, call FTA's Administrative Services Help Desk at 202-366-4865. Individuals with hearing impairments may contact the Federal Relay Service at 1-800-877-8339 for assistance with the call.



≪ ECFR CONTENT § 1.91 Delegations to the Federal Transit Administrator. Table of Contents The Federal Transit Administrator is delegated authority to carry out the following: **Details** (a) Chapter 53 of title 49, United States Code, and notes thereto. (b) Sections 3 and 9 through 15 of the National Capital Transportation Act of 1969 (Pub. L. 91-143, Print/PDF 83 Stat. 320), as amended (DC Code, section 9-1101.01 et seq.). Display (c) Sections of title 23, United States Code, and notes thereto that involve public transportation Options projects, including those provisions that pertain to planning, environmental reviews and use of historic resources for public transportation projects. Subscribe (d) Section 303 of title 49, United States Code, as it involves public transportation projects. (e) The following sections of Moving Ahead for Progress in the 21st Century Act (Pub. L. 112-141, 7 Timeline 126 Stat. 405): (1) Sections 1315 [23 U.S.C. 109 note], 1316 [23 U.S.C. 109 note], 1317 [23 U.S.C. 109 note], Go to Date 1318 [23 U.S.C. 109 note], and 1321, as they relate to public transit projects; and Compare (2) Sections 20005(b) [49 U.S.C. 5303 note], 20008(b) [49 U.S.C. 5309 note], 20013(b) [49 U.S.C. A Dates 5315 note], 20017(b) [49 U.S.C. 5324 note], 20021(b), and 20025(b) [49 U.S.C. 5335 note]. (f) Section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Pub. L. 110-432, Published Div. B). Edition >= Developer Tools

*Tribes: ISDEAA process

Places to find General Minimum Standards

- FTA: FTA Circular 4220 (2 CFR Guidance)
- Tribes: Public Law 93-638 (2 CFR Guidance)
- BIA: (2 CFR Guidance with additional steps)

The basis for all of them is:

- The preparation of records and reports required by a contract (i.e. Master Agreement & PL-638) and;
- The tracking of contract funds

Source Documentation for Procurement is Needed. 2 CFR – It starts in the accounting section.

- •The ... system shall contain accounting records ... supported by source documentation and other primary records that support fund expenditures.
- •Canceled checks, paid bills, payroll records, time and attendance records, contract award documents, and purchase orders are all considered records.

Procurement must

- · Be "reasonable"
- Comparative
- Support open competition
- Develop polices for major transactions
- Tribe's provide Indian preference
- Maintain records of procurement transactions

Procurement Planning

- Planning i.e., is it in the public's interest?
- Waivers (49 CFR & 25 CFR 900 Subpart K)
- 2 CFR 401.2 Must provide a waiver process

<< Previous TITLE 49 / SUBTITLE III / CHAPTER 53 Next >>

[Print] [Print selection]

[OLRC |

- (I) the seating capacity of which is at least 6 adults (not including the driver); and
- (II) at least 80 percent of the mileage use of which can be reasonably expected to be for the purposes of transporting commuters in connection with travel between their residences and their place of employment.

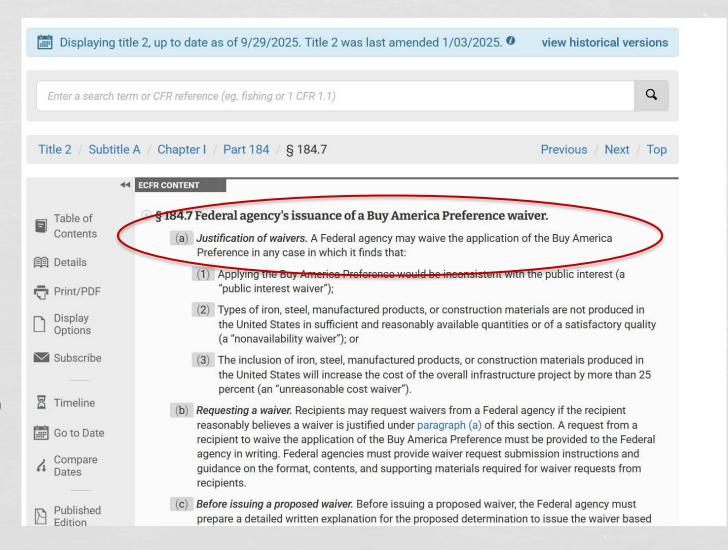
i) Bur AMERICA.

