

**COMMONWEALTH OF KENTUCKY
CITY OF LA GRANGE, KENTUCKY
MUNICIPAL ORDER NO. 02, SERIES 2025**

**AN ORDER AMENDING PERSONNEL POLICIES AND
SETTING PROCUREMENT STANDARDS
FOR FTA GRANTS**

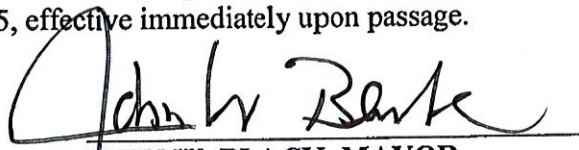
WHEREAS, the City of La Grange is eligible for grants from the Federal Transportation Administration (FTA) for Oldham's Public Bus (OPB), however the Kentucky Transportation Cabinet responsible for administering said funds requires recipients to adhere to certain policies relating to drug and alcohol use by operators of public transportation vehicles and to follow certain procurement standards for the use of federal funds awarded for the purchase of materials, supplies, equipment, and nonprofessional services, for operation of public transportation.

WHEREAS, pursuant to the provisions of KRS 83A.060, the City of La Grange now wishes to adopt the FTA-approved Drug and Alcohol Policy as an addendum to the Employee Handbook (2024 Edition), and the FTA-approved Procurement Policy applicable to use of FTA Grants for Oldham's Public Bus, to ensure that the City of La Grange will follow the federal requirements and guidelines set out in 2 CFR 200.319 *et seq* and FTA Circular 4220.1G.

NOW THEREFORE, IT IS HEREBY ORDERED that, pursuant to the provisions of KRS 83A.060, the City of La Grange hereby adopt the FTA-approved Drug and Alcohol Policy attached hereto as **Exhibit A**, to be made an addendum to the Employee Handbook (2024 Edition, as amended). **IT IS FURTHER ORDERED** that the Procurement Policy Applicable to Grants from the Federal Transportation Administration for Oldham's Public Bus attached hereto as **Exhibit B**, is also hereby adopted, both of which are incorporated herein by reference.

VOTE: For 8 Against 6 Abstain 0

SO AUTHORIZED AND ADOPTED as a Municipal Order upon motion regularly made, duly seconded, and passed by the City Council at a regular monthly meeting and approved by the Mayor on the 4th day of August 2025, effective immediately upon passage.


JOHN W. BLACK, MAYOR

ATTESTED BY:


Heather Woodcox, City Clerk



FTA Drug and Alcohol Policy- For Oldham's Public Bus

Effective as of [07/01/2025]

Adopted by: ____La Grange City Council__

Date Adopted:[08/04/2025]

Last Revised: [07/01/2025]

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1. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website <http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655.

Portions of this policy are not FTA-mandated, but reflect OPB- Oldham's Public Bus 's policy. These additional provisions are identified by **bold text**.

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

All OPB- Oldham's Public Bus employees are subject to the provisions of the Drug-Free Workplace Act of 1988.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify Transportation Supervisor no later than five days after such conviction.

2. Covered Employees

This policy applies to every person, including an applicant or transferee, who performs or will perform a "safety-sensitive function" as defined in Part 655, section 655.4.

You are a covered employee if you perform any of the following:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver's license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

See Attachment A for a list of covered positions by job title.

3. Prohibited Behavior

Use of illegal drugs is prohibited at all times. Prohibited drugs include:

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- marijuana
- cocaine
- phencyclidine (PCP)
- opioids
- amphetamines

All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

All covered employees required to take a post-accident test are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

4. Consequences for Violations

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and provided with contact information for Substance Abuse Professionals (SAPs).

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of their next regularly scheduled duty period (but for not less than eight hours) unless a retest results in the employee's alcohol concentration being less than 0.02.

Zero Tolerance

Per OPB- Oldham's Public Bus policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be terminated from employment.

5. Circumstances for Testing

Pre-Employment Testing

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo

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another test and successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

Reasonable Suspicion Testing

All covered employees shall be subject to a drug and/or alcohol test when OPB- Oldham's Public Bus has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

Post-Accident Testing

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by OPB- Oldham's Public Bus using the best information available at the time of the decision, will be tested.

Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident

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- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (3) The vehicle is a rail car, trolley car or bus, or vessel, and is removed from operation, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by OPB- Oldham's Public Bus using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year testing rates can be viewed online at www.transportation.gov/odapc/random-testing-rates.

