



Authority Board Agenda Summary

MEETING DATE: October 16, 2018

AGENDA ITEM: Resolution 18-14: To Adopt a Revised Purchasing Policy

SUBMITTED BY: Sara Crouch **TITLE:** Finance Manager

DEPARTMENT: Finance

**EXHIBITS/
ATTACHMENTS:**

Resolution 18-14
Draft of Revised Purchasing Policy

BUDGETARY IMPACT (if applicable)

BUDGETED: _____

EXPENDITURE REQUIRED: _____

FUNDING SOURCE: _____

REVIEWED BY: Jammi Rubert

RECOMMENDATION: Approve

**SUMMARY
STATEMENT:**

Summary of Changes

The State Auditor requested that we add the specific terminology "Conflict of Interest" to our current Procurement policy. The rules in Section 21 Ethics, describe and define conflicts of interest prohibited behavior, but do not specifically cite "conflict of interest". The Auditor found a paragraph in our former purchasing policy that cites conflict of interest and requested that we add that paragraph to the Procurement Policy and "Conflict of Interest" to the Section Title.

Locations of Revisions:

Title Page

Page ii

Page 34

**RECOMMENDED
ACTION/MOTION:**

Motion: Move to adopt Resolution 18-14: To adopt a revised Purchasing Policy

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The undersigned duly qualified Clerk of the Board, acting on behalf of the Jefferson County Public Transportation Benefit Area, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Jefferson Transit Authority Board held on October 16, 2018.

Clerk of the Board

Purchasing Policy

Jefferson Transit Authority

~~January 1, 2017~~[October 16, 2018](#)

Replacing JTA Procurement Policy (Resolution#15-06)

[Revising JTA Purchasing Policy \(Resolution #16-19\)](#)

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Jefferson Transit Authority Procurement Policy

Procurement Policy Overview and Purpose

RCW 36.57.080 grants authority to Jefferson Transit Authority (JTA) to determine and prescribe requirements for purchases of goods and services.

This policy is consistent with federal and state requirements that will ensure that JTA receives the best goods and services at the most reasonable price practicable in an open, fair, and competitive manner.

Section 1:

Objectives

The purpose of these JTA Purchasing Policies is to establish a broad framework of policies and guidelines to ensure that JTA's purchasing and contracting functions promote administrative flexibility and efficiency, while also maintaining prudent internal controls and compliance with applicable statutes and regulations.

Specific objectives include, but are not limited to the following:

1. **Fairness and Objectivity**: Providing a fair, objective, and equitable selection and contracting environment for all individuals and firms seeking to do business or contracting with JTA.
2. **Ensuring Reasonable Costs**: Promoting competition, and negotiating (where applicable), to ensure that JTA receives the most favorable prices and terms in its contracts.
3. **Efficiency**: Ensuring that supplies and services are obtained efficiently and effectively.
4. **Accountability**: Promoting accountability of contracting actions by JTA employees and encouraging employees to protect JTA's financial and other interests.
5. **Value-Added Procurement**: Facilitating a procurement process that provides service and value to JTA in obtaining goods and services.
6. **Ethical Standards**: Ensuring that JTA's procurement activities are implemented with the highest regard for integrity, avoidance of conflicts of interest, and consistent with applicable ethical standards.
7. **Legal Considerations**: Complying with all applicable federal, state, and local statutes and regulations.

Section 2

Scope

JTA receives funds from federal and state funding sources. JTA shall develop purchasing procedures designed to ensure compliance with applicable laws and regulations without necessarily imposing a higher standard than is necessary to ensure compliance.

	<p>Where a requirement in these Policies is based only on federal requirements, JTA may, on a case-by-case basis for non-federally funded contracts, apply a less stringent standard than outlined in the federal requirements, provided it is otherwise consistent with applicable JTA Policies and that all State or other legal requirements are met.</p> <p>Nothing in these Purchasing Policies will prevent JTA from complying with the terms and conditions of any grant, contract, gift, or bequest that is otherwise consistent with law.</p> <p>Included in Scope: The following shall be governed by these Purchasing Policies: Procuring, Purchasing, Leasing, or Renting:</p> <ul style="list-style-type: none"> • Goods, Supplies, Equipment, Materials • Construction and Maintenance • Consultant Services • Architectural and Engineering (A & E) Consultant Services • Other Services <p>Excluded from Scope: The following shall not be governed by these Purchasing Policies:</p> <ul style="list-style-type: none"> • Real Estate Purchase and Sale Transactions. (Surveys, appraisals, environmental assessments, and financing analyses are considered Consultant services and governed by these Purchasing Policies.) • Business and other Insurance • Banking services, Loan transactions, and related documents • Sub-recipient or sub-grantee agreements and related change orders. • Employment matters and employee benefit plans/programs.
<p>Section 3:</p> <p>Policy Administration</p>	<p>The Authority Board is the governing body of JTA. This policy is adopted by the Board for the purposes of establishing the administrative authority of the General Manager (GM).</p> <p>The General Manager is responsible for day-to-day operations of JTA involving personnel, finances, payments of invoices, facilities, real and personal property, and other assets. The GM shall retain professional staff which shall operate and manage according to directives and policy from the GM subject to review by the Board. The GM shall regularly inform and consult with the Chair of the Board, the Finance Committee, and the Board as a whole regarding significant information, business transactions and policies through methods mutually agreeable to the Board and the GM. The GM shall be responsible for the day-to-day direction and conduct of business transactions of JTA subject to the policies, limitations, and directives in this Policy.</p>
<p>Section 4:</p> <p>Delegation of Authority</p>	<p>The following JTA employees are authorized to purchase or issue purchase orders for supplies, materials, and services up to \$2,500:</p> <ul style="list-style-type: none"> • General Manager (GM) • Finance Manager (FM) • Operations Manager • Fleet & Facilities Manager

	<ul style="list-style-type: none"> • Executive Assistant/Clerk of the Board • IT Specialist • Facilities Maintenance Worker • Mechanic • Maintenance Clerk <p>The General Manager is delegated additional authority by the JTA Board to execute all procurement documents for goods and/or services and public works contracts up to \$25,000. The provisions of the annual adopted budget limit this procurement authority to those items in adopted budgets.</p> <p>The Authority Board must approve all purchases over \$25,000.</p> <p>Purchase documents not executed within the above-delegated authority may become the responsibility of the person originating the transaction.</p>
Section 5: Bidders and Proposers	<p>Contract awards may be made only to “responsible” contractors possessing the ability, willingness, and integrity to perform successfully under the terms and conditions of the contract (49 U.S.C. Section 5325). The prospective contractor must meet the following criteria as well as any additional criteria described in the solicitation document:</p> <ol style="list-style-type: none"> a) Is not debarred or suspended from Federal programs per the Excluded Parties List System or equivalent. b) Is in compliance with applicable licensing, tax laws, and regulations, c) Has, or can obtain, sufficient resources to perform the contract, d) Is not, or has not recently been seriously deficient in contract performance, unless it is determined that the circumstances were beyond the bidder or proposer’s control, or unless the bidder or proposer has taken appropriate corrective action. <p>Purchasing shall ensure there is an IRS form W-9 (or substitute form) on file prior to payment to a vendor.</p> <p>Prior to the award of any public works contract, Purchasing shall ensure and document that the low bidder meets the mandatory bidder responsibility criteria included in <u>RCW 39.04.350</u>. Additionally, JTA may develop supplemental bidder criteria as part of construction bidding documents, which include relevant, specific, and objective qualification requirements for the contractor or sub-contractors that may be used in evaluating whether a contractor is a responsible bidder capable of performing the proposed work.</p>
Section 6 Contract Duration	<ol style="list-style-type: none"> 1. <u>Competition</u>: As a government agency and stewards of the public’s money, JTA acknowledges the importance of competition to ensure it receives the best quality of goods and services at the most competitive prices. JTA also acknowledges the importance of spreading public contracting opportunities to the larger business community. 2. <u>Efficiency</u>: JTA acknowledges that longer-term contracts are often beneficial to both the business community and JTA in that they reduce costs necessary to conduct frequent solicitation processes, enable the business community to gain proficiency and knowledge in meeting JTA’s needs, and afford economies of financial return for the business community.

<p>Section 6</p> <p>Contract Duration (Continued)</p>	<p>3. Fairness: In order to ensure fairness and meet the expectations of the business community, the length of any JTA contract shall be limited to the time specified in the advertised solicitation. JTA shall generally not extend a contract beyond the advertised period, except for good and sufficient reasons as approved by General Manager.</p> <p>Length of Contracts The following shall govern the length of JTA contracts:</p> <ol style="list-style-type: none"> 1. Generally, a supply or service contract shall be established for one to three years, with options to extend the contract for up to a total of five years. The decision on the length of a contract shall be determined on a case-by-case basis, provided that Purchasing approves the contract length. 2. Solicitation documents and contracts shall include language about the anticipated length of a particular procurement. <p>Contract Extensions Price Negotiations: Contracts shall generally include provisions outlining the process or formula to be followed in negotiating the price for an extension of a contract's original term.</p>
<p>Section 7.1:</p> <p>ENSURING REASONABLE COSTS</p> <p>General</p>	<p>Purpose: The purpose of cost or price analysis is to ensure that JTA pays a reasonable price. Prices which are unreasonably low can be detrimental to JTA as they can indicate a mistake or misunderstanding regarding the work to be performed.</p> <p>General: JTA staff shall exercise their best professional judgment to evaluate the reasonableness of a proposed expenditure. An independent cost estimate shall be made prior to solicitations, or prior to starting contract negotiations after making a selection based on a Request for Qualifications. The estimate will be used to evaluate reasonableness or unreasonableness of price and/or the estimated costs to perform the contract.</p> <p>Definitions: Price Analysis: A written review and evaluation of competitive prices to determine whether the proposed price is reasonable when compared with prices provided by others in the market.</p> <p>Cost Analysis: A written review and evaluation of the proposed cost elements (labor, materials, overhead) and profit of a contract, purchase order, or change order to ensure the price is reasonable. It is usually used for professional consulting and Architectural & Engineering services contracts. A Cost Analysis is necessary whenever a Price Analysis cannot be performed.</p> <p>All Procurements over \$2,500 require either a Price Analysis or Cost Analysis:</p> <ol style="list-style-type: none"> 1. Small Procurements between \$2,500 and \$150,000 will generally require a Price Analysis (catalog/internet prices or quotes; see 6.2). Occasionally a Cost Analysis will be required. 2. Public Works contracts and Change Orders must have a Price Analysis or Cost Analysis, per <u>RCW 39.04.020</u>.

<p>Section 7.1:</p> <p>ENSURING REASONABLE COSTS</p> <p>General (Continued)</p>	<p>3. All federal grant funded procurements must have a Price Analysis or Cost Analysis, per FTA Circular 4220.1.f VI.6.</p> <p>Extent of Analysis: The requirements for ensuring reasonable costs in contracting apply to most JTA procurement activities (goods, supplies, construction, consulting, services, and contract changes). The method and degree of analysis depends upon the facts of a particular procurement situation, including the size, nature, and complexity of the contract or change order. The estimate can range from a simple budgetary estimate to a complex estimate based on inspection of the product itself and review of such items as drawings, specifications, and prior data.</p> <p>When Not Required: Transactions defined on the Direct Payments List in Section 16.2 of these Policies are exempt from the requirements of this Section.</p>
<p>Section 7.2</p> <p>ENSURING REASONABLE COSTS</p>	<p>An independent estimate of costs (Price Analysis or Cost Analysis) is required for procurements exceeding \$15,000 EXCEPT:</p> <ol style="list-style-type: none"> 1. Procurements made through cooperative purchasing agreements (i.e., WA State Department of Enterprise Services (DES) contracts) are exempt from this requirement. 2. Direct Payments (Section 15) are exempt from this requirement. 3. All procurements using federal funds must have a Price or Cost Analysis performed, even if purchases are made through cooperative agreements. <p>JTA staff are expected to exercise prudent and conservative judgment in evaluating the reasonableness of all proposed expenditures. The independent cost analysis will usually be prepared by JTA staff, however, an independent party may assist in evaluation of reasonableness of costs.</p> <p><u>Price Analysis</u> Purpose: The purpose of a Price Analysis is to ensure JTA pays a reasonable price, based on market prices.</p> <p>Accepted forms of Price Analysis techniques are:</p> <ol style="list-style-type: none"> 1. Comparison of catalog or market prices (internet search) 2. Comparison to prior purchases 3. Comparing vendor quotes 4. Adequate price competition (at least 2 offerors respond satisfactorily to solicitation) 5. Pricing set by law or regulation (ex: utilities) 6. Comparing proposed prices with independently developed cost estimates. 7. Value Analysis. This may include consideration of life cycle costs such as productivity gains, services/training provided, or efficiency gains. <p><u>Cost Analysis</u> Purpose: The purpose of the Cost Analysis is to ensure that the proposed price is reasonable. It shall include an analysis of a proposal's separate cost elements and profit compared to what the cost of the contract should be, (assuming reasonable economy and efficiency).</p>

<p>Section 7.2</p> <p>ENSURING REASONABLE COSTS (Continued)</p>	<p>When Required: The following situations require a Cost Analysis:</p> <ol style="list-style-type: none"> 1. Price Analysis will not provide sufficient information to determine the reasonableness of the contract cost 2. Sole source, including emergency, selections (unless waived by the General Manager) 3. Single response to a solicitation 4. Contracts based on a Request for Qualifications (A&E) 5. Change orders or other modifications that change the contract amount. 6. Contracts based on Formal (ITB, RFP) or Informal Solicitations where price is one of the evaluation criteria. <p>Level of Specificity: JTA staff (or contractor/consultant) with the relevant experience and knowledge should conduct the Cost Analysis. The analysis must have a level of specificity and independence appropriate to the contract or Change Order under review that describes what was analyzed. For any contract or Change Order subject to a Cost Analysis, JTA shall require that the Contractor/Consultant submit a cost breakdown of their price for use in evaluating reasonableness of price.</p> <p>Negotiation of Profit: Profit shall be negotiated separately in all cases where there is no price competition. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.</p>
<p>Section 7.3</p> <p>ENSURING REASONABLE COSTS:</p> <p>Specific Situations</p>	<ol style="list-style-type: none"> 1. Time and Materials Contracts: A Time and Materials contract may be used only after a determination that no other contract payment type is suitable. This is generally when the extent of work is unknown when the work is solicited. 2. Prohibited Contracting Methods: "The 'cost plus a percentage of cost' and 'percentage of construction cost' methods of contracting shall not be used" (<u>CFR 48.1.C.102c</u>).
<p>Section 8</p> <p>Purchases Under \$2,500</p>	<p>Micro purchase procedures are for the purchases of goods and services under \$2,500, as defined by FTA Circular 4220.1F Section VI. Employees are expected to use their best professional judgment when making micro purchases and maximize JTA dollars for value. Although competition is not required, it is expected that the best possible price be obtained and that no favoritism be shown in selecting suppliers.</p> <p>Micro-purchases:</p> <ol style="list-style-type: none"> a) Shall be distributed equitably among qualified suppliers, service providers, consultants, and contractors. b) Shall not be divided or reduced merely to comply with the micro-purchase limit. c) Are exempt from FTA's Buy America requirements. d) Pricing shall be fair and reasonable. <p>All Public Works projects are subject to Prevailing Wage rules (FTA C4220.1.f) as well as bidding and contract requirements and may only be purchased under this section if in compliance with Section 11.5.</p>

Section 9.1 Goods, Supplies, Equipment, and Materials: General	<p>This Section deals primarily with the purchase of goods, supplies, equipment, materials, and ancillary services (ex: installation, maintenance packages, etc.), and is frequently referred to as “goods and supplies.”</p>
Section 9.2 Goods, Supplies, Equipment, and Materials: Informal Solicitations	<ol style="list-style-type: none"> 1. Definition: 41 USC Section 403(11) specifies that procurements costing \$150,000 or less qualify as “small purchases” that are not subject to formal advertising as part of the selection process. While these procurements may be conducted under less formal selection procedures, obtaining and comparing competitive prices from more than one vendor represents good public policy, and is required for the purchase of all goods, supplies, equipment, and materials costing \$2,500 or more. 2. Evaluation Criteria: <ol style="list-style-type: none"> a.) Generally, price shall be used as the primary evaluation criterion. b.) The geographic location of vendors submitting bids may not be used as an evaluation criterion. 3. Department Responsibilities: <ol style="list-style-type: none"> a.) Department Managers are responsible for ensuring that Procurement Employees develop and provide a clear and accurate description of the technical requirements of the item(s) to be purchased. b.) Department Managers shall ensure that product descriptions on Purchase Orders do not unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured, and when necessary, shall describe minimum essential characteristics and standards to which it must conform to satisfy its intended use. Detailed product specifications should be avoided where practicable. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a brand name or equal description may be used as a means to define the performance or other salient requirements of a material, product, or service. The specific features of the named brand which must be met shall be clearly stated. c.) For purchases of \$2,500 or more, Department Managers shall have a Price Analysis performed, generally by comparing prices from vendors. If a Price Analysis cannot be performed, an Independent Cost Estimate must be developed for bids or quotations. 4. Finance Manager Responsibilities: Finance Manager shall: <ol style="list-style-type: none"> a.) Review Purchase Orders submitted to ensure that they have been approved by an individual with sufficient Approval Authority. b.) Review Purchase Orders to ensure that the goods are described in sufficient detail to price the item(s). c.) Review anticipated procurements to identify whether they should be purchased through informal or formal solicitation requirements. 5. Informal Solicitation Requirements: <ol style="list-style-type: none"> a.) To ensure adequate and sufficient competition in obtaining goods and supplies over \$2,500, at least three vendors must be solicited or prices