- (1) IN GENERAL.—The Secretary may obligate an amount that may be appropriated to carry out this chapter for a project only if the steel, iron, and manufactured goods used in the project are produced in the United States.
- (2) WAIVER.—The Secretary may waive paragraph (1) of this subsection if the Secretary finds that—
- (A) applying paragraph (1) would be inconsistent with the public interest.
- (B) the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality:
- (C) when procuring rolling stock (including train control, communication, traction power equipment, and rolling stock prototypes) under this chapter—
- (i) the cost of components and subcomponents produced in the United States—
- (I) for fiscal years 2016 and 2017, is more than 60 percent of the cost of all components of the rolling stock;
- (II) for fiscal years 2018 and 2019, is more than 65 percent of the cost of all components of the rolling stock; and
- (III) for fiscal year 2020 and each fiscal year thereafter, is more than 70 percent of the cost of all components of the rolling stock; and
- (ii) final assembly of the rolling stock has occurred in the United States; or
- (D) including domestic material will increase the cost of the overall project by more than 25 percent.
- (3) WRITTEN WAIVER DETERMINATION AND ANNUAL REPORT.—
- (A) Written petermination.—Before issuing a waiver under paragraph (2), the Secretary shall—
- (i) publish in the Federal Register and make publicly available in an easily identifiable location on the website of the Department of Transportation a detailed written explanation of the waiver determination; and
- (ii) provide the public with a reasonable period of time for notice and comment.
- (B) ANNUAL REPORT.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, and annually thereafter, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee Transportation and Infrastructure of the House of Representatives a report listing any waiver issued under paragraph (2) during the preceding year.

Procurement Planning

 Waivers (2
 CFR Subtitle A §184.7)

It might have to go to OMB2 CFR 184.



Procurement Planning How much do we need to spend? Acquisition thresholds -

- - Micro (Micro Purchases)
 - Small (Simplified Purchases)
 - Large (Formal Purchases)
- This defines what category the dollar amount of a purchase may be and;
- Defines what needs to be done to procure
- These three ranges are specified by the FTA.."

Procurement Planning

Cost Analysis – FTA's general definitions:

Simplified Acquisition Threshold (\$250,000, with exceptions - last update in 2022)

Micro purchase

•\$10,000 or less is considered a "micro-purchase," which involves the fewest federal requirements. (FAR is currently \$15,000 in 2025)

Small (Simplified Acquisition Threshold (SAT))

•Over \$10,000 up to \$250,000 is considered a "small purchase," which triggers additional requirements, including comparing costs from multiple vendors.

Large (Formal procurement methods)

Over \$250,000 is considered a larger purchase, which triggers the need for a formal competitive solicitation and other additional requirements such as RFP/IFB.

 Usually requires open and competitive bidding as formal competitive solicitation.

Acquisition thresholds

Setting the Threshold: Non-Federal entities must determine their own SAT, which cannot exceed the value established in the FAR.

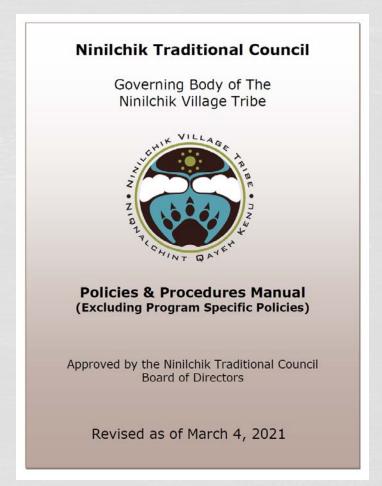
Inflation Adjustments: The FAR periodically adjusts the SAT for inflation.

(ii) Simplified acquisition thresholds. The recipient or subrecipient is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures, which may be lower than, but must not exceed, the threshold established in the FAR.

2 CFR § 200.320 (ii)

Purchase methods example

- Micro purchases small direct purchases
- Simplified acquisition compare prices
- Bid, RFP, IFB, quotes, contracts, fixed price, sole source –formal process



Example

SECTION 10.0: PROCUREMENT POLICIES AND PROCEDURES

10.1: Purpose

The Ninilchik Traditional Council and its employees will adhere strictly to these policies for the procurement of all goods, services and equipment, except where they conflict with applicable Federal and State Laws, regulations, or contract requirements. In such cases the aforementioned law, regulation or requirement shall rule.