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee may only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

6. Testing Procedures

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

Dilute Urine Specimen

If there is a negative dilute test result, OPB- Oldham's Public Bus will conduct one additional retest. The result of the second test will be the test of record.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. OPB- Oldham's Public Bus guarantees that the split specimen test will be conducted in a timely fashion. This test would be paid by the City of La Grange.

Test Refusals

As a covered employee, you have refused to test if you:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by OPB- Oldham's Public Bus .
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to provide a specimen for a drug or alcohol test. An employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient specimen for a drug or alcohol test without a valid medical explanation.
- (6) Fail or decline to take a second drug test as directed by the collector or OPB- Oldham's Public Bus .
- (7) Fail to undergo a medical evaluation as required by the MRO or OPB- Oldham's Public Bus 's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed urine drug test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

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As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and provided with contact information for SAPs.

7. Contact Person

For questions about OPB- Oldham's Public Bus 's anti-drug and alcohol misuse program, contact

Katie Bechtold Transportation Supervisor/HR Director/DER 502-222-1433 kbechtold@lagrangeky.gov

Attachment A: Covered Positions

OPB Bus Driver

OPB Admin Assistant/ Dispatcher

OPB Transportation Supervisor



Procurement Policy Applicable to Grants from the Federal Transportation Administration for Oldham's Public Bus

Statement:

The City of La Grange, Kentucky establishes this procurement policy for grants from the Federal Transportation Administration (FTA) for operation of the city bus system, known as *Oldham's Public Bus* (OPB). It is the intent of this policy to comply with all local, state and federal requirements for the bidding, evaluating, and awarding of contracts for materials, supplies, equipment, and nonprofessional services funded by FTA grants for OPB, including but not limited to, requirements of the Kentucky Transportation Cabinet/Office of Transportation Delivery (KYTC/OTD), the Kentucky's general bidding statute (KRS 424.260), applicable portions of the model procurement code (KRS 45A), and federal regulations in 2 CFR Part 200, and guidelines set out in FTA Circular 4220.1G, when completing procurements and expending grant funds in association with the OPB transit program. This policy promotes fair, competitive, and transparent procurement practices, ensuring fiscal responsibility and compliance with state and federal regulations.

1. Scope

This procurement policy is specifically for FTA grants related to the city bus system. It is an extension to the city's general procurement requirements contained in Chapter 40 of the Ordinance Code, which follows the Kentucky general bidding statute for the city's purchase of materials, supplies, equipment, and nonprofessional services, including Community Development Block Grants (CDBG).

2. Legal Framework

For all FTA grants for the city bus system, the City of La Grange will follow the Kentucky general bidding statute (KRS 424.260), the La Grange procurement standards (LOC §§40.01-40.05), applicable portions of the Kentucky Model Procurement Code (KRS 45A.343-45A.460), and will comply with the procurement processes and federal requirements set out in FTA Circular 4220.1G and 2 CFR Part 200.319 for all federal funding used for city bus services.

3. General Procurement Requirements

3.1. Competitive Bidding Thresholds (KRS 424.260, KRS 45A.385)

1. **Contracts Exceeding \$40,000:** Unless exempted, all contracts, leases, or agreements for materials, supplies (except perishable foods), equipment, or nonprofessional services exceeding \$40,000 shall be competitively bid in accordance with KRS 424.130 and KRS 45A.365. The City shall advertise for bids in a newspaper of general circulation or through electronic procurement platforms, as permitted by KRS 424.260(1).
2. **Small Purchases (Under \$40,000):** For purchases under \$40,000, the City may use small purchase procedures as outlined in KRS 45A.385, which do not require competitive bidding but must follow fair and reasonable pricing practices. The City shall obtain at least three quotes when practicable to ensure cost-effectiveness.
3. **Exemptions:** Exemptions to competitive bidding requirements include state price contracts, emergency procurements, and sole-source procurements, as permitted under KRS 424.260 and KRS 45A.095. Justification of exemptions will be documented.