<p>Section 9.2</p> <p>Goods, Supplies, Equipment, and Materials:</p> <p>Informal Solicitations (continued)</p>	<p>compared. Under special circumstances and for good and sufficient reasons, Finance Manager may approve solicitation of just two vendors.</p> <p>b.) Price quotations may be received orally, by fax, e-mail, internet search, or other means. The decision about whether to request and receive price quotations orally or in writing shall be made by Purchasing based on the complexity of the solicitation. Simple solicitations may be handled orally or through an internet search, while more complex ones should be handled in writing. Solicitations and responses for goods which must be manufactured or assembled specifically for JTA, or for which installation is a component, should generally be in writing.</p> <p>c.) When soliciting goods valued at \$10,000 or more, Purchasing shall allow sufficient time for vendors to prepare and submit their prices.</p> <p>6. Price or Cost Analysis: Department Managers shall ensure that an adequate Price Analysis or Cost Analysis is conducted that demonstrates the reasonableness of the proposed contract amount (Section 6). A copy of the completed Price Analysis or Cost Analysis will be placed in the procurement file.</p> <p>7. Non-Competitive Procurements: Refer to Section 14.2 of these Policies for information on Sole Source, Emergency, and Single Response to a solicitation.</p> <p>8. Informal Solicitation Threshold: An informal solicitation may be used for buying goods and supplies that will cost \$150,000 or less. A contract, single or multi-year, based on an informal solicitation shall not exceed \$150,000 (including change orders, transportation, and sales tax).</p> <p>If goods and supplies in excess of \$150,000 are required under a contract based on an informal solicitation a competitive selection process should be initiated immediately for those goods and supplies. The General Manager may extend the existing contract if termination would adversely affect JTA business operations and the Board of Directors shall be notified of the extension.</p>
<p>Section 9.3</p> <p>Goods, Supplies, Equipment, and Materials</p> <p>Invitation to Bid</p>	<p>1. Definition: An Invitation to Bid (ITB) is a formally advertised and competitive selection process used for obtaining goods and supplies that will cost more than \$150,000 (41 USC Section 403(11)), where award is made based on the lowest price submitted by a responsible bidder with a responsive bid.</p> <p>2. When to Use ITBs: Generally, vendors providing goods, supplies, equipment, materials, and some services should be selected based on competitive bids. If the following criteria are met, an ITB should be utilized:</p> <p>a.) The amount of the procurement, including any potential change orders, transportation, and sales tax will cost more than \$150,000.</p> <p>b.) A complete, adequate, and realistic specification or purchase description is available.</p> <p>c.) Two or more responsible bidders are willing and able to compete effectively for the work.</p>

<p>Section 9.3</p> <p>Goods, Supplies, Equipment, and Materials</p> <p>Invitation to Bid (continued)</p>	<p>d.) <i>The project lends itself to a firm fixed price contract, and the selection of the successful bidder can be made principally on the basis of price.</i></p> <p>e.) An ITB is NOT appropriate when the project does not lend itself to a firm-fixed price contract approach. An ITB would not be appropriate for fleet vehicles, projects where aesthetics are variable and important, and other projects with subjective criteria.</p> <p>3. Evaluation Criteria:</p> <p>a.) Price shall be the evaluation criterion used, provided the bid is submitted by a responsible bidder with a responsive bid</p> <p>b.) The geographic location of vendors submitting prices may not be used as an evaluation criterion.</p> <p>4. Department Responsibilities:</p> <p>a.) Department Managers are responsible for ensuring that Procurement Employees develop and write the following for an ITB:</p> <ul style="list-style-type: none"> • Detailed, clear, and accurate description of the product and/or scope of work. • Evaluation criteria indicating price is the only selection criteria. • List of items to be submitted with the bid. <p>b.) Department Managers shall ensure that product descriptions in ITBs do not unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured, and when necessary, state minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided where practicable. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a brand name or equal description may be used as a means to define the performance or other salient requirements of a material, product, or service. The specific features of the named brand which must be met shall be clearly stated.</p> <p>c.) Department Managers shall ensure that an Independent Cost Estimate is developed for obtaining goods and supplies, provided however, that for standard, commercially available items, the purpose of an Independent Cost Estimate is fulfilled by obtaining and comparing prices from vendors (Price Analysis), and no separate Independent Cost Estimate shall be required.</p> <p>5. Finance Manager Responsibilities: Finance Manager shall:</p> <p>a.) Review and approve each ITB before it is sent to vendors to ensure that it is clear, consistent with requirements, that the goods are described in sufficient detail to price the item(s), and promotes competition.</p> <p>b.) Review Purchase Orders submitted to ensure that they have been approved by an individual with sufficient Approval Authority.</p> <p>c.) Ensure Procurement Employee Advertises all ITBs.</p> <p>d.) Review anticipated annual procurements to identify whether they should be purchased through informal or formal solicitation requirements.</p>
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<p>Section 9.3</p> <p>Goods, Supplies, Equipment, and Materials</p> <p>Invitation to Bid (continued)</p>	<p>6. Solicitation Requirements:</p> <ul style="list-style-type: none"> a.) ITBs will be publicly advertised in the <i>appropriate newspaper; Municipal Research and Service Center (MSRC) rosters; or other media as appropriate.</i> b.) ITBs should be advertised and available for review by vendors for a sufficient length of time to prepare and submit bids. <ul style="list-style-type: none"> • The length of time shall be determined based on a number of factors, including but not limited to, the estimated dollar value of the work to be performed or goods provided, and the complexity of the procurement. • Generally, it is expected that ITBs will be advertised and available for review by vendors for 21 calendar days before bids are due. However, dependent upon the particular procurement, Purchasing may determine that adequate competition and preparation and submission of bids may be accomplished in a shorter period of time, and the 21 calendar day guideline may be adjusted appropriately. • Finance Manager, in consultation with the applicable Department Manager, shall make the final decision on the length of time an ITB is advertised. <p>7. Evaluation and Award:</p> <ul style="list-style-type: none"> a.) Price shall be used as the evaluation criterion. This shall be identified in the ITB. b.) Department Managers shall ensure that a Cost Analysis or Price Analysis is conducted that demonstrates the reasonableness of the proposed contract amount (Section 6). c.) Refer to Section 15.2 of these Policies for information on Sole Source, Emergency, and Single Response to a solicitation. <p>8. Federal Contract Provisions</p> <p>Federally funded contracts shall contain, where applicable, contract language required by 49 CFR 19.48 and Appendix A to Part 19, FTA Circular 4220.1.f Section IV, including these items:</p> <ul style="list-style-type: none"> • Contract type • Cost rates and restrictions • Civil rights, • Environmental protection, • Audit requirements • Breach of Contract • Termination of Contract • Claims and litigation • Settlements and Court and Arbitration awards (C4220.1.f VII(5)) • <u>EEO Requirements</u>: Executive Order 11246, entitled 'Equal Employment Opportunity,' as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR 60) • <u>Copeland "Anti-Kickback" Act</u>: 18 U.S.C. 874 as supplemented in Department of Labor regulations 29 CFR 3. • <u>Davis-Bacon Act</u>: 40 U.C. 276a as supplemented by Department of Labor regulations 29 CFR 5
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<p>Section 9.3</p> <p>Goods, Supplies, Equipment, and Materials</p> <p>Invitation to Bid (continued)</p>	<ul style="list-style-type: none"> • Contract Work Hours and Safety Standards Act (40 USC. 327-330) as supplemented by Department of Labor regulations (29 CFR 5). • <u>Restrictions on Lobbying</u>: Contractors who apply or bid for an award of \$150,000 or more shall file the certification required by 49 CFR 20. • <u>Debarment and Suspension</u>: Parties listed on GSA's debarment list are excluded from participation in federal contracts. • <u>Third party contracts</u> shall contain provisions extending FTA and State requirements to subcontractors.
<p>Section 10.1</p> <p>CONSULTANT, OTHER SERVICES & PROJECTS:</p> <p>General</p>	<ol style="list-style-type: none"> 1. Consultants provide advice, creative design, recommendations, reports, analyses, evaluations, audits, surveys or other products of cognitive processes or expert or professional services. <i>Consultants providing architectural, engineering, landscape architectural, or land surveying services are considered A & E Consultants, addressed in Section 11.</i> 2. Service Providers perform non-consultant work including ongoing management of programs and provision of services. Examples of Service Providers include but are not limited to: armored car service, messengers, services performing routine maintenance, etc. One distinguishing feature of Service Providers is that the work they perform is not normally subject to federal or state prevailing wage requirements. 3. Other Projects: Certain procurements are not appropriate for an ITB as it is not reasonable to define or have knowledge of all possible specifications. Software, technology, or rolling stock are examples of procurements that are appropriately purchased through an RFP. Purchase criteria involves multiple factors with price as only one criteria. 4. Terminology: For ease of reading, this Section will refer to Consultants, Service Providers, and other project offerors as Consultants. 5. A Two Step Procurement procedure, described in Section 13, may be used for these procurements.
<p>Section 10.2</p> <p>CONSULTANT AND OTHER SERVICES:</p> <p>Informal Solicitations (Under \$150,000)</p>	<ol style="list-style-type: none"> 1. Definition: 41 USC Section 403(11) specifies that procurements costing \$150,000 or less qualify as "small purchases," and are not subject to formal advertising as part of the selection process. 2. Informal Solicitation Threshold: An informal solicitation may be used only for those Consultant services that will cost \$150,000 or less over the life of the contract (including change orders and taxes). Based on selection through an informal solicitation process, no contract may be awarded where the contract amount and/or payments during the life of the contract exceeds \$150,000. A contract based on an informal solicitation shall not exceed \$150,000. 3. When to Use Informal Solicitation Process: While procurements of \$150,000 or less may be conducted under less formal selection procedures, competition, including the use of price as one of the evaluation criteria, represents good public policy, and is required for all Consultant services costing \$25,000 or more. For small contracts under \$25,000, obtaining a price from only one Consultant is acceptable if the price received is considered reasonable. Additionally and where possible, solicitation opportunities for small contracts under \$25,000 shall be

<p>Section 10.2</p> <p>CONSULTANT AND OTHER SERVICES:</p> <p>Informal Solicitations (Under \$150,000) (continued)</p>	<p>equitably distributed among the consultants on JTA's Consultant Roster Program. (JTA participates in the MRSC Consultant Roster.)</p> <p>4. Evaluation Criteria:</p> <ul style="list-style-type: none"> a.) Offers not meeting minimum qualifications will not be considered. b.) Price shall be used as an evaluation criterion. c.) Experience of the consultant, expertise and qualifications of staff to be used, along with availability to perform the services and other factors may also be used as evaluation criteria. d.) The geographic location of consultants submitting proposals may not be used as an evaluation criterion. <p>5. Department Responsibilities:</p> <ul style="list-style-type: none"> a.) Department Managers are responsible for ensuring that Procurement Employees develop and write the following for a proposed informal solicitation: <ul style="list-style-type: none"> • Detailed, clear, and accurate scope of work. • Evaluation criteria, including weighting of each criterion, with price as one of the criteria. • List of items to be submitted with the proposal. b.) Department Managers shall ensure that an Independent Cost Estimate (Section 6) is developed prior to receipt of any proposals. c.) Department Managers are responsible for appointing an evaluation panel of at least three qualified members (including a chair) to review and rate proposals received. It is recommended that JTA staff be in the majority on panels that include non-JTA members. <p>6. Finance Manager Responsibilities: Finance Manager shall:</p> <ul style="list-style-type: none"> a.) Establish standard JTA informal solicitation documents. b.) Review and approve each informal solicitation before it is sent to consultants to ensure that it is clear, consistent with requirements, and promotes competition. c.) Review contracts annually to identify whether they should be purchased through informal or formal solicitation requirements. <p>7. Informal Solicitation Requirements:</p> <ul style="list-style-type: none"> a.) In order to ensure adequate and sufficient competition in obtaining consultant services, at least three consultants should be solicited. Under special circumstances and for good and sufficient reasons, purchasing may approve solicitation of just two consultants. b.) The requirements and responses relating to most informal solicitations shall be in writing between JTA and the consultants. c.) Informal solicitations should be available for review by consultants for a sufficient length of time to provide consultants with adequate time to prepare and submit proposals. d.) Procurement Procedures shall outline requirements for receipt of proposals, including, but not limited to, proposal submission, the means of solicitation and proposal submission (electronic or hard copy), and deadlines for submission.
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<p>Section 10.2</p> <p>CONSULTANT AND OTHER SERVICES:</p> <p>Informal Solicitations (Under \$150,000) (continued)</p>	<p>8. Evaluation and Award:</p> <ul style="list-style-type: none"> a.) Evaluation criteria shall be included in the informal solicitation. b.) The evaluation panel appointed by the Department Manager shall evaluate proposals received based only on the established criteria. c.) The Department Manager and Procurement Employee will jointly develop a written negotiation position. JTA shall enter into negotiations with the highest ranked consultant in an effort to execute a Contract. If negotiations are unsuccessful, JTA may proceed to negotiate with the next highest ranked Consultant. d.) Department Managers shall ensure that an adequate and sufficient Cost Analysis or Price Analysis is conducted that demonstrates the reasonableness of the proposed contract amount (see Section 6 of these Policies for further information). The Price Analysis or Cost Analysis must be in writing for all contracts of \$25,000 or more. e.) Contracts based on an informal solicitation shall normally be either based on a fixed-price, cost-reimbursement, or unit price model. <p>9. Federal Contract Provisions: See Section 9.3.7 below.</p> <p>10. Non-Competitive Procurements: Refer to Section 15.2 of these Policies for information on Sole Source, Emergency, and Single Response to a solicitation.</p>
<p>Section 10.3</p> <p>CONSULTANT AND OTHER SERVICES:</p> <p>Requests for Proposals (Over \$150,000)</p>	<p>1. Definition: A Request for Proposals (RFP) is a formally advertised and competitive selection process used to obtain consultant services more than \$150,000, and where the evaluation and selection of a Consultant cannot be based on price alone, but is based on established criteria that include price and other factors.</p> <p>2. Evaluation Criteria:</p> <ul style="list-style-type: none"> a.) Price shall be used as an evaluation criterion. b.) Experience of the consultant, expertise and qualifications of staff to be used, along with availability to perform the services and other factors may also be used as evaluation criteria. c.) The geographic location of Consultants submitting proposals may not be used as an evaluation criterion. <p>3. Department Responsibilities:</p> <ul style="list-style-type: none"> a.) Department Managers are responsible for ensuring that Procurement Employees develop and write the following for an RFP: <ul style="list-style-type: none"> • Detailed, clear, and accurate scope of work. • Evaluation criteria, with price as one of the criteria. • List of items to be submitted with the proposal. b.) Department Managers shall ensure that an Independent Cost Estimate is developed for the work. c.) Specify in the RFP whether a pre-proposal conference will be held. d.) Department Managers are responsible for appointing an evaluation panel of at least three qualified members, one designated as the chair, to review and rate proposals received. Generally, it is in JTA's best