10.2: Application

Procurement applies to the acquiring of, but is not limited to, the following:

10.2.1: Services

Services rendered by a person or persons not employed by The Ninilchik Traditional Council. This includes individuals, companies or corporations. Services would be considered contracts, subcontracts, maintenance agreements. leases and rental agreements.

10.2.2: Equipment

Equipment is generally defined as something which has a significant useful life that may be used substantially without changing its physical conditions, and can be purchased or leased. It may be furniture, office equipment, copy machines. electronic or laboratory equipment, and is valued at \$5,000 or more.

10.2.3: Supplies, Materials and Others

Items which meet one or more of the following criteria:

- a) Consumed in use.
- b) Lose their original shape or appearance during use.
- c) Expendable.
- d) Fairly inexpensive.
- e) Loses its identity through incorporation into a different or more complex unit or substance.
- f) Sensitive items (items easily stolen or misplaced).

10.3: Spending Authorization Levels

All purchases must be authorized according to the following schedule:

Executive Director or Deputy CEO \$30.000 or less \$60,000 or less Chairman of the Board

NTC Board of Directors Over \$60,000

10.4: Procurement General

10.4.1: Procurement Officer Responsibilities

The Procurement Officer shall ensure:

- a) Competitive bidding procedures.
- b) Maintenance of multiple buying sources.
- c) Records of all long-term contractual supply commitments.
- d) No reciprocity or conflicts of interests in Procurement occur.
- e) Inventory schedules are maintained.
- f) Proper maintenance of purchase order log.

10.4.2: Segregation of Steps

All steps taken to purchase must be segregated as the person requesting item must not be the same as, the person authorized to approve the purchase, who must not be the same as the person purchasing items.

10.4.3: Purchases for Employees:

Purchases made for employees for personal use are strictly forbidden

10.4.4: Cost Analysis

A form of price or cost analysis shall be made in connection with procurement actions. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicial together with discounts. Cost analysis is the review and evaluation of each element of cost to determine reasonableness, allocability and allowability.

10.4.5: Procurement Records

The Procurement Officer shall be responsible for maintaining copies of records and a system of filing that is specifically related to procurement transactions. This may include who was contracted, date of contract, cost, bid or quote, and why a

Micro purchase

• \$10,000 or less

Small (Simplified Acquisition Threshold (SAT))

 Over \$10,000 up to \$250,000

Large (Formal procurement methods)

Over \$250,000

* 10.6: Competitive Procurement Procedures

On procurement of services or materials with a value exceeding \$10,000, and in addition to routine processing, the following shall be observed;

10.6.1: Materials and Services (\$+10,000 - \$250,000)

Upon receipt of a material requisition form for an amount which is more than \$10,000 and less than \$250,000, the Procurement Officer shall:

Obtain either oral or written price or rate quotations from an adequate number (at least three) of qualified sources, keep a written record of the quotations and make a documented selection based on price and other factors. These small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies or other property that do not cost more than \$250,000 in the aggregate.

10.6.2: Materials and Services (+250,000)

On Procurement of services or materials with a value exceeding \$250,000, the Procurement Officer shall:

- a) Draw an Invitation to Bid (Request for Proposal): Specifying:
 - ✓ Name of merchandise / service to be purchased.
 - ✓ Department / program requesting program.
 - ✓ Anticipated cost of merchandise / services, if applicable.
 - ✓ Delivery date required.
 - √ Names of alternative vendors, if applicable.
- b) Call for bids in writing.
- c) Determine with the appropriate program Director sufficient detail to inform interested contractors of the requirements of the service/merchandise.
- d) Cause to have posted, or published in a journal appropriate to the service/merchandise to be purchased, a "Request for Proposals" (RFP).
- e) Assure that posting or publication shall have appeared not fewer than two times.
- f) Ensure that the publication is true to the language and intent of Ninilchik Traditional Council's proposed procurement.
- g) Respond to all requests originating from interested contractors except when otherwise stipulated within the RFP.

Procurement Planning

Cost analysis – FTA's general definitions:

Simplified Acquisition Threshold (\$250,000, with exceptions - last update in 2022)

Micro

 \$10,000 or less is considered a "micro-purchase," which involves the fewest federal requirements. (FAR is currently \$15,000 in 2025)

Small

 Over \$10,000 up to \$250,000 is considered a "small purchase," which triggers additional requirements, including comparing costs from multiple vendors.

Large

- Over \$250,000 is considered a larger purchase, which triggers the need for a formal competitive solicitation and other additional requirements such as RFP/IFP.
- Usually requires open and competitive bidding as formal competitive solicitation.