3.2. Federal Requirements (FTA Circular 4400.1G, 2 CFR Part 200.319).

For procurement funded by FTA grants, the City will comply with the following federal requirements:

3.2.1. Full and Open Competition:

All procurement transactions under the federal award must be conducted in a manner providing full and open competition consistent with the standards of this policy. More specifically, 2 CFR 200.319 lists three (3) requirements for Purchase Procedures, where all solicitations shall:

1. Be made in accordance with 2 CFR 200.319(b) which states: "To ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids must be excluded from competing on those procurements."
2. Incorporate a clear and accurate description of the technical requirements for the property, equipment, or service being procured. The description may include a statement of the qualitative nature of the property, equipment, or service to be procured. When necessary, the description must provide minimum essential characteristics and standards to which the property, equipment, or service must conform. Overly detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to clearly and accurately describe the technical requirements, a "brand name or equivalent" description of features may be used to provide procurement requirements. The specific features of the named brand must be clearly stated; and
3. Identify any additional requirements which the offerors must fulfill and all other factors that will be used in evaluating bids or proposals.

3.2.2. Procurement Methods: The City may use one of the following methods, as appropriate, per FTA Circular 4220.1G and 2 CFR Part 200.320, per applicable thresholds set by Federal Acquisition Regulations (FAR):

1. Micro-Purchases (up to \$10,000 or as adjusted by federal regulations): May be made without competitive quotations if the price is fair and reasonable.
2. Small Purchases (up to \$50,000 or as adjusted by federal regulations): Require price or rate quotations from an adequate number of qualified sources.
3. Sealed Bids: Preferred for fixed-price contracts exceeding \$50,000, where price is the primary factor and specifications are clear.
4. Competitive Proposals: Used when conditions are not appropriate for sealed bids, such as for professional services or complex projects.
5. Noncompetitive Proposals (Sole Source): Permitted only when justified under 2 CFR Part 200.320(f) (e.g., unique source, public exigency, or inadequate competition per FAR).
6. Cost or Price Analysis: A cost or price analysis must be performed for every procurement action, including contract modifications, per 2 CFR Part 200.323
7. Contract Clauses: All contracts funded by FTA grants shall include mandatory FTA contract clauses as outlined in FTA 4220.1G, including but not limited to Buy America, Disadvantaged Business Enterprise (DBE) participation, and labor protections.
8. Prohibited Practices: The City shall avoid practices that restrict competition, such as

noncompetitive awards to consultants on retainer or unnecessary bundling of requirements (2 CFR Part 200.319(c)).

3.3. Ethical Standards (KRS 45A.455-460, 2 CFR Part 200.318)

1. Procurement activities shall adhere to ethical standards, including avoiding conflicts of interest and ensuring transparency.
2. Contracts must include provisions requiring contractors to disclose violations of or compliance with specified KRS chapters. Nondisclosure or noncompliance may result in contract termination.
3. City officers, employees, or their immediate family members are prohibited from purchasing surplus property valued at \$10,000 or less unless sold at fair market value through a competitive process (KRS 82.08).

4. Specific Requirements for City Bus System (FTA-Funded Procurements)

4.1. FTA Grant Compliance

1. FTA Circular 4220.1G: All procurements for the city bus system (OPB) funded by FTA grants shall comply with FTA C 4220.1G, which outlines permissible third-party contracting requirements. This includes adherence to the FTA Master Agreement and applicable federal regulations.
2. Disadvantaged Business Enterprise (DBE): The City shall promote DBE participation in accordance with 49 CFR Part 26, actively seeking qualified small and minority-owned businesses for contracting opportunities. The City shall establish a DBE program and set goals for DBE participation in FTA-funded contracts.
3. Buy America: All FTA-funded contracts for steel, iron, or manufactured products shall comply with Buy America requirements per 49 CFR Part 661, ensuring that final assembly occurs in the United States and a minimum percentage of components are domestically produced.
4. Energy Conservation: Contracts shall include clauses promoting energy efficiency, as required by FTA Circular 4220.1G.
5. Documentation: The City shall maintain records of all FTA-funded procurements, including justifications for procurement methods, cost analyses, and contractor selection, per 2 CFR Part 200.318(i).

4.2. Procurement Procedures for City Bus System.

4.2.1 Purchase of Equipment (e.g., Buses, Parts):

1. Competitive sealed bidding shall be used for standard equipment purchases exceeding \$250,000, with awards based on the lowest responsive and responsible bid.
2. For purchases under \$250,000, small purchase procedures may be used, obtaining at least three quotes when practicable.
3. School bus accessory equipment may be procured through state price contracts, as permitted by KRS

4.2.2. Procure Services (e.g., Maintenance, Operations):

1. Competitive proposals shall be used for professional or technical services, evaluating both technical qualifications and cost.
2. Contracts shall include performance and payment bonds when required by KRS 45A.190 or FTA Circular 4220.1G.
3. Sole-Source Procurement: Justifications for sole-source procurements (e.g., proprietary bus parts) must be documented and approved by the City's designated procurement officer, in compliance with 2 CFR Part 200.320(f) and KRS 45A.095.