<p>Section 10.3</p> <p>CONSULTANT AND OTHER SERVICES:</p> <p>Requests for Proposals (Over \$150,000) (continued)</p>	<p>interests for JTA staff to hold the majority position on panels that include non-JTA members.</p> <p>4. Finance Manager Responsibilities: Finance Manager shall:</p> <ul style="list-style-type: none"> a.) Establish standard RFP documents to be used throughout JTA. b.) Ensure Procurement Employee Advertises RFP. c.) Review and approve each RFP before it is made available to consultants to ensure that it is clear, consistent with requirements, and promotes competition. d.) Distribute the RFP and addenda. e.) Arrange the pre-proposal conference, if specified in the RFP. e.) Receive proposals submitted in response to RFPs. f.) Serve as coordinator/facilitator of the evaluation panel, as needed. g.) Prepare the Contract based on negotiations. h.) Review contracts annually to identify whether they should be purchased through informal or formal solicitation requirements. <p>5. Solicitation Requirements:</p> <ul style="list-style-type: none"> a.) RFPs will be publicly advertised in the appropriate newspaper, MSRC Consultant Roster, or other media, as appropriate. b.) RFPs should be advertised and available for review by consultants for a sufficient length of time to provide consultants with adequate time to prepare and submit proposals. <ul style="list-style-type: none"> • RFPs will usually be advertised and available for review by consultants for 21 calendar days before proposals are due. For a particular procurement, Department Manager may determine that adequate competition and preparation and submission of proposals may be accomplished in a shorter period of time, and the 21 calendar day guideline adjusted appropriately. The length of time can be based on factors, including but not limited to, the estimated dollar value, the complexity of the work, and the extent of developing a proposal or project approach versus merely providing information about qualifications, experience, and availability. • Purchasing, consulting with the applicable Department Manager, shall make the final decision on how long an RFP is advertised. c.) Procurement Procedures shall outline requirements for receipt of proposals, including, but not limited to, proposal addressee, means of solicitation and proposal submission, and deadlines for submission. <p>6. Evaluation and Award:</p> <ul style="list-style-type: none"> a.) Evaluation criteria and the relative weight of each criterion shall be included in the RFP. b.) Proposers not meeting minimum qualifications will not be considered. c.) The evaluation panel appointed by the Department Manager shall evaluate proposals received based only on the established criteria and upon the proposal submitted. c.) JTA shall enter into negotiations with the highest ranked consultant in an effort to execute a Contract. If negotiations are unsuccessful, JTA may proceed to negotiate with the next highest ranked Consultant.
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<p>Section 10.3</p> <p>CONSULTANT AND OTHER SERVICES:</p> <p>Requests for Proposals (Over \$150,000) (continued)</p>	<p>e.) Department Managers shall ensure that an adequate and sufficient Cost Analysis or Price Analysis is conducted that demonstrates the reasonableness of the proposed contract amount (Section 6).</p> <p>f.) JTA may reject any or all proposals.</p> <p>7. Federal Contract Provisions: Federally funded contracts shall contain, where applicable, contract language required by 49 CFR 19.48 and Appendix A to Part 19, FTA Circular 4220.1.f Section IV; including:</p> <ul style="list-style-type: none"> • Contract type • Cost rates and restrictions • Civil rights, • Environmental protection, • Audit requirements • Breach of Contract • Termination of Contract • Claims and litigation • Settlements and Court and Arbitration awards (C4220.1.f VII(5)) • <u>EEO Requirements:</u> Executive Order 11246, entitled 'Equal Employment Opportunity,' as amended by Executive Order 11375, and as supplemented in Dept. of Labor regulations(41 CFR 60) • <u>Copeland "Anti-Kickback" Act:</u> 18 U.S.C. 874 as supplemented in Department of Labor regulations 29 CFR 3. • <u>Davis-Bacon Act:</u> 40 U.C. 276a as supplemented by Department of Labor regulations 29 CFR 5 • Contract Work Hours and Safety Stds Act (40 USC. 327-330) as supplemented by Department of Labor regulations (29 CFR 5). • <u>Restrictions on Lobbying:</u> Contractors who apply or bid for an award of \$150,000+ shall file certification required by 49CFR20. • <u>Debarment and Suspension:</u> Parties listed on GSA's debarment list are excluded from participation in federal contracts. • <u>Third party contracts</u> shall contain provisions extending FTA and State requirements to subcontractors. • <p>8. Non-Competitive Procurements: Refer to Section 15.2 for information on Sole Source, Emergency, and Single Response to a solicitation.</p>
<p>Section 11.1</p> <p>Architectural & Engineering (A & E) CONSULTANT SERVICES</p> <p>Definitions</p>	<p>1 Cost Prohibited as a Selection Criterion: Architectural & Engineering (A & E) Consultant Services are a subset of Consultant Services. The primary distinction between the two is that JTA may not use cost as an evaluation criterion when selecting a firm for performing A & E work. Instead, consistent with the requirements of RCW 39.80 and the Brooks Act (40 USC. Sections 1101-1104), the evaluation criteria must be limited to factors that relate to a Consultant's qualifications and competence to perform the desired work. JTA must select the most highly qualified A & E Consultant to provide the services.</p> <p>2. Disciplines: The following are included in A & E Consultant Services: <u>Professional Services:</u> Program management, construction management, feasibility studies, preliminary engineering, design, architectural,</p>

<p>Section 11.1</p> <p>Architectural & Engineering (A & E) CONSULTANT SERVICES</p> <p>Definitions (continued)</p>	<p>engineering, surveying, mapping and related services (<u>CFR 49 Sec 5325(b)</u>). Landscape architectural services (<u>RCW 39.80.020</u>).</p> <p><u>Related to Real Property:</u> Professional services of an architectural or engineering nature performed by contract that are associated with research, planning, development, design, construction, alteration, or repair of real property. The nature of the work to be performed and its relationship to construction, not the nature of the prospective contractor, determine whether qualifications-based procurement procedures may be used. (<u>40 U.S.C. 1102</u>).</p> <p><u>Typically Performed By:</u> Other professional services of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professionals (and individuals in their employ) may logically or justifiably perform, including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual design, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operation and maintenance manuals, and other related services (<u>40 U.S.C. 1102</u>).</p> <p>3. Distinguishing Between A & E Work and Non-A & E Work:</p> <p>a.) General: Because price may not be used as a criterion for selection of A & E consultants, but price must be used as a one criterion for selecting other consultants, it is important to distinguish what is A & E work and what is non-A & E work. It is to JTA's advantage to use price as one criterion for selection of consultants when permitted, to ensure that JTA obtains the most value for its money.</p> <p>b.) Making a Determination: Generally, A & E work and non-A & E work is based on the following:</p> <ul style="list-style-type: none"> • If State law requires that the work in question be performed by someone licensed or registered in one of the professions cited above, then the work should be considered as A & E work and price may not be used as an evaluation criterion. • As defined in RCW 39.20: "Architectural and engineering services" or "professional services" means professional services rendered by any person, other than as an employee of the agency, contracting to perform activities within the scope of the general definition of professional practice in chapters <u>18.08</u>, <u>18.43</u>, or <u>18.96</u> RCW." • The mere fact that the scope of services for a particular contract is likely to be performed by, or may be performed by, someone who is licensed or registered in one of the professions cited above does not mean that the work is A & E work. To be considered A & E work, the type of service must be as defined in RCW 39.20. <p><i>JTA may not use qualifications-based procurement procedures that are not included in the A & E categories noted above.</i></p>
<p>Section 11.2</p> <p>A & E CONSULTANT SERVICES</p>	<p>1. Cost Thresholds: The Federal simplified acquisition threshold (41 USC 403(11) specifies that procurements costing \$150,000 or less qualify as "small purchases" that are not subject to formal advertising as part of the selection process. However, Section 39.80 RCW requires that A & E</p>

<p>Section 11.2</p> <p>A & E CONSULTANT SERVICES:</p> <p>Informal Solicitations, (continued)</p>	<p>Consultant services be advertised, either specifically or generally, regardless of the dollar amount.</p> <p>2. Roster: JTA may establish through a Request for Qualifications process a Roster of qualified A & E Consultants who may be selected for specific scopes of work under an expedited proposal submittal process (informal solicitation). In establishing such a Roster, JTA shall ensure that the Roster is maintained with current information and that there are a sufficient number of qualified A & E Consultants on the Roster to “ensure maximum open and free competition. JTA may also utilize other government rosters, such as MRSC. Projects that are estimated to cost more than \$150,000.00 over the life of the contract, including any potential change orders, must be formally advertised (Section 11.3).</p> <p>3. Evaluation Criteria:</p> <ul style="list-style-type: none"> a.) Price may not be used as an evaluation criterion. b.) Experience of the A & E Consultant, expertise and qualifications of staff to be used, along with availability to perform the services and other factors may also be used as evaluation criteria. c.) The geographic location of A & E Consultants submitting qualifications may be used as an evaluation criterion provided that its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract. <p>4. Department Responsibilities:</p> <ul style="list-style-type: none"> a.) Department Managers are responsible for ensuring that Procurement Employees develop and write the following for a proposed informal solicitation: <ul style="list-style-type: none"> • Detailed, clear, and accurate scope of work. • Evaluation criteria, including weighting of each criterion. Price or cost may not be used as an evaluation criterion. • List of items to be submitted for evaluation. b.) Department Managers shall ensure that an Independent Cost Estimate is developed for procurements greater than \$25,000. c.) Department Managers are responsible for appointing an evaluation panel of at least two qualified members (including one person designated as the chair) to review and rate submittals received. <p>5. Finance Manager Responsibilities: Finance Manager shall:</p> <ul style="list-style-type: none"> a.) Establish standard informal solicitation documents for JTA use. b.) Review and approve each informal solicitation before it is released to A & E Consultants to ensure it is clear, consistent with requirements, and promotes competition. c.) Assign Procurement Employee to arrange a pre-submittal conference, if needed. d.) Assign Procurement Employee to serve as coordinator and facilitator of the evaluation panel, if needed.
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<p>Section 11.2</p> <p>A & E SERVICES:</p> <p>Informal Solicitations (continued)</p>	<p>6. Informal Solicitation Requirements:</p> <ul style="list-style-type: none"> a.) To ensure adequate and sufficient competition in obtaining A & E consultant services, at least 3 A & E Consultants on the appropriate Roster category must be solicited. The Department Manager and Procurement Employee shall determine whether a Request for Proposal should be used in lieu of the roster, dependent on the requirements of the work. b.) Informal solicitations should be available for review by A & E Consultants for a sufficient length of time to provide them adequate time to prepare and submit qualifications. c.) Informal solicitations and responses should be in writing. d.) Procurement Procedures shall outline requirements for receipt of submittals, including, but not limited to, proposal addressee, the means of solicitation and submission, and submission deadlines. <p>7. Evaluation and Award:</p> <ul style="list-style-type: none"> a.) Evaluation criteria and their weight shall be included in the informal solicitation. b.) The evaluation panel appointed by the Department Director shall evaluate submittals only on established criteria. c.) JTA shall negotiate a contract with the most qualified firm for A&E services at a price which JTA determines is fair and reasonable. In making its determination, JTA shall take into account the estimated value of the services to be rendered as well as the scope, complexity, and professional nature of the project (RCW 39.80.050 (1)). If those negotiations are unsuccessful, JTA may negotiate with the next highest ranked firm. d.) Department Managers shall ensure that an adequate and sufficient Price Analysis or Cost Analysis is conducted that demonstrates the reasonableness of the proposed contract amount (Section 6). The Analysis must be in writing for all contracts of \$25,000 or more. e.) Contracts based on an informal solicitation shall normally be either based on a fixed-price or a cost-reimbursement model. <p>8. Federal Contract Provisions: Federally funded contracts shall contain, where applicable, contract language required by 49 CFR 19.48 as described below in Section 11.3.</p> <p>9. Non-Competitive Procurements: Refer to Section 15.2 of these Policies for information on Sole Source, Emergency, and Single Response to a solicitation.</p>
<p>Section 11.3</p> <p>A & E CONSULTANT SERVICES:</p> <p>Request for Qualifications (Over \$150,000)</p>	<p>1. Definition: A Request for Qualifications (RFQ) is a formally advertised and competitive selection process used for obtaining consultant services that will cost more than \$150,000, and where the evaluation and selection of an A & E Consultant is based on the consultants' qualifications, and where price is not used as an evaluation criterion. Part of evaluating an A & E Consultant's qualifications may include an evaluation of their proposed approach for performing the work.</p>

<p>Section 11.3</p> <p>A & E CONSULTANT SERVICES</p> <p>Request for Qualifications (Over \$150,000) (continued)</p>	<ol style="list-style-type: none"> 2. Evaluation <ol style="list-style-type: none"> a.) Price may not be used as an evaluation criterion. b.) Experience of the A & E Consultant, expertise and qualifications of staff to be used, along with availability to perform the services and other factors may also be used as evaluation criteria. c.) The geographic location of A & E Consultants submitting qualifications may be used as an evaluation criterion provided there are an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract. 3. Department Responsibilities: <ol style="list-style-type: none"> a.) Department Managers are responsible for ensuring that Procurement Employees develop and write the following for an RFQ: <ul style="list-style-type: none"> • Detailed, clear, and accurate scope of work. • Evaluation criteria, including weighting of each criterion, where price is not used as one of the criteria. • List of items to be submitted with the qualifications. b.) Department Managers shall ensure that an Independent Cost Estimate is developed for the work. c.) Department Managers are responsible for appointing an evaluation panel of at least two qualified members, including a chair, to review and rate qualifications received. 4. Finance Manager Responsibilities: Finance Manager shall: <ol style="list-style-type: none"> a.) Establish standard RFQ documents to be used throughout JTA. b.) Ensure Procurement Employee advertises RFQ. c.) Review and approve each RFQ before it is made available to consultants to ensure that it is clear, consistent with requirements, and promotes competition. d.) Assign the Procurement Employee to serve as coordinator and facilitator of the evaluation panel, if needed. 5. Solicitation Requirements: <ol style="list-style-type: none"> a.) RFQs should be advertised and available for review by A & E Consultants for a sufficient length of time to provide A & E Consultants with adequate time to prepare and submit qualifications. <ul style="list-style-type: none"> • The length of time shall be determined based on a number of factors, including but not limited to, the estimated dollar value of the work to be performed, the complexity of the work, the degree to which JTA is requesting consultants to develop a proposal or project approach versus merely providing information about qualifications, experience, and availability. • Generally, it is expected that RFQs will be advertised and available for review for 21 calendar days before submittals are due. However, dependent upon the particular procurement, Purchasing may determine that adequate competition and preparation and submission of qualifications may be accomplished in a shorter period of time, and the 21 calendar day guideline may be adjusted appropriately.
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<p>Section 11.3</p> <p>A & E CONSULTANT SERVICES</p> <p>Request for Qualifications (Over \$150,000) (continued)</p>	<ul style="list-style-type: none"> • Finance Manager, in consultation with the Department Director, shall make the final decision on the length of time an RFQ is advertised. <p>b.) Procurement Procedures shall outline requirements for receipt of submittals, including, but not limited to, addressing to whom responses should be submitted, the means of solicitation and submission of responses (electronic or hard copy), and deadlines for submission.</p> <p>c.) JTA may establish through a Request for Qualifications process a Roster of qualified A & E Consultants who may be selected for specific scopes of work under an expedited proposal submittal process. In establishing such a Roster, JTA shall ensure that the Roster is maintained with current information and that there are a sufficient number of qualified A & E Consultants on the Roster to ensure maximum open and free competition.</p> <p>6. Evaluation and Award:</p> <p>a.) Evaluation criteria shall be included in the RFQ, along with the weighting to be assigned to each criterion.</p> <p>b.) The evaluation panel appointed by the Department Director shall evaluate submittals received based only on the established criteria</p> <p>c.) The Department Manager and Procurement Employee shall develop a written negotiation position. JTA shall negotiate a contract with the most qualified firm for A&E services at a price which JTA determines is fair and reasonable. In making its determination, JTA shall take into account the estimated value of the services to be rendered as well as the scope, complexity, and professional nature of the project (<u>RCW 39.80.050 (1)</u>). If those negotiations are unsuccessful, JTA may negotiate with the next highest ranked firm.</p> <p>d.) Department Managers shall ensure that an adequate and sufficient Price Analysis or Cost Analysis is conducted that demonstrates the reasonableness of the proposed contract amount (Section 6).</p> <p>e.) Contracts based on an RFQ shall normally be either based on a fixed-price or a cost-reimbursement model.</p> <p>7. Federal Contract Provisions:</p> <p>Federally funded contracts shall contain, where applicable, contract language required by 49 CFR 19.48 and Appendix A to Part 19, FTA Circular 4220.1.f Section IV, including these items:</p> <ul style="list-style-type: none"> • Contract type • Cost rates and restrictions • Civil rights, • Environmental protection, • Audit requirements • Breach of Contract • Termination of Contract • Claims and litigation • Settlements and Court and Arbitration awards (C4220.1.f VII(5)) • <u>EEO Requirements</u>: Executive Order 11246, entitled 'Equal Employment Opportunity,' as amended by Executive Order 11375,
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	<p>and as supplemented in Department of Labor regulations (41 CFR 60)</p> <ul style="list-style-type: none"> • <u>Copeland "Anti-Kickback" Act</u>: 18 U.S.C. 874 as supplemented in Department of Labor regulations 29 CFR 3. • <u>Davis-Bacon Act</u>: 40 U.C. 276a as supplemented by Department of Labor regulations 29 CFR 5 • <u>Contract Work Hours and Safety Standards Act</u> (40 USC. 327-330) as supplemented by Department of Labor regulations (29 CFR 5). • <u>Restrictions on Lobbying</u>: Contractors who apply or bid for an award of \$150,000 or more shall file the certification required by 49 CFR 20. • <u>Debarment and Suspension</u>: Parties listed on GSA's debarment list are excluded from participation in federal contracts. • <u>Third party contracts</u> shall contain provisions extending FTA and State requirements to subcontractors. <p>8. Non-Competitive Procurements: Refer to Section 15.2 for information on Sole Source, Emergency, and single response to a solicitation.</p>
<p>Section 12.1</p> <p>CONSTRUCTION AND MAINTENANCE</p> <p>Bids vs Proposals</p>	<p>Bids versus Proposals</p> <p>Generally, contractors for construction and maintenance projects should be selected based on competitive bids (evaluated solely upon price) instead of proposals (evaluated on price and other factors). Competitive bidding should be utilized if the following criteria are met,:</p> <ol style="list-style-type: none"> a. A complete, adequate, and realistic specification is available. b) Two or more responsible bidders are willing and able to compete effectively for the work. c) The project lends itself to a firm fixed-price contract, and the selection of the successful bidder can be made principally on the basis of price.
<p>Section 12.2</p> <p>CONSTRUCTION AND MAINTENANCE Selection Methodologies</p>	<ol style="list-style-type: none"> 1. <u>Design-Bid-Build</u> - The design-bid-build procurement method requires separate contracts for design services and for construction. If JTA elects this method, relevant provisions of <u>RCW 39.04</u> will be used to establish the minimum procedures. <ol style="list-style-type: none"> a) <u>Design Services</u>. Qualifications-based procurement procedures must be used for design services in compliance with <u>FTA Circular 4220.1.f</u>, Section 11 of these Procurement Policies, and applicable Federal, State and local law and regulations. b) <u>Construction</u>. Public Works construction in Washington State does not allow competitive negotiations. This work must be solicited and awarded using an Invitation to Bid. 2. <u>Design-build</u> (49 U.S.C. Section 5325(d)(1)) procedures may be used when JTA contracts for design and construction simultaneously with a contract award to a single contractor, consortium, joint venture, team, or partnership that will be responsible for both the project's design and construction. <u>RCW 39.10</u> generally restricts the use of design-build procedures to public works projects of over \$10 million and the agency must be approved by the WA Project Review Committee to use Design-Build. The various contract activities shall be classified as design OR construction and the estimated total value of each will be calculated. The