Procurement **Planning** Cost Analysis. Should be a documented procedure, or have polices developed for the process



Ninilchik Transit T-13 Bid and Material Detail Cost Assessment

Cover Page Schedule of Values - Cost Assessment T-13 9-26-13.xism

Project: Ninilchik Transit Facility (T-13) NTC-R-002-13, NTC-R-003-13, RFP Issued , NTC-R-004-13 Addenda: None Amendments: None

Long Lead Materials & Duration:

Long Lead Item (LLI)/Long

Lead Time (LLT) Materials Nor

Schedule Duration: TBD

Projected Cost Estimates

Contract Davis Bacon \$287.862.12

Force Account \$293,554.17

"Notes"

Davis Bacon Hourly, South of N63 and West of 138

Per Diem Rate \$75.00

Force Account Hourly, NTC Prevailing Wage

Fringe 31.15% Indirect Rate 53.05%

False Work: False Work is not included in this Cost Analysis

Contingency Rate: Contingency is based on material waste and does not have

a % based rate

Page 1



Ninilchik Transit T-13 Bid and Material Detail

Index Schedule of Values - Cost Assessment T-13 9-26-13.xlsm

Cover Page Index Cumulative Total T-13 Survey T-13 Earthwork T-13 Concrete and Foundation Work Piped Utilities Concrete Steel T-13 Rough Carpentry T-13 Doors Frames & Hardware T-13 Glass T-13 Caulking and Sealing Roofing T-13 Roof Hatch T-13 Insulation T-13 Toilet Accessories Drywall T-13 Paint T-13 Milwork T-13 Acoustic & Celina Flooring T-13 Tile T-13 Fire Extinguishers T-13 Landscape T-13 Termite & Rodent Plumbing T-13 Plumbing T-13 (2) Plumbing T-13 (3) HVAC T-13 Electrical T-13 Electrical T-13 (3) Finish Carpentry T-13 Blinds T-13 Marker Board T-13 Signage T-13 Production rates

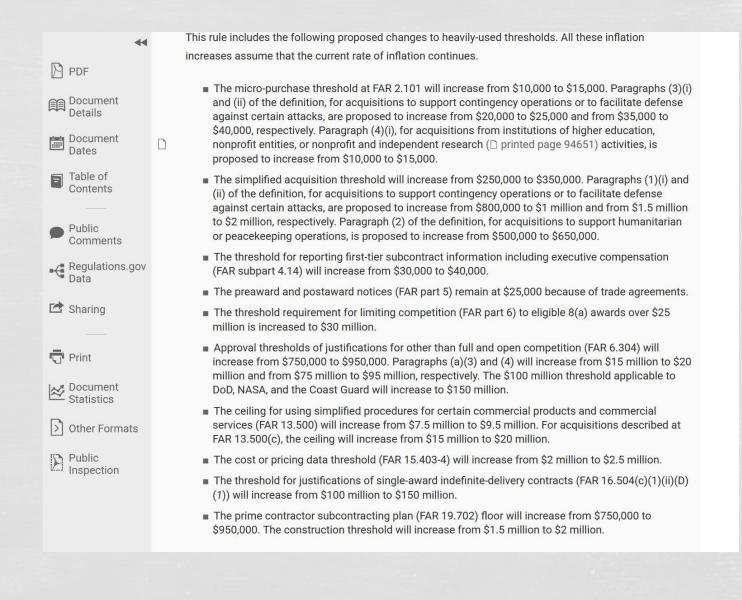
Procurement Planning Cost analysis – How much do we have to spend?

FTA's general

definitions:

procedure.

•For Auditing - 2 CFR Part 200 should be the reference over Circular 4220.1G if there are conflicts in policy and



https://www.federalregister.gov/documents/2024/11/29/2024-27851/federal-acquisition-regulation-inflation-adjustment-of-acquisition-related-thresholds

Example Cost Analysis Construction 44 pages



Ninilchik Transit T-13 Bid and Materials Detail Design Bid Tabs Estimates - Cost Assessment Done.xism 5 of 44