5. Procurement Process for City Bus System

5.1. Procurement Planning: The City shall develop clear specifications and solicitations that promote competition and align with project needs. Specifications shall avoid restrictive detailed requirements that limit competition (2 CFR Part 200.319).

5.2. Solicitation Methods:

1. Advertisements for bids exceeding \$40,000 shall be published in a newspaper of general circulation or on the City's eProcurement platform, per KRS 424.260(1) and KRS 424.130.
2. For FTA-funded procurements, solicitations shall include all required federal clauses and certifications (e.g., DBE, Buy America).
3. Resident Bidder Preference: The City shall apply reciprocal resident bidder preferences, giving preference to Kentucky-based bidders when equivalent to out-of-state bidders, unless prohibited by federal grant conditions.

5.3 Evaluation and Award

1. Selection Criteria: Awards shall be made to the lowest responsive and responsible bidder (for sealed bids) or the offeror providing the best value (for competitive proposals), considering price, technical qualifications, and compliance with specifications.
2. Negotiation: Negotiations are permitted when all bids exceed available funds or when authorized by KRS 45A.375 or 2 CFR Part 200.320.
3. Contract Award: Contracts shall be awarded only to responsible contractors meeting all eligibility requirements, per KRS 45A.110 and 2 CFR Part 200.318.

5.4 Contract Administration

1. Contract Oversight: The Mayor shall designate a procurement officer to oversee contract performance, ensure compliance with terms, and maintain records.
2. Modifications and Terminations: Contract modifications or terminations shall follow KRS 45A.210 and 2 CFR Part 200.339, with proper documentation.
3. Payment Terms: Payments shall be made only upon receipt of a valid purchase order or fully executed contract, per FTA Circular 4220.1G and City policy.

6. Surplus Property Disposal

1. Surplus property valued at \$10,000 or less may be sold at fair market value without

competitive bidding, per KRS 82.083, provided it is properly advertised Property cannot be sold to City officers, employees, or their families.

2. Surplus property exceeding \$10,000 shall be disposed of through a competitive process, unless declared as garbage and exempt under KRS 82.083.

7. Recordkeeping and Transparency

1. Documentation: The City shall maintain detailed records of all procurements, including solicitations, bids/proposals, evaluations, contract awards, and exceptions, for a minimum of five years or as required by 2 CFR Part 200.333.
2. Transparency: Procurement information, including open contracts, shall be made publicly available for inspection and copying under the Kentucky Open Records laws.
3. Audits: All FTA-funded procurement is subject to audit and review to ensure compliance with federal and state regulations.

8. Emergency Procurements

In officially declared emergencies threatening public health, safety, or welfare, the City may waive competitive bidding requirements consistent with 2 CFR Part 200.320(f). The City shall document the emergency justification and verify authenticity through designated authorities.

9. Policy Administration

1. Procurement Officer: The Mayor shall be responsible for implementing this policy, and may appoint a qualified Procurement Officer responsible for ensuring compliance, and providing training to City staff involved in OPB procurement and oversight.
2. Review and Updates: This policy shall be reviewed annually and updated as needed to reflect changes in applicable state or federal regulations and guidelines.
3. Training: all City staff involved in procurement for the city bus system shall receive reasonable training and materials regarding FTA Circular 4220.1 G and 2 CFR Part 200 guidelines and requirements.

10. Compliance and Enforcement

1. Noncompliance: Failure to comply with this policy may result in contract termination, suspension of federal funding, or other penalties under 2 CFR Part 200.338.
2. Reporting Violations: Suspected violations of procurement policies or ethical standards shall be reported to the Mayor or designated procurement officer.
3. Federal Oversight: the City acknowledges the FTA's authority to review and audit procurement activities for city bus funds to ensure compliance as agreed herein.

Adopted by Municipal Order of the City of La Grange, Kentucky passed August 4th, 2025

Signed:



John W. Black, Mayor

City of La Grange, Kentucky

Attest:



City Clerk

Procurement Policy - FTA Grants for City Bus 2025 BC.wpd