	<p>procurement method appropriate for the services having the greatest cost shall be used:</p> <ol style="list-style-type: none"> a) When construction costs are estimated to be more than A&E costs, qualifications-based procurement procedures may not be used to acquire A&E services, unless the FTA determines otherwise in writing or if required by State law. b) When A&E services are estimated to be more than construction costs, qualifications-based procurement procedures based on the <u>Brooks Act</u>, and described in Section 10 shall be used. <p>3. Value Engineering: Value Engineering, the systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lowest cost, is one of the tasks that the Contractor may be asked to perform on a Contract.</p> <p>4. A Two Step Procurement procedure, described in Section 13, may be used for these procurements.</p>
<p>Section 12.3</p> <p>CONSTRUCTION AND MAINTENANCE</p> <p>Small Works Roster (Informal Solicitation)</p>	<ol style="list-style-type: none"> 1. Definition: JTA's Small Works Roster was established under the authority of RCW 39.04.155. JTA participates in the MRSC Small Works Roster. The Roster permits JTA to select a contractor for certain construction projects without otherwise publicly advertising the work, but by following the process outlined in State law for soliciting bids from contractors on the Roster. 2. Annual Advertisement: MRSC annually publishes an advertisement identifying JTA as a participating Agency (Consistent with of State law requirements), inviting contractors to apply for the Roster. Contractors may apply to the MRSC Roster anytime during the year. 3. Construction projects less than \$150,000 may use the informal selection procedures of the Small Works Roster to select a contractor (no advertising required). The federal "simplified acquisition threshold" is currently set at \$150,000 (<u>41 USC 403(11)</u>). For non-federally funded projected estimated to cost less than \$35,000, bids may be solicited from at least three contractors from the Small Works Roster using the limited public works process. 4. Specifications and Contracts: <ol style="list-style-type: none"> a.) Bid Guarantee: Specifications shall indicate whether bidders must submit a bid guarantee of 5% with their bid. Projects of \$150,000 or less may waive the bid guarantee requirement and omit in bidding documents. b.) Contract Bond: Specifications shall require the successful contractor submit a Payment and Performance Bond (Contract Bond) or a separate Payment Bond and a separate Performance Bond for 100% of the awarded contract amount. JTA may waive this requirement, for a project estimated to cost less than \$35,000, in accordance with <u>RCW 39.04.155</u>, provided that the selection is made from the Small Works Roster using the Limited Public Works Process in RCW 39.04.155 section 3.

<p>Section 12.3</p> <p>CONSTRUCTION AND MAINTENANCE</p> <p>Small Works Roster (Informal Solicitation) (continued)</p>	<p>c.) Retainage: JTA shall withhold retainage of 5% of each payment to the contractor (RCW 60.28). JTA may waive the requirement to withhold retainage for a project estimated to cost less than \$35,000 (RCW 39.04.155) provided that the selection is made from the Small Works Roster using the Limited Public Works Process prescribed in RCW 39.04.155 section 3. As an alternative to withholding retainage, State law permits the contractor to submit a bond in lieu of retainage.</p> <p>d.) Prevailing Wage: <u>RCW 39.12</u>: Specifications shall require the payment of applicable prevailing wages. Contracts shall identify the wage schedule applicable to the project by including a copy of the wages or by reference. When the applicable schedule is referenced, the contract shall include instructions for accessing the wage schedule.</p> <p>e.) Federal Contract Provisions: Federally funded contracts shall contain, where applicable, contract language required by <u>49 CFR 19.48</u> as described below in Section 12.4.</p> <p>5. Non-Competitive Procurements: Refer to Section 15.2 of these Policies for information on Sole Source, Emergency, and Single Response to a solicitation.</p> <p>6. Department Responsibilities:</p> <p>a.) i. Department Managers are responsible for ensuring that Procurement Employees develop detailed, clear, and accurate drawings and specifications for a project to permit fair and consistent competition, or,</p> <p>a.) ii. Department Managers with the assistance of the Procurement Employee must review the drawings and specifications developed by an outside consultant.</p> <p>b.) Department Managers shall ensure that the drawings and specifications do not unduly restrict competition to certain brand name products. The description may include a statement of the qualitative nature of the material, product, or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a brand name or equal description may be used as a means to define the performance or other salient requirements of a material, product, or service. The specific features of the named brand which must be met shall be clearly stated.</p> <p>c.) Department Managers shall ensure that an Independent Cost Estimate is developed for the services sought prior to receipt of any bids.</p> <p>d.) Department Managers are responsible for reviewing the bidder evaluation performed by the Procurement Employee to ensure that the bidder under consideration for award is a responsible bidder.</p> <p>7. Finance Manager Responsibilities: Finance Manager shall:</p> <p>a.) Review and approve each informal solicitation before it is made available to contractors to ensure that it is clear, consistent with requirements, and promotes competition.</p> <p>b) Ensure the procurement employee arranges the pre-bid conference, if included in the ITB.</p>
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<p>Section 12.3</p> <p>CONSTRUCTION AND MAINTENANCE</p> <p>Small Works Roster (Informal Solicitation) (continued)</p>	<p>c.) Ensure that only bids received by the published deadline are considered for evaluation.</p> <p>d.) Evaluate bids for responsiveness to the specifications.</p> <p>e.) Assist Procurement Employees in evaluating the responsibility of a bidder, and make final decision on bidder responsibility.</p> <p>8. Solicitation Requirements: Unless Finance Manager approves of an alternate solicitation method, the Small Works Roster shall be used for obtaining bids for all informal solicitations.</p> <p>a.) Bids will be solicited consistent with the procedures in State law regarding the Small Works Roster, and with the requirements of 41 USC 403(11) for "small purchases, which requires that "price or rate quotations...be obtained from an adequate number of qualified sources".</p> <p>b.) Informal Solicitations should be available for review by contractors for a sufficient length of time to provide contractors with adequate time to prepare and submit their bids.</p> <ul style="list-style-type: none"> • The length of time shall be determined based on a number of factors, including but not limited to, the estimated dollar value of the work to be performed, the complexity of the work, and current general market conditions. • Generally, an informal solicitation will be available for review by contractors for a minimum of 5 calendar days before bids are due. • Finance Manager, in consultation with the applicable Department Director, shall make the final decision on the length of time an Informal Solicitation is under review by contractors. <p>c.) Notice for a pre-bid conference shall be stated in the solicitation.</p> <p>d.) All bids received by the required deadline will be evaluated.</p> <p>e.) Procurement Procedures shall outline requirements for receipt of bids, including, but not limited to, addressing where bids should be submitted, and deadlines for submission.</p> <p>9. Evaluation and Award:</p> <p>a.) Finance Manager shall evaluate whether the bids submitted are responsive to the specifications.</p> <p>b.) The Department Manager and Procurement employee shall evaluate whether the bidder submitting the lowest responsive bid is a responsible bidder. Responsibility analysis includes, but is not limited to, verifying contractor compliance with the mandatory bidder responsibility requirements of <u>RCW 39.04.350</u> as well as issues related to the capability of the bidder to successfully complete the work (based on any supplemental bidder responsibility criteria that may have been established for the project).</p> <p>c.) If a contract is to be awarded, it shall be awarded only to a responsible bidder submitting the lowest responsive bid.</p> <p>d.) The geographic location of contractors may not be used as an evaluation factor.</p> <p>e.) JTA shall reserve the right to reject any or all bids if there is a sound documented reason.</p>
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	<p>f.) Contracts shall be for a firm fixed-price based on either a lump sum amount or the summation of unit prices. On a unit price contract, JTA shall pay the contractor only for actual quantities installed, and so the awarded contract amount may vary from the actual amount paid to the contractor.</p>
<p>Section 12.4</p> <p>CONSTRUCTION AND MAINTENANCE</p> <p>Formal Solicitation (ITB)</p>	<p>1. Definition: An Invitation to Bid (ITB) method is a formally advertised competitive selection process used for obtaining construction and maintenance services that will cost more than \$150,000.</p> <p>2. Specifications and Contracts:</p> <p>a) Each bidder must provide a bid guarantee equivalent to five (5%) percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying the bid as assurance that the bidder will honor their bid upon acceptance.</p> <p>b) Specifications shall require the successful contractor to submit a Payment and Performance Bond (Contract Bond) or a separate Payment Bond and a separate Performance Bond for 100% of the awarded contract amount.</p> <p>c) Prevailing Wages: Specifications shall require the payment of applicable prevailing wages. Contracts shall include a copy of or reference to wage rates.</p> <p>d) Federal Contract Provisions: Federally funded contracts shall contain, where applicable, contract language required by <u>49 CFR 19.48</u> and Appendix A (Part 19), <u>FTA Circular 4220.1.f</u> Sec. IV, including these items:</p> <ul style="list-style-type: none"> • Contract type • Cost rates and restrictions • Copy of prevailing wage rates • Civil rights, • Environmental protection, • Audit requirements • Breach of Contract • Termination of Contract • Claims and litigation • Settlements and Court and Arbitration awards (<u>C4220.1.f</u> VII(5)) • <u>EEO Requirements:</u> Executive Order 11246, entitled 'Equal Employment Opportunity,' as amended by Executive Order 11375, and supplemented in Department of Labor regulations (41CFR 60) • <u>Copeland "Anti-Kickback" Act:</u> 18 U.S.C. 874 as supplemented in Department of Labor regulations 29 CFR 3. • <u>Davis-Bacon Act:</u> 40 U.C. 276a as supplemented by Department of Labor regulations 29 CFR 5 • Contract Work Hours and Safety Standards Act (40 USC. 327-330) as supplemented by Dept. of Labor regulations (29 CFR 5). • <u>Restrictions on Lobbying:</u> Contractors applying or bidding for an award more than \$150,000 shall file certification in 49 CFR 20. • <u>Debarment and Suspension:</u> Parties listed on GSA's debarment list are excluded from participation in federal contracts.

<p>Section 12.4</p> <p>CONSTRUCTION AND MAINTENANCE</p> <p>Formal Solicitation (ITB) (continued)</p>	<ul style="list-style-type: none"> • <u>Third party contracts</u> shall contain provisions extending FTA and State requirements to subcontractors. <p>3. Non-Competitive Procurements: See Section 14.2 for information about Sole Source, Emergency, and Single Response to a solicitation.</p> <p>4. Department Responsibilities:</p> <ul style="list-style-type: none"> a.) Department Managers are responsible for ensuring that Procurement Employees develop detailed, clear, and accurate drawings and specifications for a project to permit fair and consistent competition, or that the Procurement Employee reviews the drawings and specifications developed by an outside consultant. b.) Department Managers shall ensure that the drawings and specifications do not unduly restrict competition to certain brand name products. "The description may include a statement of the qualitative nature of the material, product, or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a brand name or equal description may be used as a means to define the performance or other salient requirements of a material, product, or service. The specific features of the named brand which must be met shall be clearly stated. c.) Department Managers are responsible for reviewing the evaluation performed by the Procurement Employee of the bidder under consideration for award to ensure that the bidder is a responsible bidder. <p>5. Finance Manager Responsibilities: Finance Manager shall:</p> <ul style="list-style-type: none"> a.) Establish standard general conditions for construction to be used in all of JTA's construction specifications. b.) Ensure the Procurement Employee advertises the solicitation opportunity. c.) Review and approve the solicitation prior to release to ensure that it is clear, consistent with requirements, and promotes competition. d.) Distribute solicitation documents and addenda to contractors. e.) Ensure the procurement employee arranges the pre-bid conference, if specified in the ITB. f.) Accept ITB bids received by the bid submittal deadline and publicly open and read bids. g.) Evaluate bids for responsiveness to the specifications. h.) Assist Department Managers in evaluating the responsibility of a bidder. <p>6. Solicitation Requirements:</p> <ul style="list-style-type: none"> a.) ITBs will be publicly advertised in the <i>appropriate newspaper</i> and other media, as appropriate. b.) ITBs should be advertised and available for review by contractors for enough time to prepare and submit bids or proposals. c.) The length of time shall be determined by various factors, including but not limited to, the estimated dollar value of the work, the complexity of the work, and general market conditions.
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<p>Section 12.4</p> <p>CONSTRUCTION AND MAINTENANCE</p> <p>Formal Solicitation (ITB) (continued)</p>	<p>d.) While ITBs will usually be advertised and available for review by contractors for 21 calendar days before bids are due, Finance Manager may determine that adequate competition, preparation, and submission of bids may be completed in less time, and the 21 day guideline may be adjusted accordingly. Finance Manager, in consultation with the Department Director, shall determine how long a solicitation opportunity is advertised.</p> <p>e.) Notice for a pre-bid conference shall be stated in the ITB.</p> <p>f.) All ITB bids received by the required deadline will be publicly opened at the time and place prescribed in the invitation for bids.</p> <p>g.) Procurement Procedures shall outline requirements for receipt of bids or proposals, including, but not limited to, addressing where bids or proposals should be submitted, and deadlines for submission.</p> <p>7. Evaluation and Award:</p> <p>a.) JTA shall evaluate whether the bids submitted are responsive to the specifications.</p> <p>b.) JTA shall evaluate whether the bidder submitting the lowest responsive bid is a responsible bidder. Responsibility analysis includes, but is not limited to, verifying contractor compliance with the bidder responsibility requirements of RCW 39.04.350, as well as issues related to the capability of the bidder to successfully complete the work, based on supplemental bidder responsibility criteria that may have been established for the project.</p> <p>c.) If a contract is to be awarded, it shall be awarded only to a responsible bidder submitting the lowest responsive bid.</p> <p>d.) Geographic location of contractors cannot be used as evaluation criteria.</p> <p>e.) No changes in price or other provisions of bids after opening shall be permitted unless an error is obvious. An obvious error can be clearly determined from math extensions or calculations shown in documents submitted with the bid. An error in a math extension, reported by a bidder but not shown in the bid documents, does not constitute an obvious error. Bidders are presumed to submit correct calculations and specifications.</p> <p>f.) Immaterial irregularities in a bid may be waived by JTA as an informality.</p> <p>g.) JTA shall reserve the right to reject any or all bids if there is a sound documented reason.</p> <p>h.) Contracts shall be for a firm fixed-price based on either a lump sum amount or the summation of unit prices. On a unit-price contract, JTA shall only pay the contractor for actual quantities installed, so the awarded contract amount may vary from the actual amount paid to the contractor.</p>
<p>Section 12.5</p> <p>CONSTRUCTION AND MAINTENANCE</p> <p>Prevailing Wages</p>	<p>1. The hourly wages to be paid to laborers, workers, or mechanics, on all construction projects, shall not be less than the local prevailing wage (RCW Ch. 39.12). Maintenance, when performed by contract, is also subject to prevailing wage requirements. When federal funds are used, a project is subject to both state prevailing wages and federal prevailing</p>

<p>Section 12.5</p> <p>CONSTRUCTION AND MAINTENANCE Prevailing Wages (Continued)</p>	<p>wages, and the contractor must pay the higher of the two wages for a given classification.</p> <ol style="list-style-type: none"> 2. Applicability of Federal Prevailing Wage Requirements: Prevailing wage requirements shall apply only to construction projects of more than \$2,000 that contain federal funds (40 USC 276a to 276a-7). 3. Records Disclosure of Contractor Payroll Reports: Payroll reports received by JTA from contractors and subcontractors on construction projects, for the purpose of monitoring prevailing wage requirements, shall not be released to outside parties <i>unless</i> the employees' personal identifiers (e.g., name, address, social security number) are first deleted.
<p>Section 13</p> <p>TWO STEP PROCUREMENT PROCEDURES</p>	<p><u>Two-Step</u> Procurement Procedures (41 U.S.C. Section 253.m) may be used in competitively negotiated procurements, such as rolling stock or technology, provided the opportunity for full and open competition is retained, consistent with RCW and FTA requirements.</p> <p><u>Step 1: Review of Technical Qualifications and Approach.</u> The first step is a review of the prospective offerors' technical approach to JTA's request and technical qualifications to carry out that approach. The competitive range may be narrowed to prospective offerors that demonstrate a technically satisfactory approach and have satisfactory qualifications.</p> <p><u>Step 2: Review of Bids and Proposals Submitted by Qualified Prospective Contractors.</u> The second step consists of soliciting and reviewing complete proposals, including price, submitted by each prospective offeror determined to be qualified. Proposals should be solicited from at least three qualified prospective offerors, absent exceptional circumstances. Unlike qualifications-based procurement procedures required for A&E services (Section 10.1), and other contracts covered by CFR 49 Section 5325(b) discussed in Section 8 (ITBs), proposal prices of all proposers in the competitive range are to be considered along with evaluation factors relating to qualifications and technical factors.</p> <p>In the interests of efficiency, JTA may elect to obtain submittals of both steps with a single solicitation.</p>
<p>Section 14</p> <p>Intergovernmental Agreements</p> <p>Section 14</p> <p>Intergovernmental Agreements (Continued)</p>	<p>To promote efficiency and competition in the procurement of goods and services, the General Manager is authorized to enter into agreements with other governmental agencies and intergovernmental purchasing networks or associations. The purpose of a cooperative intergovernmental agreement is to take advantage of a competitive selection process already conducted by another agency and save JTA the time and expense of conducting its own selection process. In evaluating the use of a cooperative intergovernmental agreement, Finance Manager shall review the other agency's standards in the competitive selection process for reasonableness. To facilitate cooperative purchasing, JTA may include the consolidated requirements of other public entities in its procurement actions.</p>