		Force Account	_	SUBCONTRACT	npe T	_				
Dompany		Force Account	-	Contract	JNS					
company	-	Construction	-	Contract		-	1		Estimated Mat	oriala
hone		Constituction	_	 		_	Туре	Quantity	Cost	Notes
Fax							1,500	Quainty	Coar	HOLLS
Contact person										
Salitade paradir				1						
lave seen ADDENDA?		None		None	None					
AMENDMENTS:	$\overline{}$	None								
RFP Issue #		Nane								
BASE BID;				1						
stimated Tasks		Hours			Production Code					
Preliminary Design		30								
80% review		5								
Design		10								
60 % review		8								
Design		10					Total Estimate	ed Cost	\$0.00	
30% review		8								
Design		10					Estimated Hour	rs	95	
Acceptance and approval		14								
								erial vs. production rate}		
	Tota	95					Davis Bacon			
							Rate	\$40.79		
							Rate	\$39.26		Assistant Engine
Long Lead Materials & Duration:			_					Total	\$9,386.00	
Sub Total							Force Account	# 10 11	AD 040 03	
Schedule Duration:		TDD					Rate	\$46,41	\$8,849.87	
ask Duration	-	TBD	_				Rate	\$26.32	\$5,018.93	
			_	-				Total	\$13,868.80	
								Difference	\$4,084.19	Rates
AL TO CARRY IN BID ROOM										\$0.31

Risk Management Starts Here

- Mitigate problems and issues
- Reduces lost time and false work
- Policies
- Bid process
- Contracts
- Contract administration and management

RFP - Part of your planning

- Why you might create an RFP
 - -PS&E
 - NEPA
 - Surveying
 - Project Management
 - Construction
 - Project administration
 - Procurement
 - Force account?

NINILCHIK TRADITIONAL COUNCIL

Environmental Assessment:

Ninilchik Traditional Council Transit Facility
Project, Ninilchik Alaska

Prepared By: The Ninilchik Traditional Council
Prepared for: the Bureau of Indian Affairs
Cover Sheet (59 IAM 3-H 4.4 A)

Indian Reservation Roads

NINILCHIK TRADITIONAL COUNCIL, NINILCHIK, ALASKA. Contract Number: # CTE01T34806 Indian Reservation Roads Program (IRR) Revision 1.1 March 2, 2012

FINDING OF NO SIGNIFICANT IMPACT

The Bureau of Indian Affairs (BIA), Alaska Regional Office, has reviewed the Environmental Assessment (EA) prepared by the Ninilchik Traditional Council, for the Village of Ninilchik, Alaska. We are adopting the Environmental Assessment. The proposed action will involve the construction of a Transit Facility located on Oil Well Road, Ninilchik, Alaska. This Transit Facility will be the first transit establishment in the local community and has goals to encourage and develop effective and efficient transportation. Based on our review of the Environmental Assessment, we have determined that the proposed action (preferred alternative) will not have a significant impact on the quality of the human environment. Therefore, approval of the proposed action does not constitute a major federal action requiring the preparation of an Environmental Impact Statement as cited under Section 102(2) (c) of the National Environmental Policy Act of 1969-42 USC 4224 (2), as amended.

This determination is supported by the following findings:

- This action would have no significant adverse effects on public health or safety. (See page 22 of the Other Values Section of the EA.)
- This action would have no adverse effects on unique geographical features such as wetlands, wild and scenic rivers, refuges, floodplains, rivers, placed on nationwide river inventory, or prime or unique farmlands. (See page 112 of the Appendix I section of the EA.)
- This action would have no highly controversial environmental effects. (Starting on page 19-23 of the Certification section of the EA.)

ould have no highly uncertain environmental effects or involve unique or unknown a risks. (Starting on page 19-23 of the Certification section of the EA.)

ill not establish a precedent for future actions. (See page 7 of the Purpose and Need EA.)

not related to other actions with individually insignificant but cumulatively vironmental effects. (See page 24 of the Direct, Indirect and Cumulative section of

ill not affect properties listed or eligible for listing in the National Register of s. (See page 20 of the Cultural, Historic and Religious Properties section of the EA.)

ill not affect species listed or proposed to be listed as endangered or threatened. (See E Living Resources section of the EA)

bes not threaten to violate federal, state, local or tribal law or requirements imposed of the environment. (See page 8 of the Land Use Regulations section of the EA.)

ill not have a disproportionately high and adverse effect on low income or minority See page 15 of the Environmental Justice section of the EA.)

ill not limit access to, and ceremonial use of, Indian sacred sites on federal lands, by us practitioners, and/or adversely affect the physical integrity of such sites. (See page tural, Historic and Religious Properties section of the EA.)

ill not contribute to the introduction, continued existence, or spread of noxious -native invasive species known to occur within the area or may promote the growth, or expansion of the range of such species. (See page 20 of the Certifications EA.)