	<p>JTA may utilize “existing contract” rights, which are the post award use of contract rights that allows someone who was not contemplated in the original contract to purchase the same supplies and/or equipment through that contract (i.e., “piggybacking”). These purchases shall meet the requirements of <u>FTA Circular 4220.1.f V.7.</u></p> <p><i>Utilizing Intergovernmental Agreements does not eliminate the requirement for a Price Analysis or Cost Analysis.</i></p> <p>JTA may purchase government excess and surplus property in lieu of purchasing new equipment and property, if project costs are significantly reduced and use is practicable and feasible.</p> <p>Government Competition with Private Sector JTA may enter into an intergovernmental agreement with other government agencies to procure goods and services when these are not available from the private sector. If the private sector also offers such goods or services, the General Manager or designee shall evaluate on a case-by-case basis what would be in the best interests of JTA, and whether to contract directly with the agency or to conduct a competitive selection process.</p>
<p>Section 15.1</p> <p>Non-Competitive Procurements:</p> <p>Prohibited Practices</p>	<p>Procurement practices that restrict competition are prohibited (49 USC Section 5325(h)). Examples of such practices, include the following:</p> <ol style="list-style-type: none"> 1. <u>Unreasonable Requirements.</u> Placing unreasonable requirements on firms in order for them to qualify to do business. 2. <u>Improper Prequalification.</u> Using prequalification procedures that conflict with prequalification standards described in the FTA Circular 4220.1.f VI-1c. 3. <u>Retainer Contracts.</u> A noncompetitive award to any person or firm on a retainer contract if that award is not for the property or services specified for delivery under the retainer contract. 4. <u>Excessive Bonding.</u> Experience and Bonding: Requiring unnecessary experience and excessive bonding. 5. <u>Brand Name Specificity:</u> Specifying only a brand name product instead of allowing an equal product to be offered and describing the performance of other relevant requirements of the procurement. 6. <u>Conflict of Interest:</u> An organizational conflict of interest occurs when any of the following circumstances arise: <ol style="list-style-type: none"> a.) <u>Lack of Impartiality or Impaired Objectivity.</u> When the contractor is unable, or potentially unable, to provide impartial and objective assistance or advice to the recipient due to other activities, relationships, contracts, or circumstances. b.) <u>Unequal Access to Information.</u> The contractor has an unfair competitive advantage through obtaining access to nonpublic information during the performance of an earlier contract. c.) <u>Biased Ground Rules.</u> During the conduct of an earlier procurement, the contractor has established the ground rules for a future procurement by developing specifications, evaluation factors, or similar documents.

<p>Section 15.1</p> <p>Non-Competitive Procurements: Prohibited Practices (Continued)</p>	<p>d.) <u>Restraint of Trade</u>. Supporting or acquiescing in noncompetitive pricing practices between firms or between affiliated companies. Questionable practices would include, but not be limited to submissions of identical bid prices for the same products by the same group of firms, or an unnatural pattern of awards that had the cumulative effect of apportioning work among a fixed group of bidders or proposers.</p> <p>e.) <u>Arbitrary Action</u>. Any arbitrary action in the procurement process.</p>
<p>Section 15.2</p> <p>Non-Competitive Procurements:</p> <p>Permissible Non-Competitive Procurements</p>	<p>In certain instances and situations, the procurement of goods and services without adequate competition is permissible:</p> <ol style="list-style-type: none"> 1. Sole Source: The service or item is available only from a single source, based on a documented good faith review of available sources. 2. Emergency: An emergency exists that seriously threatens the public health, welfare, or safety, endangers property, or would otherwise cause serious injury to JTA. This may occur through flood, earthquake, epidemic, fire, riot, equipment failure, or other event. Needs arising from this event will not permit a delay resulting from competitive solicitation. 3. Inadequate Competition: After solicitation from a number of sources, only a single response is received, or competition is determined to be inadequate. <p>Justifications:</p> <ol style="list-style-type: none"> 1. Selection: Department Managers shall submit in writing to Finance Manager a recommendation justifying the reasons why competitive selection requirements should be waived. 2. Price Reasonableness: Consistent with the requirements of Section 6, Department Managers are responsible for ensuring that a Price or Cost Analysis is prepared for all non-competitive procurements to ensure that the proposed price is reasonable.
<p>Section 16.1</p> <p>Competitive Exceptions (Direct Payments)</p> <p>General</p>	<p>Definition: Competitive Exceptions, or Direct Payments, are transactions which, by their nature, are impractical or impossible to competitively bid because of market or other conditions, and are thus exempt from competitive bidding requirements. These transactions do not have to be justified as a Non-Competitive Procurement (Section 15) but may be obtained directly by an employee with adequate Approval Authority (per Section 4). Depending on the item, there may or may not be a contract or Purchase Order outlining the terms and conditions.</p> <p>Modifications to Direct Payments List</p> <p>The General Manager may approve modifications to the Competitive Exceptions list without seeking approval of the Board of Directors, provided that the changes are consistent with applicable statutory and regulatory requirements and that the current list is made readily available to JTA employees.</p> <p>Interpretation of Direct Payments List</p> <p>In the event of ambiguity or uncertainty as to whether an item is or is not subject to competition and whether it should be included on the Direct</p>

	Payments List, the Finance Manager shall review the matter and make the final decision.
Section 16.2 Competitive Exceptions	<p>The following do not require competitive processes: (Direct Payment List) includes the following:</p> <ol style="list-style-type: none"> 1. Utility bills (Water, Sewer, Electricity, Gas, other regulated utilities) 2. Postage and other purchases from the U.S. Postal Service 3. Licenses, permits, and fees from governmental or regulatory entities 4. Purchases from other governmental entities for goods or services not available from the private sector. 5. Fees paid to governmental cooperative purchasing organizations. 6. Charges for official JTA business on personal credit card while on JTA travel status. 7. Legal services such as arbitration fees, litigation fees, witness fees, court costs, and related expenses (but not the cost of outside counsel, investigations, or related matters), when endorsed by General Counsel. 8. Legal settlements of disputed matters, and judgment claims against JTA (for use only with endorsement by General Counsel). 9. Payments for existing annual maintenance, service, or support agreements for computer, telecommunication-related services, and existing software license agreements. 10. Travel expenses for JTA employees, program participants, volunteers, or the Board of Directors necessary to conduct JTA business. 11. Training registration fees and tuition for pre-established, non-JTA specific, off-site classes, seminars, workshops, etc. for JTA employees, program participants, volunteers, and the Authority Board. 12. Testing and travel expenses of employment applicants (including moving expenses for eligible personnel). This includes travel expenses of certain out-of-state job applicants. Travel expenses of job applicants must be approved by the General Manager. 13. Conference and convention expenses and fees for JTA employees, program participants, volunteers, or members of the Authority Board conducting JTA business. 14. Advertisements for employment opportunities, purchasing and contracting solicitations, sale of surplus items, public announcements and outreach, etc. (all media). This exception does not include printing, design, or graphics services. 15. Freight bills, express shipping, common carriers, and delivery services. 16. Honoraria and stipends. 17. Insurance deductible and/or retained losses 18. Taxi, public transportation, and toll fares; mileage and incidental parking expenses for employees on agency business. 19. Publications, books, and subscriptions. 20. Mailing lists. 21. Professional association dues, fees, licenses, and certifications. 22. Petty cash purchases and reimbursements less than \$200. 23. Transactions not subject to these Purchasing Policies as noted in Section 2: Scope.

Section 17 Disadvantaged Business Enterprise	JTA invites and encourages small and disadvantaged business enterprises to participate in the procurement process for all purchases as detailed in JTA's Disadvantaged Business Enterprise Policy/Program.
Section 18 Contract Administration and Recordkeeping	<p>The JTA shall maintain a contract administration system to ensure that it and its third party contractors comply with the terms, conditions, and specifications of contracts or purchase orders and applicable Federal, State and local requirements. All contracts shall include provisions adequate to form a sound and complete agreement.</p> <p>Formal Solicitation Records shall include, at a minimum:</p> <ul style="list-style-type: none"> a) The rationale for the method of procurement b) Proof of advertising c) Bidder's lists with names, email and mailing addresses and telephone numbers d) All communication with potential contractors prior to bid opening date e) The bid opening minutes or the proposal tabulation worksheet f) All bids or proposals received. g) The basis for the contract price h) The selection of contract type i) Contractor selection or rejection, and rationale <p>Informal solicitation records shall include, at a minimum:</p> <ul style="list-style-type: none"> a) Rationale for procurement b) Price analysis or cost analysis <p>Contract records shall include, at a minimum::</p> <ul style="list-style-type: none"> a) Vendor information b) Award identification and notification c) Documents recording compliance with terms, conditions, and specifications of contracts d) Correspondence <p>All records shall be retained in accordance with the Record Retention Policy.</p>

<p>Section 19</p> <p>Public Records</p>	<p>All procurement information generated and acquired through any of the procurement processes shall be open to public inspection following the Intent to Award a contract through either:</p> <ul style="list-style-type: none"> a) The JTA Public Records Officer, in accordance with RCW 42.56 b) Request to Procurement Employee after contract award. Each proposal shall be open to public inspection. JTA shall not be responsible for the protection of information marked "proprietary" submitted by proposers.
<p>Section 20</p> <p>Protests Appeals Disputes</p>	<p>Filing a Protest An interested party may protest the award of a contract, the proposed award of a contract, or a solicitation for supplies, services, professional services, or construction by JTA. The protest must be submitted in writing to JTA Finance Manager, and include the following information:</p> <ul style="list-style-type: none"> a) Name, address, email address, and telephone number of the protester; b) Signature of the protester or their representative; c) Identification of the solicitation; d) Detailed statement of the legal and factual grounds of the protest; e) Copies of all relevant documents; and f) The form of relief requested. <p>Issues and facts not stated in the Notice of Protest will not be considered.</p> <p>All communications with involved parties shall be in writing and open for public inspection.</p> <p>Time for Filing a Protest. A protest based on alleged improprieties or ambiguities in a solicitation must be filed at least 7 days before the due date of the bid or proposal. A protest based upon alleged improprieties in an award of a contract or a proposed award of a contract must be filed within 3 days after notification to an unsuccessful proposer or bidder that they were not selected.</p> <p>Notice of Protest. Finance Manager shall immediately give notice of a protest to the contractor if a contract has been awarded. If no award has been made, notice will be provided to all interested parties.</p> <p>Stay of Award. If a protest is filed, the award may be made unless the Finance Manager determines in writing that a</p> <ul style="list-style-type: none"> a) Reasonable probability exists that the protest will be sustained; or b) Stay of the award is not contrary to the best interests of JTA. <p>Review of Protests</p> <ul style="list-style-type: none"> a) Review: The Finance Manager shall review and investigate properly filed protests and issue a written decision to the protestor. b) Appeal: A Protestor may appeal the Finance Manager's formal decision to JTA's General Manager. The written appeal must be received by JTA within two business days after receipt of the written decision by the Protestor, or the appeal will not be considered. Properly filed appeals of the decisions of the Finance Manager shall be reviewed and investigated

<p>Section 20</p> <p>(continued)</p>	<p>by the General Manager who shall issue JTA's final decision no later than 21 days after receipt.</p> <p>FTA Funded Projects In general, FTA will not substitute its judgment for that of JTA unless the matter is primarily a Federal concern. Protests of solicitations, intent to award, or contracts funded with any FTA grants will be managed in accordance with FTA Circular 4220.1.f Ch VII guidelines.</p> <p>Federal Assistance in Contract Disputes If JTA intends to request FTA permission to use Federal assistance to support payments to a third party contractor to settle a dispute, or intends to request increased Federal assistance for that purpose, JTA must comply with the requirements pertaining to notification of FTA, documentation, audit, and other requirements set forth in FTA Circular 4220.1 VII(e).</p>
<p>Section 21</p> <p>Ethics and Conflict of Interest</p>	<p>The following rules apply to members of the JTA Authority Board (Board Member), Employees, both represented and non-represented, and the Immediate Family of Authority and Employees.</p> <p>Immediate family means a spouse or domestic partner, child, child of a spouse or domestic partner, sibling, sibling of a domestic partner, brother-in-law, sister-in-law, part, parent of a spouse or domestic partner of an Employee or Board Member; a person for whom the Board Member or Employee is a legal guardian; or a person claimed as a dependent on the Board Member's or Employee's most recently filed federal income tax return.</p> <p><u>JTA employees, officers, board members or agents are prohibited from using their positions for the purpose that constitutes or presents the appearance of person or organizational conflict of interest or personal gain.</u></p> <ol style="list-style-type: none"> JTA Board Members and Employees may not use their position for personal gain. This includes seeking or agreeing to outside contracts through the influence of a JTA position, accepting compensation from someone other than JTA for performing duties of the Board Member's or Employee's position, taking action that affects a matter in which a Board Member, Employee or Immediate Family member has a personal or financial interest, or using JTA time or property for personal or financial interests. JTA Board Members and Employees and their Immediate Family members may not accept improper gifts. This includes presents, entertainment, travel, favors, etc. of any dollar value if a reasonable person might think it was intended to influence an individual in the performance of the duties of their job or if there might be a perception that the gift might influence a Board Member or Employee in the performance of the duties of their job. Board Members and Employees may not improperly use or disclose information. This includes information that could result in a benefit to a Board Member, Employee, or Immediate Family unless the information is also available to the public. It also includes confidential information of any kind, unless disclosure is authorized by appropriate personnel or required to be disclosed by law or regulation.

Section 21 Ethics (Continued)	<p>4. No Board Member, Employee, or Immediate Family member may have a personal or financial interest in any JTA contract in which that Board Member or Employee plays or may play a role in the award or administration of the contract.</p> <p>5. A Board Member or Employee may not advise or assist someone for compensation on any matter pending before JTA.</p> <p>6. An Employee may not have outside employment if it is incompatible with performing JTA duties. All outside employment or changes in outside employment must be reported to Human Resources and Finance Manager for review and approval.</p> <p>7. Employees may not publicly endorse a product or service without written approval by the General Manager.</p> <p>8. Employees violating this Ethics Section may be subject to disciplinary action, up to and including termination. Board Members violating this Ethics Section will be subject to Board action to the extent permitted by State or local law or regulations.</p>
Section 22 FTA Self-Certification of Procurement System	<p>The Finance Manager is authorized to file a self-certification with the FTA Regional Office that JTA's procurement system and procedures comply with the federal requirements and standards set forth in FTA Circular 4220.1.f. Self-certification limits mandatory FTA review of the procurements listed in Section III of FTA Circular 4220.1. The Finance Manager shall self-certify JTA's procurement system in the FTA Annual Certification/ Assurance Process or as otherwise required by FTA.</p>
Section 23 Waiver, Repeal & Effective Date	<p>The Authority Board may waive these requirements by motion or resolution except when prohibited by federal or state law or regulation.</p> <p>All former Purchasing policies and procedures are repealed upon adoption of this document. These Rules and Policies are effective when adopted by the JTA Authority Board.</p>
Section 24 Policy Applies to:	<p>The JTA Authority Board, the General Manager, all Employees, and any contractor, consultant, or vendor bidding, proposing, or contracting with JTA.</p>
Section 25 Applicable Laws, Regulations, References	<p>Applicable Laws and Regulations:</p> <ol style="list-style-type: none"> 1. 49 CFR 19.40-19.48 – US Dept. of Transportation, Procurement 2. FTA Circular C 4220.1 (current version) 3. FTA Best Practices Procurement Manual 4. RCW 36.57A.080 Grants Authority to Procure 5. RCW 39 Public Contracts and Indebtedness 6. RCW 42.56 Public Disclosure 7. RCW 60.28 RCW Liens for Labor, Materials, Taxes on Public Works 8. WAC 296-127 Prevailing Wages 9. JTA Resolution 209-04 - Identification & Disposal of Surplus Property. 10. Other laws and regulations as appropriate. <p>Procurement procedures and contract language adopted by the General Manager or designee must also comply with all applicable laws and regulations. JTA recognizes FTA Handbooks and Guidelines as non-regulatory, non-binding advice, except to the extent that Handbooks or Guidelines articulate statutory or regulatory requirements.</p>

<p>Section 25</p> <p>Applicable Laws, Regulations, References (Continued)</p>	<p>Conflicts Between Policies and Other Laws or Regulations: In the event of a conflict between these Purchasing Policies and any applicable law or regulation, the law or regulation will prevail.</p> <p>Changes in Laws and Regulations: In the event an applicable law or regulation is modified or eliminated, or a new law or regulation is adopted, the revised law or regulation shall, to the extent inconsistent with these Purchasing Policies, automatically supersede these Purchasing Policies, and Finance Manager shall make appropriate modifications to the Policies.</p>
	<p style="text-align: center;">End of Policy</p>



Authority Board Agenda Summary

MEETING DATE: October 16, 2018

AGENDA ITEM: Resolution 18-15: Adopting the Amended Substance Abuse Policy and Drug & Alcohol Testing Program

SUBMITTED BY: Deb Palmer **TITLE:** HR Coordinator

DEPARTMENT: Administration

**EXHIBITS/
ATTACHMENTS:**

Resolution 18-15
Summary of Policy Changes
Updated Substance Abuse Policy and Drug & Alcohol Testing Program

BUDGETARY IMPACT (if applicable)

BUDGETED: N/A

EXPENDITURE REQUIRED: N/A

FUNDING SOURCE: N/A

REVIEWED BY:

Jammi Rubert

RECOMMENDATION: Approve

**SUMMARY
STATEMENT:**

This Resolution is to adopt the updates required by WSDOT and FTA.

**RECOMMENDED
ACTION/MOTION:**

Motion: Move to approve Resolution 18-15: Adopting the amended Substance Abuse Policy and Drug & Alcohol Testing Program

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WHEREAS, Jefferson Transit Authority (JTA) adopted a Substance Abuse Policy and Drug and Alcohol Testing Program in 1995 and last amended it in January of 2018; and

WHEREAS, the attached amended policy provides rules and procedures that are consistent with the Federal Transit Administration (FTA) rules,

CERTIFICATION

The undersigned duly qualified Clerk of the Board, acting on behalf of the Jefferson County Public Transportation Benefit Area, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Jefferson Transit Authority Board held on this 16th day of October 2018.

Vice Chair

Member

Clerk of the Board



63 Four Corners Road, Port Townsend, WA 98368

October 5, 2018

TO: Authority Board
Jefferson Transit Authority

FROM: Deb Palmer, Designated Employer Representative
Jefferson Transit Drug & Alcohol Program

**SUBJECT: SUBSTANCE ABUSE AND DRUG & ALCOHOL TESTING PROGRAM
SUMMARY OF POLICY UPDATES**

Jefferson Transit Authority is under the purview of Washington State Department of Transportation (WSDOT) due to the receipt of Federal Transportation Administration (FTA) funds (5311) as provided for in 49 CFR Part 655. Earlier this year an audit of WSDOT's program resulted in needing to review all transit agencies drug and alcohol policies. WSDOT has required all agencies to update their drug and alcohol policies by December 31, 2018.

Attached is a copy of our policy showing the additions and deletions needed to have our policy comply with FTA rules. Many of the changes were simply underlining portions of the policy that are not in the FTA rules. Here is a summary of the changes, which are housekeeping in nature:

Page #	Section	Details
Title	N/A	Revision date, Resolution number
4	Revenue Service Vehicles	Revise so that the definition matches FTA's language Add "Service Vehicle" term to retain the "include all ancillary vehicles..." in the policy
5	Test Refusal #16	Deleted: Not considered a refusal by FTA
8	Testing Requirements	1 st paragraph: Underlined "and terminated" and "and termination"
8 - 9	Self-Referral	Underlined existing language. Added text FTA uses to clarify management of self-referral.

Customer Service (360) 385-4777

Administrative Offices (360) 385-3020

www.jeffersontransit.com

Jefferson Transit Authority
Drug & Alcohol Policy Update – Summary of updates
October 5, 2018

Page #	Section	Details
11	Alcohol Testing Procedures	2 nd paragraph: Changed 0.00 to 0.02 – housekeeping 4 th paragraph: Changed Failure to Refusal to match FTA rule
11	Pre-Employment Testing L. 3., 4.	Added “and given a referral to a SAP” to be in compliance with FTA.
11	Pre-Employment Testing L. 8.	Change 90 days to 45 days to match Section R, Page 15
12	Pre-Employment Testing L. 8. (continued)	Cannot call an employee in while on leave, must be tested while performing safety sensitive work
13	Post-Accident Testing N. 6.	Deleted testing unconscious employee – they must give consent. Underlined existing language
14	Random Testing O.1	Added “and hours” to comply with FTA rules
14	Return-To-Duty	Added: The employee will be financially responsible for the costs of the tests and services of the SAP
15	Result of Drug... S.	Underlined “terminated from his/her position and” – not part of FTA rule
16	Proper Application Of The Policy	Underlined the last sentence—not part of FTA rule
18	System Contacts	Updated Testing Site information
19	This Policy was adopted...	Updated the date
Att. A 1	Safety Sensitive Positions	FTA only wants employees routinely performing safety sensitive work randomly tested. By having other employees who might rarely perform safety sensitive work, it dilutes the pool Date Attachment A updated
Att. B 3	Opioids	Changed to Opiates – rule change 1/1/2018
Att. C	Resolution	Resolution will be updated once board approves

Title: Substance Abuse Policy And Drug & Alcohol Testing Program	Resolution: 13-3 <u>18-15</u> (Policy revision)
Author: Various-Current: Sara Crouch/ Deb Palmer	Effective Date: 10/17/95 Revised: Jan. 1, 2018 <u>Oct. 16, 2018</u>



Jefferson Transit Authority

SUBSTANCE ABUSE POLICY AND DRUG & ALCOHOL TESTING PROGRAM

Effective: October 17, 1995
Amended: January 18, 1996
Amended: September 17, 2002
Amended: July 19, 2005
Amended: September 19, 2008
Amended: February 16, 2010
Amended: February 15, 2011
Amended: March 20, 2012
Amended: March 19, 2013
Amended: June 27, 2017
Amended: Jan. 1, 2018
Amended: Oct. 16, 2018

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Jefferson Transit Authority
SUBSTANCE ABUSE POLICY and
DRUG & ALCOHOL TESTING PROGRAM

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Jefferson Transit Authority
**SUBSTANCE ABUSE POLICY AND
DRUG & ALCOHOL TESTING PROGRAM**

INTRODUCTION

Jefferson Transit Authority (JTA) performs a vital public transportation service to our community. Part of our mission is to ensure that this service is delivered safely, efficiently and effectively by establishing a drug and alcohol-free environment and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, it is JTA's policy to:

- Assure that employees have the ability to perform assigned duties in a safe, healthy and productive manner;
- Create a workplace free from the adverse effects of drug and alcohol abuse or misuse;
- Prohibit the unlawful manufacture, distribution, dispense, possession or use of controlled substances or misuse of alcohol for all employees.

JTA cares about the health and well-being of its employees. JTA urges any employee who believes that they have an alcohol or chemical dependency problem to seek treatment before their job performance and employment are endangered.

A. PURPOSE

The purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation (USDOT) has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result. The USDOT has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. JTA also receives pass-through and direct grant monies from the FTA 5309 and 5311 programs. This funding requires that JTA comply with 49 CFR Part 655 as amended.

Underlined areas of this policy denote the provisions that are set forth and included under the sole authority of JTA and are not under the authority of the above named Federal regulations.

B. APPLICABILITY

This policy applies to all safety-sensitive employees (full-time, part-time, and temporary employees) when they are performing transit-related business. Under the sole authority of JTA, employees that do not perform safety-sensitive functions are also covered under this policy with the exception of Section O Random Testing. A safety-sensitive function is any duty related to the safe operation of mass transit

service which includes the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or persons controlling the movement of revenue service vehicles, and any other transit employee who is required to hold a Commercial Drivers License. Maintenance functions include the repair, overhaul and rebuild of engines, vehicles and/or equipment used in revenue service. Under JTA's authority, the operation of any JTA-owned vehicle is subject to the appropriate provisions of this policy.

A list of safety-sensitive positions that perform one or more of the above mentioned duties is provided in Attachment A. Managers and Supervisors are only safety-sensitive if they perform one of the above functions.

C. DEFINITIONS

Accident means an occurrence associated with the operation of any JTA-owned vehicle, whether or not in revenue service or whether or not it requires a Commercial Driver's License to operate, if as a result:

1. A person dies;
2. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or
3. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, ***disabling damage*** means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

Adulterated specimen. A specimen that contains a substance that is not expected to be present in human urine or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing (EBT) device.

Canceled Test is a drug and/or alcohol test that has a problem identified that cannot be or has not been corrected, or which 49 CFR Part 40 requires to be cancelled. A canceled test is neither positive nor negative.

Covered Employee means an employee who performs a safety-sensitive function, including an applicant or transferee who is being considered for hire into a safety-sensitive function (see Attachment A for a list

of safety-sensitive employees), and other employees, applicants, or transferees that will not perform a safety-sensitive function but fall under the policy of the agency's own authority.

Designated Employer Representative (DER). An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer consistent with the requirements of 49 CFR Parts 40, as amended, and 655. JTA's DER may also be called the Drug & Alcohol Program Manager (DAPM); the two terms are interchangeable for the purposes of administering this policy.

Department of Transportation (DOT). The department of the federal government which includes the U.S. Coast Guard, Federal Transit Administration, Federal Railroad Administration, Federal Motor Carrier Safety Administration, Research and Special Programs, and the Office of the Secretary of Transportation.

Dilute specimen means a specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

Drug and Alcohol Program Manager (DAPM). The employee designated by the employer to manage the Drug and Alcohol Testing Program consistent with the requirements of 49 CFR Parts 40, as amended, and 655. JTA's DAPM may also be called the Designated Employer Representative (DER); the two terms are interchangeable for the purposes of administering this policy.

Evidentiary Breath Testing Device (EBT). A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the NHTSA conforming products list.

Medical Review Officer (MRO) means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute. A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine. A drug test sample of 2-5 mg/dl specific gravity is considered a super negative dilute and is grounds for an immediate observed re-collection. A drug test that is 5-20 is considered a regular negative dilute and no action is necessary or will be taken.

Negative test result for a drug test means a verified presence of the identified drug or its metabolite below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 BAC (breath alcohol concentration) is a negative test result.

Non-negative test result is a test result found to be adulterated, substitute, invalid, or positive for drug/drug metabolites.

Performing (a safety-sensitive function) means a covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive test result for a drug test means a verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended. See Section S of this policy for result of a positive test.

Prohibited drug those defined, including the levels above the minimum thresholds specified in 49 CFR Part 40, as amended. See Section S of this policy for result of use of a prohibited drug.

Revenue service vehicles include all transit vehicles that are used for passenger transportation service or that require a CDL to operate ~~and include all ancillary vehicles used in support of the transit system.~~

Commented [DP1]: Not part of FTA definition

Safety-sensitive functions include: (a) the operation of a transit revenue service vehicle even when the vehicle is not in revenue service; (b) the operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a CDL; (c) maintaining a revenue service vehicle or equipment used in revenue service; (d) controlling the movement of a revenue service vehicle; and (e) carrying a firearm for security purposes.

~~**Service vehicles** include all ancillary vehicles used in support of the transit system.~~

Substance Abuse Professional (SAP) means a licensed physician (Medical Doctor or Doctor of Osteopathy) or state licensed or certified psychologist, social worker, employee assistance professional, marriage or family therapist or an addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders. See 49 CFR Part 40.281 as amended.

Substituted specimen means a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with normal human urine.

Test Refusal. The following are considered a refusal to test:

1. Failure to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer.
2. Failure to remain at the testing site until the testing process is completed, except in pre-employment situations where leaving before the testing process begins is not deemed to be a test refusal.
3. Failure to attempt to provide a urine, breath or saliva specimen for any drug or alcohol test as required by 49 CFR Part 40 or DOT agency regulation or this policy
4. Failure to permit the observation or monitoring of a specimen collection when it is required.
5. Failure to provide a sufficient amount of urine or breath without a valid medical explanation for the failure.
6. Failure or refusal to take a second test when required.

7. Failure to undergo a medical examination or evaluation, as directed by the MRO, as part of the verification process or as directed by the DER as part of the “shy bladder” or “shy lung” procedures.
8. Failure to cooperate with any part of the testing process (e.g., refuses to empty pockets or wash hands when directed to do so by the collector, behaves in a confrontational manner that disrupts the collection process).
9. For an observed collection, failure to follow the observer’s instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if individual is wearing any type of prosthetic device that could be used to interfere with the collection process.
10. Possession or wearing of a prosthetic or other device that could be used to interfere with the collection process.
11. Admitting adulteration or substitution of the specimen to the collector or the MRO.
12. If the MRO reports that there is a verified tampering, adulterated or substituted test result.
13. In alcohol testing, refusal to sign Step 2 of the Alcohol Testing Form.
14. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying the employer or the employer representative of his or her location if he or she leaves the scene of an accident prior to submission to such test, may be deemed by the employer to have refused to submit to testing.
15. A covered employee who consumes alcohol within eight (8) hours following involvement in an accident without first having submitted to post-accident drug/alcohol testing, if required.
- ~~16. Any violation of a Prohibitive Conduct as defined in Section F of this policy.~~

Commented [DP2]: Deleted – not considered refusal by FTA

Verified negative test means a drug test result reviewed by a MRO and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified positive test means a drug test result reviewed by a MRO and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

Validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

D. EDUCATION AND TRAINING

Every employee covered under this policy will receive a copy of the policy (and each time it is amended) and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.

All supervisory personnel or agency officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical,

behavioral, speech and performance indicators of probable alcohol misuse. Under JTA's own authority, supervisory personnel will also be trained on how to intervene constructively and how to effectively integrate an employee back into his/her work group following intervention and/or treatment. Information on the signs, symptoms, health effects and consequences of drug abuse and alcohol misuse is presented in Attachment B of this policy.

E. PROHIBITED SUBSTANCES

Prohibited substances addressed by this policy include the following:

1. Illegally Used Controlled Substance or Drug under the Drug-Free Workplace Act of 1988. Any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. The drugs are identified in 49 CFR Part 40, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana or the use of hemp-related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds, is a violation of this policy.
FTA drug testing regulations (49 CFR Part 655) require that all safety-sensitive employees and, under JTA's authority, all non-safety-sensitive employees be tested for drugs listed in 49 CFR Part 40. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty. Non-Safety sensitive employee drug/alcohol testing will be conducted as NON-DOT testing.
2. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills or judgment may be adversely affected, must be reported to a JTA supervisor and the employee is required to provide a written release from his/her doctor indicating that the employee can perform his/her job functions.
3. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. An alcohol test can be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions. Under JTA's authority, an alcohol test can be performed on any employee at any time a covered employee is on duty, this testing is conducted as a NON-DOT alcohol test.

F. PROHIBITED CONDUCT

1. All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
2. Each covered employee is 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. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline.

3. JTA shall not permit any covered employee to perform or continue to perform safety-sensitive functions or non-safety-sensitive functions if it has actual knowledge that the employee is using alcohol.
4. Each covered employee is prohibited from reporting to work or remaining on duty whether or not the employee performs safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.
5. No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
6. The employee may not leave the scene of an accident prior to the submission of a post-accident drug/alcohol test or if they must leave the scene, they must notify the employer or employer representative of his or her location until such time as a post-accident drug/alcohol test has been taken.
7. No covered employee shall consume alcohol within eight (8) hours prior to the performance of safety-sensitive job functions.
8. JTA, under its own authority, also prohibits the consumption of alcohol at all times an employee is on duty, is in uniform, or while on agency business.
9. Consistent with the Drug-Free Workplace Act of 1988, all JTA employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the workplace including any JTA premises, transit vehicles, while in uniform, or while on agency business.

G. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, all JTA employees are required to notify JTA management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. In addition, under JTA's authority, all employees are required to notify JTA management of any criminal drug or alcohol statute conviction for a violation occurring outside the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in Section S of this policy.

H. TESTING REQUIREMENTS

Analytical urine drug testing and alcohol breath testing will be conducted as required by 49 CFR Part 40, as amended. All covered employees shall be subject to testing prior to employment, for reasonable suspicion, following an accident, and random as defined in Sections J, K, L, M, N and O of this policy. Employees who have tested positive for drugs or alcohol on a random, reasonable suspicion, or post-accident test will be subject to termination under this policy. All covered employees who are returning to duty after completion of a Substance Abuse Professional's (SAP) recommended treatment program and subsequent release to duty will be tested prior to returning to duty. Follow-up testing will also be conducted following return-to-duty for a period of one to five years, with at least six tests performed during the first year. The duration and frequency of the follow-up testing above the minimum requirements will be at the discretion of the Substance Abuse Professional.

A drug test can be performed any time a covered employee is on duty. Under JTA authority, an alcohol test can be performed any time a covered employee is on duty.

All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with JTA. Any safety-sensitive or non-safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and terminated as defined in Section S of this policy. Any covered employee who is suspected of providing false information in connection with a drug test, or who is suspected of falsifying test results through tampering, contamination, adulteration or substitution, will be required to undergo an observed collection. Verification of the above listed actions will be considered a test refusal and will result in the employee's removal from duty and termination as defined in Section S of this policy. Refer to Section C for behavior that constitutes a refusal to test.