Niniichik Transit T-13 Bid and Material Detail Cost Assessment

Cover Page Schedule of Values - Cost Assessment T-13 9-26-13 klam

Project: Ninischik Transil Facility (T-13) NTC-R-002-13, NTC-R-003-13,

RFP Isseed . NTC-R-004-13

Addenda: None Amendments: None

Long Lead Materials & Duration:

Long Lead herri (LLT) Long Lead Time (LLT) Materials

None

Schedule Duration: TBD

Projected Cost Estimates

Contract Davis Becon \$287,862.12

Force Account \$293,554,17

""Notes""

Davis Secon: Hourly, South of N63 and West of 138 Per Diem Rate \$75.00

Force Account Hourly, NTC Prevailing Wage Fringe 31.15% Indirect Rate 53.05%

Winter construction ~25% = \$366,942

Actual construction cost = \$375,000

\$982,989 Profit & Overhead

Niniichik Transit Facility
Solicitation Number: NTC-R-002-13

PROPOSAL

Beachy Construction, Inc. hereby proposes to provide all labor, materials, and equipment to complete the work outlined in the plans picked up from your office, as well as supporting documents received via email, for the following Lump Sum prices:

Base Bid:

1, 110,458.00

Additive Alternate:

*166.685.00

Total:

#1,276,543.00

Total Manhours of Proposed Work Scope: 8947 Manhours

RFP/IFB Invitation For Bids (IFB) (sealed bids)

Request For Proposals (RFP) (competitive proposal)

Request for Proposal (RFP) Ninilchik Traditional Council Solicitation Number NTC-R-002-19 Po Box 39070 Ninilchik, Alaska 99639 Project: Ninilchik Transit Facility (T-19) Award Date: 6/28/2019 Ouick Index This Contract is funded, in part, INTRODUCTION by the U.S. Department of Transportation, Federal Transit PROJECT DESCRIPTION 5 Administration and is subject to the requirements set forth by the SCOPE OF PROCUREMENT FTA Master Agreement. RFP MANAGEMENT CONDITIONS GOVERNING THE EXPLANATION OF EVENTS GENERAL REQUIREMENTS Original RESPONSE FORMAT AND ORGANIZATION NUMBER OF COPIES Addenda - None PROPOSAL FORMAT SPECIFICATIONS 17 MANDATORY SPECIFICATIONS 17 18 EVALUATION POINT SUMMARY SHORTLIST EVALUATION FACTORS18 Required Federal Clauses 20 APPENDIX 26 DEFINITION OF TERMINOLOGY26 Bid / Proposal Package- Request for Proposal, Contractual Conditions, Plans and Specifications Issuing Office: Minikhik Traditional Council Resource Department Po Box 39070 Ninilchik, Alaska 99639 Phone (907) 567-3313 Fax (907) 567-3308

I. INTRODUCTION

A. NOTICE OF INVITATION TO BID

The Ninilchik Traditional Council (NTC) is requesting a fixed price sealed proposal, bid, or offer for the construction of the Ninilchik Transit Facility. The Ninilchik Traditional Council will post the RFP to obtain bids, evaluate the bids, and hold and attend a pre-contract conference, in addition, the NTC will make a set of bidding documents available that can be obtained at NTC's Procurement Office. The NTC will clarify and answer any questions about the project and issue Addenda, as necessary.

B. PROJECT DESCRIPTION

The Ninilchik Traditional Council is requesting bids from all relevant contracting services for this construction project. The project will consist of the construction of the Ninilchik Transit Facility Bus Barn located on Oil Well Road, Ninilchik, Alaska on a parcel of 2.2 acres. Parcel ID # 15710043. This facility is approximately 5500 sq. feet and has had engineered drawings prepared for the project. The site has structural fill materials in place and the construction will start on the prepared site. The overall price for the project is required to be based on justified price and cost principals demonstrated in the bid. The project completion date is scheduled for September 30 $^{\rm th}$ 2019.