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Under JTA's authority, all elements of this entire section apply to all JTA employees.

I. SELF-REFERRAL

Jefferson Transit supports employees who volunteer for treatment of alcohol or drug abuse. Alcoholism and drug dependency are treatable illnesses and can be successfully dealt with if identified in their early stages and referred to an appropriate source for treatment provided that the employee has not been selected for reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may refer her or himself to the DER. JTA encourages employees to seek treatment voluntarily and makes available a referral to a SAP in the Employees Assistance Program (EAP). Any employee who comes forth and notifies the agency of alcohol or chemical abuse problems will be given the assistance extended to employees with any other illness. Sick leave, general leave or leave without pay may be granted for treatment and rehabilitation as in other illnesses, and insurance coverage for treatment will be provided to the extent of individual coverage.

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Employees are encouraged to contact the Administration Department ~~DER~~ for help in understanding benefits and leave policies when participating in the EAP. Any decision to seek help through the Employee Assistance Program or privately will not interfere with an employee's continued employment or eligibility for promotional opportunities. CONFIDENTIALITY of information will be maintained to the extent allowed by law at all times.

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Self-referral means an employee who admits the abuse of alcohol or other substances to a supervisor in his/her chain of command when there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use. An employee who self-refers (and who is not already a participant in a treatment program), shall be referred to the SAP for an assessment. JTA shall place the employee on administrative leave in accordance with the provisions set forth under Section S of this policy. Testing in this circumstance would be performed under the direct authority of JTA. Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under federal authority. However, self-referral does not exempt the covered employee from testing under federal authority as specified in Sections L through O of this policy or the associated consequences as specified in Section S.

Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program.

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An employee who has been directed to submit to any drug and/or alcohol test, with the exception of a post-accident test, and who self-refers and seeks assistance for a substance abuse problem will be allowed to go through one referral to the SAP and voluntary rehabilitation during their employment. The costs for treatment and SAP will be the responsibility of the employee.

J. DRUG TESTING PROCEDURES

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure and the validity of the test result.

The drugs that will be tested as listed in 49 CFR Part 40. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory test will be performed in accordance with 49 CFR Part 40, as amended. The test will be considered non-negative if the amounts of the drug(s) and/or its metabolites identified by the test are above the minimum thresholds established in 49 CFR Part 40, as amended, and will require further review by the MRO. .

The test results from the HHS certified laboratory will be reported to a Medical Review Officer (MRO). A MRO is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute or adulterated test result. The MRO will attempt to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the JTA Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM and no further action will be taken. If the test is invalid without a medical explanation, a retest will be conducted under direct observation.

If Jefferson Transit is informed by the MRO that a negative drug test was dilute, if the negative dilute test result is within the range of 5-20 mg/dL it is considered a regular negative dilute and a retest is not necessary; if the negative dilute test result is within the range of 2-5 mg/dL it is considered a super negative dilute and the MRO will notify the DER that a re-collection is necessary. A super negative dilute test recollection will be collected under direct observation.

Any covered employee who questions the results of a required drug test under Sections L through R of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory with no affiliation with the laboratory that analyzed the primary specimen. The

test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the MRO within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. JTA will ensure that the cost for the split specimen is covered in order for a timely analysis of the sample, however JTA will seek reimbursement for the split sample test from the employee.

If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen; if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled and will direct JTA to retest the employee under direct observation.

The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the MRO. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year.

Observed collections:

Consistent with 49 CFR Part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:

1. The laboratory reports to the MRO that a specimen is invalid and the MRO reports to JTA that there was not an adequate medical explanation for the result; or
2. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen to JTA as negative-dilute and that a second collection must take place under direct observation.
3. The MRO reports to JTA that the original positive, adulterated or substituted test result had to be cancelled because the test of the split specimen could not be performed; or
4. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen; or
5. The temperature on the original specimen was out of range; or
6. The employee is taking a return to duty test; or
7. The employee is taking a follow-up test after returning to duty.

K. ALCOHOL TESTING PROCEDURES

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) -approved Evidential Breath Testing (EBT) device operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHSTA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a

trained BAT. The EBT will identify each test by a unique, sequential identification number. This number, time and unit-identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

An employee who has a confirmed alcohol concentration of ~~0.00~~ 0.02 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section S of this policy... An alcohol concentration of less than 0.02 will be considered a negative test.

Commented [DP3]: Housekeeping: 0.00 is a negative result, as worded in policy it was also a positive result

JTA affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies of procedural flaws that do not impact the test result will not result in a canceled test.

The alcohol testing form (ATF) required by 49 CFR Part 40, as amended, shall be used for all FTA-required testing. Any other Alcohol testing not required by the FTA will use a NON-DOT testing form. ~~Failure-Refusal~~ of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

Commented [DP4]: To match FTA language

L. PRE-EMPLOYMENT TESTING

All applicants for covered transit positions shall undergo urine drug testing with a verified negative result prior to performance of safety-sensitive ~~or non-safety-sensitive~~ duties.

1. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant shall not be hired into a covered position unless the applicant takes a drug test with verified negative results.
2. A non-safety-sensitive employee shall not be placed, transferred or promoted into a safety-sensitive position until the employee takes a drug test with verified negative results.
3. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded ~~and given a referral to a SAP. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least five years.~~ Evidence of the absence of drug dependency from a Substance Abuse Professional (SAP) that meets with 49 CFR Part 40, as amended, and a negative pre-employment drug test will be required prior to further consideration for employment. ~~The cost for assessment and any subsequent treatment will be the sole responsibility of the applicant.~~
4. When an employee being placed, transferred, or promoted from a non-safety-sensitive position to a safety-sensitive position submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section S herein ~~and given a referral to a SAP.~~
5. Failure to remain at the testing site prior to commencement of the test is ~~not~~ to be considered a failure to undergo drug testing.
6. Aborting the drug testing collection before the drug test commences is ~~not~~ refusal to undergo drug testing.
7. If a pre-employment/pre-transfer test is canceled, JTA will require the applicant to take and pass another pre-employment drug test.
8. ~~In instances where a covered employee is on extended leave for a period of 90~~ 45 days or more, regardless of reason, the employee will be required to take a drug test and have negative test results

prior to assuming safety-sensitive job functions. ~~An employee who is on an extended leave of 90 days or more can opt to remain in the random drug testing pool. That employee must be available for random drug testing during their 90 days or more of extended leave. If at any time the employee is unavailable during their leave for a random drug test, that employee will be~~ considered removed from the random drug testing pool and be required to submit to a pre-employment drug test prior to returning to safety sensitive duties.

9. An applicant with a dilute negative test result will be required to retest.
10. Applicants are required to report previous DOT-covered employer drug and alcohol test results; failure to do so will result in the employment offer being rescinded.

Commented [DP5]: Cannot call an employee in for a test. Must be performing safety sensitive work.

Commented [DP6]: To be consistent with practice and page 14

M. REASONABLE SUSPICION TESTING

All JTA employees will be subject to Reasonable Suspicion drug and/or alcohol testing when there are reasons to believe that drug or alcohol use is impacting job performance and safety. Reasonable Suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable Suspicion testing decisions must be made by one supervisor who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. Under 49 CFR Part 40, as amended, a Reasonable Suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under JTA's authority, reasonable suspicion alcohol testing may be performed any time any employee is on duty, where this occurs with a non-covered employee, a NON-DOT test will be performed. A Reasonable Suspicion drug test can be performed any time the employee is on duty.

JTA shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in Section S of this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in Section S of this policy.

A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation prior to the release of the test results. This written record shall be submitted to the DAPM and shall be attached to the forms reporting the test results.

N. POST-ACCIDENT TESTING

All covered employees will be required to undergo urine and breath testing if they are involved in an accident with any transit-owned vehicle, regardless of whether or not the vehicle is in revenue service and it results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other employees whose performance cannot be completely discounted as a contributing factor to the accident.

In addition, a post-accident test will be conducted if an accident with any transit-owned vehicle results in injuries requiring immediate transportation to a medical treatment facility or one or more vehicles incurs disabling damage as defined in this policy, unless the operator's performance can be completely discounted as a contributing factor to the accident.

If the employee is a non-covered employee, the test will be a NON-DOT drug/alcohol test. If the employee is a covered employee (safety sensitive functions as defined on page of this policy), the test will be conducted as required by 49 CFR Part 40, as amended.

1. As soon as practicable following an accident, as defined in this policy, the JTA supervisor investigating the accident will notify the transit employee operating the transit vehicle, and all other covered employees whose performance could have contributed to the accident, of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.
2. The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable but no longer than eight (8) hours after the accident for alcohol and within thirty-two (32) hours for drugs. If an alcohol test is not performed within two hours (2) of the accident, the supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within eight (8) hours or the drug test within thirty-two (32) hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
3. Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test and is released by the supervisor.
4. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
5. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an 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.
6. In the rare event that JTA is unable to perform a FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), JTA may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

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Commented [DP7]: We cannot test an unconscious employee. They must give consent to test.

O. RANDOM TESTING

All safety-sensitive employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. JTA is a member of the Association of Washington Cities (AWC) Drug & Alcohol Testing Consortium, which administers the random testing selection of safety-sensitive employees.

1. The dates and hours for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year.
2. The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations, as amended. The current random testing rate for drugs established by FTA equals twenty-five percent (25%) of the number of covered employees in the pool and the random testing rate for alcohol established by FTA equals ten percent (10%) of the number of covered employees in the pool.
3. Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time a selection is made. Employees will remain in the pool and subject to selection whether or not the employee has been previously tested. There is no discretion on the part of management in the selection and notification of the individuals who are to be tested.
4. Covered employees that fall under the FTA regulations will be included in one random pool.
5. Random tests can be conducted at any time during an employee's shift for drug testing. Under FTA rules, alcohol random tests can be performed just before, during, or just after the performance of a safety sensitive duty. Testing can occur during the beginning, middle or end of an employee's shift.
6. Employees are required to proceed *immediately* to the collection site upon notification of their random testing selection.

Commented [DP8]: To comply with FTA rule

P. RETURN-TO-DUTY TESTING

Employees who have self-referred to management and who have completed any substance abuse program directed by a Substance Abuse Professional (SAP) must test negative for drugs and alcohol before returning to work. Employees will be allowed to return following completion of the SAP's recommended course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test(s) only when the employee has completed the treatment requirements and is known to be drug-free and alcohol-free and there is no undue concern for public safety. These return-to-duty tests are JTA mandated and a non-DOT testing form must be used. All return-to-duty tests will be conducted as observed tests. The employee will be financially responsible for the costs of the tests and services of the SAP.

Commented [DP9]: Employee responsible for costs

Q. FOLLOW-UP TESTING

Employees who have, through self-referral, completed any substance abuse program and return-to-duty test(s) will be required to undergo frequent, unannounced drug and alcohol testing. The follow-up testing will be performed for a period of one to five years with a minimum of six (6) tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing. These follow-up tests are JTA mandated and a non-DOT testing form must be used. All follow-up testing will be conducted as observed tests.

R. RETURN TO WORK AFTER EXTENDED LEAVE

11. Safety sensitive employees who have been on paid leave, FMLA, leave of absence, workers compensation, suspended or otherwise not worked for 45 or more days will be subject to the same drug and alcohol testing requirements as for pre-employment. The employee may opt to remain in the Random Drug/Alcohol pool while they are on extended leave. The employee must be available for Random Drug/Alcohol tests at all times during their extended leave. If at any time the employee is unavailable during their leave for a random drug test, that employee will be considered removed from the random drug testing pool and be required to submit to a pre-employment drug test prior to returning to safety sensitive duties.

S. RESULT OF DRUG/ALCOHOL TEST OR VIOLATION OF PROHIBITIVE CONDUCT

Any covered employee that has a verified positive drug or alcohol test result as defined on page 4 in this policy, or any covered employee who violates a prohibitive conduct as defined in Section F of this policy, will be terminated from his/her position and provided information about Substance Abuse Professionals (SAPs) in the area.

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1. As soon as practicable after receiving notice of a verified positive drug test result, a confirmed alcohol test result, or a test refusal, the JTA DAPM will contact the employee's supervisor to have the employee cease performing any safety-sensitive function and to begin the termination proceedings.
2. *Refusal to submit to a drug/alcohol test shall be considered a positive test result and a direct act of insubordination and shall result in termination.* A list of test refusal criteria may be found in the definitions on Page 4 and 5 of this document.
3. An alcohol test result of 0.02 to 0.039 BAC shall result in the removal of the employee from duty for eight (8) hours or the remainder of the workday, whichever is longer. The employee will be provided information about SAPs in the area. The employee will not be allowed to return to duty for his/her next shift until he/she submits to an alcohol test with a result of less than 0.02 BAC. If the employee has an alcohol test result of 0.02 to 0.039 one more time within a six-month period, the employee will be terminated.
4. In the case of self-referral, the cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. The employee will be permitted to take accrued leave to participate in the SAP-prescribed treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the SAP has determined that the employee has successfully completed the required treatment program and releases him/her to return to duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act, as applicable in the labor agreement.
5. In the instance of a self-referral, action shall include:
 - a. Mandatory referral to a SAP for assessment, formulation of a treatment plan, and execution of a return-to-work agreement.
 - b. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from JTA employment.
 - c. Compliance with the return-to-work agreement means:

- the employee has submitted to a drug/alcohol test immediately prior to returning to work with a verified negative test result; and
 - in the judgment of the SAP, the employee is cooperating with the SAP-recommended treatment program; and
 - the employee has agreed to periodic unannounced follow-up testing as defined in Section Q of this policy.
- d. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.
 - e. A self-referral to the SAP does not constitute a violation of the federal regulations or this policy - and will not be considered as a positive test result.
 - f. Periodic unannounced follow-up drug/alcohol tests conducted as a result of a self-referral which results in a verified positive shall be considered a positive test result and shall result in the employee's termination.
 - g. A self-referral does not shield an employee from future disciplinary action or guarantee employment with JTA due to any drug/alcohol testing.
 - h. A self-referral does not shield an employee from the requirement to comply with drug and alcohol testing.
6. Failure of an employee to report a criminal drug statute conviction for a violation occurring in or outside the workplace within five (5) days shall result in termination.

T. REPORTING OF POSITIVE TEST RESULTS TO THE WASHINGTON STATE DEPARTMENT OF LICENSING (DOL)

Confirmed positive drug or alcohol test results or a refusal to test shall be reported as a positive test to the Department of Licensing (DOL) for all CDL holders in accordance with RCW 46.25.123.

U. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 655 for a positive test or test refusal are not subject to arbitration.

V. PROPER APPLICATION OF THE POLICY

JTA is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy or who is found to deliberately misuse the policy in regard to subordinates shall be subject to disciplinary action, up to and including termination.

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W. INFORMATION DISCLOSURE

Drug/alcohol testing records shall be maintained by the JTA DAPM and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without the expressed written consent of the tested employee.

1. The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records and records of laboratory certifications. Employees may not have access to SAP referrals and follow-up testing plans.
2. Records of a verified positive drug/alcohol test result shall be released to the DAPM and department manager on a need-to-know basis.
3. Records will be released to a subsequent employer only upon receipt of a written request from the employee.
4. Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision-maker in the proceeding. The information will only be released with binding stipulation that the decision-maker will make it available only to parties in the proceeding.
5. Records will be released to the National Transportation Safety Board (NTSB) during an accident investigation.
6. Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
7. Records will be released if requested by a Federal, state or local safety agency with regulatory authority over JTA or the employee.
8. If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40, as amended, necessary legal steps to contest the issuance of the order will be taken.
9. In cases of a contractor or sub-recipient of the State Department of Transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

X. SYSTEM CONTACTS

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the individual(s) shown below.

**JTA Drug and Alcohol Program Manager (DAPM)
and Designated Employer Representative (DER)**

Deb Palmer, Human Resources/DAPM
63 4 Corners Rd, Port Townsend WA 98368
Voice: (360) 385-3020 x119
Fax: (360) 385-2321
Email: dpalmer@jeffersontransit.com

Testing Site: Madrona Hill Urgent Care

2500 W. Sims Way, Suite 1
Port Townsend, WA 98368
(360) 344-3663

Testing Site: Jefferson Healthcare (By appointment only, drug screening only)

834 Sheridan St
Port Townsend, WA 98368
(360) 385-2200

Testing Site: Cedar Grove Recovery Services (Can provide on-site testing in Forks)

221 N. Race St
Port Angeles, WA 98362
(360) 452-2443

Testing Site: Immediate Clinic

20730 Bond Rd NE, Suite 140
Poulsbo, WA 98370
(360) 779-9727

Testing Site: Bogachiel Medical Clinic (DOT Forms on File)

390 Founders Way Forks, WA 98331
(360) 374-6998

Medical Review Officer (MRO)

Dr. Dee McGonigle
18912 North Creek Pkwy
Bothell, WA 98011

(866) 448-0651

Employee Assistance Program (EAP) & Substance Abuse Professional (SAP)

First Choice Health
One Union Square
600 University Street, Suite 1400
Seattle, WA 98101
(800) 777-4114
www.FirstChoiceEAP.com

HHS Certified Laboratory – Primary Specimen

Pathology Associates Medical Lab
110 W Cliff Ave
Spokane, WA 94220
(509) 755-8600

HHS Certified Laboratory – Split Specimen

Legacy MetroLab
1225 NE Second Avenue
Portland, OR 97232
(800) 950-5295

Drug & Alcohol Testing Consortium

Carol Wilmes, HR Program Coordinator
Association of Washington Cities
1076 Franklin Street S.E.
Olympia, WA 98501-1346
(800) 562-8981 or (360) 753-0149

Drug and Alcohol Consortium Third Party Administrator

Deb/Mike Bliven,
A WorkSafe Service
1696 Capitol St. NE
Salem, OR 97301
(503) 391-9363
After Hours Pager (503) 942-2499

This Policy was adopted by the Jefferson Transit Authority Board of Directors on October 17, 1995 and last amended on ~~June 27, 2017~~ October 16, 2018.