C. SCOPE OF WORK

The Respondent shall perform the following Construction Services, consisting of:

- A. Plan. Details, and Specifications Review: The contractor will schedule a meeting in order to review the plans and discuss the expected outcomes of the construction project.
- B. Schedule of Values: The contractor will provide a schedule of values that outlines their pricing structure of all divisions and includes items such as profit fees, general conditions, mobilization, demobilization, site utilities, testing, inspections, concrete, framing etc., to compose a complete schedule for the proposed work and is required for the bid process.
- C. Project Schedule: The contractor shall prepare a task schedule showing the sequence and the due date of tasks data documentation, procurement, fabrication, and all construction activities as a Master Schedule. The Project Schedules (including manpower loading and staffing summaries), progress projections, work in place, equipment and material procurement to demonstrate equipment time used, performance, and projected costs. Receipt of the schedule by the Project Manager shall be a condition to processing and paying Applications for Payment. Contractor shall update the submitted Schedule on a weekly basis.
- D. Materials: The contractor shall prepare a materials and delivery timeframe estimates list that coincides with the project schedule
- E. Staging: NTC shall determine the location of the Contractor's equipment, storage, and parking area(s) and the placement of trailer and storage facilities. Parking for all of the Contractor's employees shall be limited to designated areas at their risk. No private vehicle of any kind will be allowed in the vicinity of construction activities without the prior approval of NTC's Site Manager.

Nimilekik Traditional Council - RFP Solicitation Number NTC-R-002-19 - Nimilekik Transit Facility

Page 5 of 26

Discussion: Best quality, lowest price, most qualified

Buying things starts here....

- Purchase thresholds
- Policies first
- Procurement must be managed

- Do you purchase or sell?
- How much are you going to make?

Procurement Management

- •25 CFR Sec. 900.47 Self-Determination
- Indian tribes and tribal organizations shall have standards that conform to the standards in this Subpart. (2 CFR)

***Unless they receive a wavier in the contract proposal

Procurement Management

Regulatory language (Procurement Policies)

- •Requires written standards of conduct governing of employees who award and administer contracts.
- •Includes; that no employee, officer, elected official, or agent of the Indian tribe or tribal organization shall participate in the selection, award, or administration of a procurement supported by Federal funds if a conflict of interest, real or apparent, would be involved.

§ 200.318 General procurement standards.

- (a) Documented procurement procedures. The recipient or subrecipient must maintain and use documented procedures for procurement transactions under a Federal award or subaward, including for acquisition of property or services. These documented procurement procedures must be consistent with State, local, and tribal laws and regulations and the standards identified in §§ 200.317 through 200.327.
- (b) Oversight of contractors. Recipients and subrecipients must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. See also § 200.501(h).
- (c) Conflicts of interest.
 - (1) The recipient or subrecipient must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, agent, or board member with a real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the Federal award. A conflict of interest includes when the employee, officer, agent, or board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract. An employee, officer, agent, and board member of the recipient or subrecipient may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors. However, the recipient or subrecipient may set standards for situations where the financial interest is not substantial or a gift is an unsolicited item of nominal value. The recipient's or subrecipient's standards of conduct must also provide for disciplinary actions to be applied for violations by its employees, officers, agents, or board members.

- Procurement Management
- •25 CFR Sec. 900.48

• These standards (your standards) will; also provide for penalties, sanctions, and / or other disciplinary actions for violations of the standards.

General

Sec. 900.48

- The Indian tribe or tribal organization is solely responsible for:
- using good administrative practice and sound business judgment, for processing and settling all contractual and administrative issues arising out of a procurement.
- These issues include, but are not limited to, source evaluation, protests, disputes, and claims.

Procurement Management Sec. 900.48

• Settlement of any protest, dispute, or claim shall not relieve the Indian tribe or tribal organization of any obligations under a self-determination contract.

• Violations of law shall be referred to the Tribal or Federal authority having proper jurisdiction.

Property Management

- Sec. 900.51 (policies for record keeping)
- •The tribe will account for **all property** furnished or transferred by the Secretary for use under a self-determination contract or acquired with contract funds.

•The system shall contain requirements for the use, care, maintenance, and disposition of Federally-Owned property according to the internal property procedures of the tribal organization.

Property Management

•Sec. 900.52

The property management system **shall** track:

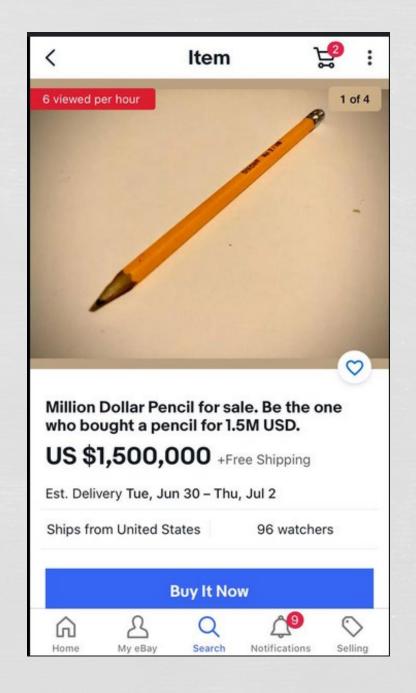
- •Property with an acquisition value in excess of \$5,000 per item;
- Have backup information
- Purchase records
- RFP Processes
- Contracts
- Work approvals
- •COI
- Warranties
- Retention records
- Maintenance schedules
- Clear value (depreciation often is usually a finance thing)

Acquisition thresholds - Planning Your Key Thresholds

- Threshold
- Cost analysis
- Property Management
- Record keeping

If we do a property check every day...