ATTACHMENT A

Safety-Sensitive Positions

All JTA employees, positions and classifications, and the duties and potential duties of each, have been reviewed.

Each of the positions shown below have been designated as safety-sensitive and, as such, are subject to all categories of testing for drugs and alcohol under this policy.

Revenue Service Vehicles (operation)
Transit Operator

Revenue Vehicle and Equipment Maintenance
Lead Mechanic
Mechanic
Mechanic I
Maintenance Service Worker
~~Maintenance Clerk~~
Maintenance Cleaner

Dispatch/Control of Revenue Service Vehicle
~~General Manager~~
~~Operations Manager~~
~~Mobility Coordinator~~
~~West End Services Administrator~~
~~Maintenance and Facilities Manager~~
Dispatcher
~~Services & Training Supervisor~~
Field Supervisor

Other Transit Employee with CDL
~~Facilities Maintenance Worker? Only if drives a revenue service vehicle~~

Each of the positions shown below have been designated as *not* safety-sensitive and, as such, are subject to all categories with the exception of Section O Random Testing of testing for drugs and alcohol under this policy.

~~General Manager~~
~~Fleet & Facilities Manager~~
Finance/HR Manager
Payroll & Benefits Administrator
Grants Administrator
Administrative Executive Assistant/Clerk of the Board
Customer Service Clerk
~~Maintenance Service Clerk~~
~~Operations Manager~~

Commented [DP10]: FTA only wants employees routinely performing safety sensitive work randomly tested. By having other employees who might rarely perform safety sensitive work, it dilutes the pool. Those deleted were added back in the subsequent section.

Mobility Coordinator
West End Services Administrator
Facilities Maintenance Worker

Note: Attachment A was modified ~~March 20, 2012~~
October 16, 2018

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ATTACHMENT B
Health & Safety Fact Sheet
Related to Drug Abuse & Alcohol Misuse

Substance abuse, the misuse of drugs and alcohol, is not a new issue but it is one of growing concern to employers. Nationwide, substance abuse is a problem in the workplace. Research has shown that substance abuse affects organizations as evidenced by increased medical benefit claims, increased absenteeism, increased worker's compensation claims and decreased productivity. Substance abuse poses serious safety and health risks not only to the user, but also to those who work with or come into contact with the user. As a result, employers have become even more concerned about the misuse of drugs and alcohol by employees who perform safety-sensitive functions in the organization and in functions involving direct contact with the public.

ALCOHOL FACTS

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

Except for the odor, the following are general signs and symptoms of any depressant substance:

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

Health Effects

The chronic consumption of alcohol (average of 3 - 12-oz. servings per day of beer, 3 - 1-oz. servings of whiskey, or 3 - 6-oz servings of wine) over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10% of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed 'alcoholic')
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54% of all birth defects are alcohol related)

Social Issues

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- 2% to 3% of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- 40% of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol related.

The Annual Toll

- 24,000 people will die on the highway due to a legally impaired driver.
- 12,000 more will die on the highway due to an alcohol-affected driver.
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents.

Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is six times more likely to have an accident than a sober person.

AMPHETAMINE FACTS

Amphetamines are central nervous system stimulants that speed up the mind and body. Signs and symptoms of use include hyper-excitability, restlessness, confusion, panic, talkativeness, inability to concentrate and heightened aggressive behavior. Regular use produces strong psychological dependence and increasing tolerance to the drug.

Low-dose amphetamine use will cause short-term improvement in mental and physical functioning. With greater use however, the effect reverses and has an impairing effect. Hangover effect is characterized by physical fatigue and depression which may make operation of equipment or vehicles dangerous.

COCAINE FACTS

Cocaine is abused as a powerful physical and mental stimulant; the entire central nervous system is energized. Signs and symptoms of use include financial problems, increased physical activity and fatigue, isolation and withdrawal from friends and normal activities, unusual defensiveness, anxiety, agitation and wide mood swings. Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. Cocaine causes spasms of blood vessels in the brain and heart and can lead to

ruptured vessels causing strokes or heart attacks. Extreme mood and energy swings create instability. Work performance is characterized by forgetfulness, absenteeism, tardiness and missed assignments.

MARIJUANA FACTS

People use marijuana for the mildly tranquilizing, mood altering and perception-altering effects it produces. Signs and symptoms of use include reddened eyes, slowed speech, chronic fatigue and lack of motivation. Chronic smoking of marijuana causes emphysema-like conditions. Regular use can cause diminished concentration, impaired short-term memory, impaired signal detection and impaired tracking (the ability to follow a moving object with the eye).

Marijuana smoking has a long-term effect on performance. Combining alcohol and other depressant drugs and marijuana can produce a multiplied effect, increasing the impairing effect of both the depressant and marijuana.

OPIATES/OPIOIDS (NARCOTICS) FACTS

Opioids/Opiates (also called narcotics) are drugs that alleviate pain, depress body functions and, when taken in large doses, cause a strong euphoric feeling. Signs and symptoms of use include mood changes, impaired mental functioning, depression and apathy, impaired coordination, and physical fatigue and drowsiness. IV needle users have a high risk for contracting hepatitis and AIDS due to sharing of needles.

Unwanted side effects of opioids such as nausea, vomiting, dizziness, mental clouding and drowsiness place the legitimate user and abuser at higher risk for an accident. Workplace use may cause impairment of physical and mental functions.

PHENCYCLIDINE (PCP) FACTS

Phencyclidine acts as both a depressant and a hallucinogen, and sometimes a stimulant. Signs and symptoms of use include impaired coordination, severe confusion and agitation, extreme mood shifts, rapid heartbeat, and dizziness. The potential for accidents and overdose is high due to the extreme mental effects combined with the anesthetic effect on the body. PCP use can cause irreversible memory loss, personality changes and thought disorders.

ATTACHMENT C
Jefferson Transit Board Resolution

Commented [DP11]: Will be updated with the new resolution.

Jefferson Transit Authority
Resolution No. 17-16

A RESOLUTION of the Board of Directors of the Jefferson County Public Transportation Benefit Area, hereinafter called the "Authority" Adopting the Amended Substance Abuse Policy and Drug & Alcohol Testing Program

WHEREAS, Jefferson Transit Authority adopted a substance abuse policy and drug and alcohol testing program in 1995 and last amended it in March of 2013; and

WHEREAS, the Authority wishes to amend the current policy and program to update contact information and testing sights; and

WHEREAS, the attached amended policy program rules and procedures that are consistent with current regulations;

NOW, THEREFORE, BE IT RESOLVED that the Jefferson Transit Authority Board of Directors does hereby adopt the attached Amended Substance Abuse Policy and Drug & Alcohol Testing Program dated the 27th day of June, 2017.

CERTIFICATION

The undersigned duly qualified Clerk of the Board, acting on behalf of the Jefferson County Public Transportation Benefit Area, certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Jefferson Transit Authority Board held on this 27th day of June, 2017.

Chair

Vice Chair

Member

Member

Attest:

Member

Clerk of the Board

Resolution 17-16 Drug & Alcohol Policy-Update
Adopted: June 27, 2017
Page 1 of 1

ATTACHMENT D

Forms

- Form A – Notice to Job Applicants
- Form B – Release of Information Form CFR Part 40 Drug and Alcohol Testing
- Form C – Request for Pre-Employment Positive Tests or Refusal to Test
- Form D – Drug/Alcohol Testing Request Form
- Form E – Sample Federal Drug Testing Custody & Control Form
- Form F – Sample Federal Drug Testing Custody & Control Form – Alcohol Testing Form
- Form G – Sample Non-DOT Chain of Custody Form
- Form H – Positive/Refused Drug/Alcohol Test Report by Employer
- Form I – Federal Transit Administration Post-Accident Drug and Alcohol Testing Determination Form
- Form J – Federal Transit Administration Impaired Behavior Incident Report Form
- Form K – Supervisors Reasonable Suspicion Testing Checklist
- Form L – Receipt of Drug & Alcohol Policy Employee's Certification of Receipt

2017 Ridership Total including JTOC 235,854

2017	Jan	Feb	Mar	Apr	May	June	July	August	Sept	Oct	Nov	Dec	Total Riders	Monthly Average
#1 Brinnon	1592	1470	1651	1370	1695	1683	1531	1533	1392	1468	1315	1241	17941	1495
#11 Shuttle	7676	7344	8154	6480	7251	7927	7595	7911	6794	6562	5780	6166	85640	7137
#2 Ft. Worden	1761	1820	2000	1807	2020	2030	1946	1876	1652	1800	1472	1528	21712	1809
#3 Castle Hill	1716	1632	1642	1584	1730	1767	1691	1888	1626	1665	1408	1426	19775	1648
#6A Tri Area	1569	1467	1686	1417	1669	1479	1292	1326	1251	1381	1287	1339	17163	1430
#6B Tri Area	1228	1229	1438	1329	1401	1280	1105	1161	961	1072	1023	989	14216	1185
#7 Poulsbo	1815	1739	1941	1837	2133	1910	1968	2205	1903	1820	1716	1671	22658	1888
#8 Sequim	1766	1618	2054	1893	2106	1829	1681	1762	1616	1824	1475	1357	20981	1748
Riders	19123	18319	20566	17717	20005	19905	18809	19662	17195	17592	15476	15717	220086	18341
On Time Performance	96.25	94.52	95.1	91.7	88.42	86.27	82.38	83.26	89.99	93.97	94.12	93.01		90.75
#Days In Service	26	24	26	25	25	26	25	27	25	26	24	25	304	25.33
Mileage	35886	32711	35881	33749	35808	36868	33749	37362	33764	35881	33573	33749	418979	34915
2017 Notes:	June 19 - June 26 Highway 20 Detour					August 2 - August 22 Center Rd and Highway 19 Detour								

2018	Jan	Feb	Mar	Apr	May	June	July	August	Sept	Oct	Nov	Dec	Total Riders	Monthly Average
#1 Brinnon	1527	1439	1555	1459	1611	1436	1376	1435	1408				13246	1472
#11 Shuttle	5919	4848	5420	4819	5245	5755	6061	6103	5315				49485	5498
#2 Ft. Worden	1772	1631	2065	1752	1878	2092	2196	2158	1719				17263	1918
#3 Castle Hill	1364	1254	1475	1447	1634	1573	1567	1800	1363				13477	1497
#4 Upper Sims Loop	1441	2605	3174	2860	3374	3349	3332	3349	2981				26465	2941
#6A Tri Area	1439	1159	1315	1119	1226	1243	1188	1424	1154				11267	1252
#6B Tri Area	1167	977	1221	1114	1222	1159	1300	1330	1086				10576	1175
#7 Poulsbo	1726	1691	2019	1960	1992	1910	1915	2321	1851				17385	1932
#8 Sequim	1508	1381	1601	1586	1874	1738	1922	2119	1660				15389	1710
Riders	17863	16985	19845	18116	20056	20255	20857	22039	18537	0	0	0	174553	19502
On Time Performance	95.33	97.79	95.41	96.58	94.69	92.77	89.42	97.74	97.7					95.27
#Days In Service	26	24	27	25	26	26	25	27	24				230	25.56
Mileage	37717	35761	39932	37428	38916	38315	30058	40654	35093				333874	37097.11

Notes

January 15, 2018 new #4 service began and additional service added #7 at 10:40, 6B @11:00

Feb 22, 2018 On snow routes

May 1-July 15 Water St construction project, one lane of alternating traffic, paving

* September Ridership Total does not include Wooden Boat + 4231 = 22,768

Fixed Route Ridership Comparison 2017 and 2018 by Trimester

		Jan	Feb	March	April	Total
		19123	18319	20566	17717	75725
Average per day	2017	735.5	763.2	791.0	708.6	
		17863	16985	19845	18116	72809
Average per day	2018	687.0	707.7	735.0	724.6	
First Trimester -3.85%						-2916.0

		May	June	July	Aug	Total
		20005	19905	18809	19662	78381
Average per day	2017	800.2	765.6	752.4	728.2	
		20056	20255	20857	22039	83207
Average per day	2018	771.4	779.0	834.3	816.3	
Second Trimester + 1%						4826.0

		Sept	Oct	Nov	Dec	Total
		17195	0	0	0	17195
Average per day	2017	661.3				
		18537				18537
Average per day	2018	772.4				
						1342.0

* September Ridership Total does not include Wooden Boat + 4231 = 22,768

Wooden Boat Festival September 7-9			
Fri 9/7	Sat 9/8	Sun 9/9	Total
1322	2185	724	4231

2017	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Riders	Monthly Average
JTOC	1090	1108	1292	1275	1505	1406	1527	1737	1435	1353	992	1048	15768	1314
#Days In Service	26	24	26	25	25	26	25	27	25	26	24	25	304	25
JTOC Mileage	12540	11450	12980	11870	12468	12474	11700	13054	11687	12434	11673	11734	146064.0	12172
Notes: Crescent Lake Road Rehabilitation late April through mid November, traffic delays from Port Angeles to Forks														

2018	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Riders	Monthly Average
JTOC	1040	1174	1412	1258	1531	1482	1543	1646	1681				12767	1419
#Days In Service	26	24	27	25	26	26	20	27	24				225	25
JTOC Mileage	12338	11455	12793	12343	12463	12300	11919	12933	11476				110020	12224
Notes: Week of February 19 snow														

	Jan	Feb	March	April	Total
	1090	1108	1292	1275	4765
Average per day 2017	41.9	46.2	49.7	51.0	
	1040	1174	1412	1258	4884
Average per day 2018	40.0	48.9	52.3	50.3	
First Trimester increase of 2.4%					119

	May	June	July	Aug	Total
	1505	1406	1527	1737	6175
Average per day 2017	60.2	57.0	77.2	61.0	
	1531	1482	1543	1646	6202
Average per day 2018	58.9	57.0	77.2	61.0	
Second Trimester increase of 1%					27

	Sept	Oct	Nov	Dec	Total
	1435	0	0	0	1435
Average per day 2017	57.4	0.0	0.0	0.0	
	1681	0	0	0	1681
Average per day 2018	70.0	0.0	0.0	0.0	
Third Trimester					246

Jefferson Transit Authority
Monthly Ridership Report
August, 2018

VanPool

<u>VanPool Passenger Trips</u>	<u>VanPool Miles Traveled</u>	<u>VanPool Average Riders</u>	<u>VanPool Vans in Service</u>
528	3616	6.9	2

Dial A Ride

Boardings										
<u>Client</u>	<u>PCA</u>	<u>Other</u>	<u>Total</u>	<u>Per Run</u>	<u>Per Mile</u>	<u>Per Hour</u>	<u>Per Day</u>	<u>Mobility Aids</u>		
1065.00	67.00	9.00	1141.00	1.15	0.23	2.37	42.26	236.00		
Hours				Mileage						
<u>Service</u>	<u>Live</u>	<u>Deadhead</u>	<u>BLO</u>	<u>Total</u>	<u>Trips</u>	<u>Service</u>	<u>Live</u>	<u>Deadhead</u>	<u>BLO</u>	<u>Total</u>
539.12	482.3	56.82	0	595.94	989	5487	4902	585	585	6072
<u>Service Days</u>	<u>On Time Performance</u>				<u>New Applicants</u>					
27	93.00%				6					

* New Applicants reflects the number of individuals who have applied for Dial-A-Ride Services. It does not reflect the number of applicants approved for eligibility.

Jefferson Transit Authority
Monthly Ridership Report
September, 2018

VanPool

<u>VanPool Passenger Trips</u>	<u>VanPool Miles Traveled</u>	<u>VanPool Average Riders</u>	<u>VanPool Vans in Service</u>
432	3160	7.3	2

Dial A Ride

Boardings										
<u>Client</u>	<u>PCA</u>	<u>Other</u>	<u>Total</u>	<u>Per Run</u>	<u>Per Mile</u>	<u>Per Hour</u>	<u>Per Day</u>	<u>Mobility Aids</u>		
1000.00	47.00	4.00	1051.00	1.11	0.22	2.41	42.04	251.00		
Hours				Mileage						
<u>Service</u>	<u>Live</u>	<u>Deadhead</u>	<u>BLO</u>	<u>Total</u>	<u>Trips</u>	<u>Service</u>	<u>Live</u>	<u>Deadhead</u>	<u>BLO</u>	<u>Total</u>
461.42	435.25	26.17	0	487.59	949	5199	4711	488	488	5687
<u>Service Days</u>	<u>On Time Performance</u>				<u>New Applicants</u>					
25	93.00%				16					

* New Applicants reflects the number of individuals who have applied for Dial-A-Ride Services. It does not reflect the number of applicants approved for eligibility.