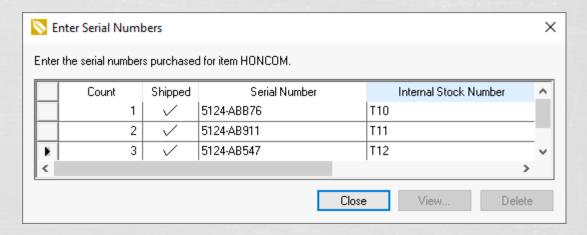
Establish thresholds that work for you.

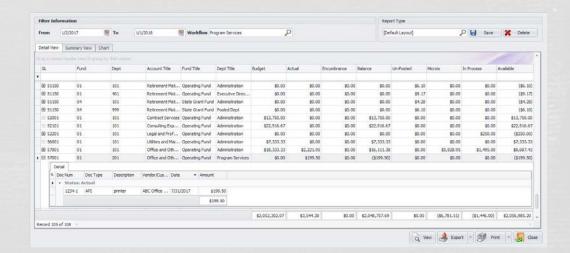


Property Management Records (3 Years)

Records document and accurately describe the property, including any serial number or other identification number

- Records should contain information to identify the item and cost
- •Such as the source, titleholder, acquisition date, cost, share of Federal participation in the cost, location, use and condition of the property, and the date of disposal and sale price, if any.





Property Management

- Maintenance required for property
- •Required maintenance includes the performance of actions necessary to keep the property in good working condition,
- •The procedures recommended by equipment manufacturers, and steps necessary to protect the interests of the contractor (Tribe) and the Secretary of Interior in any express warranties or guarantees covering the property.

Monitoring Management Systems

•Who evaluates all of this stuff????

The agency....

•Management systems are evaluated by an independent auditor through the annual single agency audit report that is required by 2 CFR part 200, subpart F.

Evaluating RFP's

~\$370K Over Cost Analysis

Actual construction cost

\$403K			- PRC	- PROPOSAL	
			Date	Estimate #	
			6/27/2019	150	
PROPOSAL SUBMIT TO:		WORK PERFORMED AT:			
			у		
Architect / Engineer				Bid Good Until	
				7/27/2019	
hereby propose to furnish all materials and necessary equipment, and perform all labor to complete the			Terms		
				Net 15	
	Qty	U/M	Rate	Total	
			691,875.00	691.875.00	
		Architect / Engineer Als and necessary equipment, and perform Qty Is dated 4-14-2019	Architect / Engineer Architect / Engineer als and necessary equipment, and perform all labor to Qty U/M us dated 4-14-2019	WORK PERFORMED AT: Ninitchik Transit Facility Oil Well Rd. Architect / Engineer als and necessary equipment, and perform all labor to complete the Oty U/M Rate 15 dated 4-14-2019 691,875.00	

Ninilchik Transit T-18 Bid and Material Detail Cost Assessment

over Page Schedule of Values - Cost Assessment T-18 Revision 1.0 - 12-19-18 -updated DB

	Ninilchik Transit Maintaince Facility (T-18)	
RFP Issued		
Addenda:		
Amendments:	None	
Long Lead Mate	erials & Duration:	
Long Lead Item (LLI)/Long Lead Time (LLT) Materials	Garage Bay Doors X 4	
Schedule Duration:	5-2019 through 8-2019 Winter Construction	
	+ ~25%	
Projected C	ost Estimates $\sim 80 { m K}$	
Contract Davis Bacon	\$323.369.74	
Force Account	\$ 312.606.07	
	Hourly, South of N63 and West of 138	
Per Diem Rate	*Updated estimate pamplet issue 37 Sept 2018	
	Hourly, NTC Prevailing Wage 19.15%	
Indirect Rate	10.00%	
False Work:	False Work is not included in this Cost Analysis	
Contingency Rate:	Contingency is based on material waste and does not have a % based rate and is detailed on fixed price	

Questions & Discussion



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