

PROCUREMENT PROCEDURES
BUREAU OF PUBLIC TRANSPORTATION (BPT)
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
June 2025

LIST OF ATTACHMENTS

Pre-Award Bid Specification Certification (Attachment 1)
Pre-Award Buy America Certification (Attachment 2)
Pre-Award Federal Motor Vehicle Safety Standards (FMVSS) Certification (Attachment 3)
Post-Delivery Bid Specification Certification (Attachment 4)
Post-Delivery Buy America Certification (Attachment 5)
Post-Delivery FMVSS Certification (Attachment 6)
Sample Bid Advertisement (Attachment 7)

1. APPLICABILITY OF PROCEDURES

1.1 APPLICABILITY OF PROCEDURES

These procurement procedures apply to the expenditure of certain grant funds by entities (referred to as “grantees”) for the purchase of supplies, services or construction. The applicable grant funds are as follows:

- (a) Operating Program (Section 1513)
- (b) Asset Improvement Program (Section 1514)
- (c) Programs of Statewide Significance (Section 1516)
- (d) State Community Transportation Capital (CTC) grant funds
- (e) Capital Improvements Program (Section 1517)
- (f) Alternative Energy Capital Investment Program (Section 1517.1)
- (g) FTA Section 5310 (Enhanced Mobility of Seniors & Individuals with Disabilities Program) grants funds
- (h) FTA Section 5311 (Formula Grants for Rural Areas Program) grant funds
- (i) FTA Section 5307 (Urbanized Area Formula Program), FTA Section 5309 (Capital Investment Program), or any other FTA grant funds, if funds have been passed through BPT to the grantee.

1.2 EXCEPTIONS TO APPLICABILITY OF PROCEDURES

These procurement procedures apply to all grantees as described in Section 1.1 above except those grantees that have been waived from these procurement procedures by BPT. Grantees seeking a waiver shall submit a description of its procurement procedures to BPT for review and approval. If approved, grantees shall keep all records related to applicable procurements on file and available for inspection by BPT.

1.3 OTHER REQUIREMENTS

In addition to these procurement procedures, grantees shall comply with any requirements imposed by the laws under which they are created or by other law, regulations, or applicable government policies. If more than one set of requirements exist, the stricter requirement governs. Examples of laws that may be applicable include the Municipal Authorities Act and the County Code.

1.4 EVASION OF REQUIREMENTS

A grantee shall not evade any of these procurement procedures by making piecemeal purchases for the purpose of obtaining prices below any of the dollar thresholds contained in these procedures. Evasion of these procurement procedures could result in the loss of grant funds by the grantee.

2. DEFINITIONS

BPT – The Bureau of Public Transportation of the Pennsylvania Department of Transportation.

FTA – The Federal Transit Administration of the United States Department of Transportation.

INVITATION FOR BIDS (IFB) – All documents, including those either attached or incorporated by reference, used by a grantee to solicit bids.

MASTER AGREEMENT – FTA document incorporated by reference and made part of FTA's standard grant agreements and cooperative agreements that contains the standard terms and conditions governing the administration of a project supported with federal assistance awarded by FTA.

REQUEST FOR PROPOSALS (RFP) – All documents, including those either attached or incorporated by reference, used by a grantee to solicit proposals.

3. GENERAL PROCUREMENT STANDARDS

3.1 CONTRACT ADMINISTRATION SYSTEM

Grantees shall maintain a contract administration system that ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

3.2 FEDERAL REQUIREMENTS AFFECTING ACQUISITIONS

Grantees may not use FTA assistance to support acquisitions that do not comply with all applicable federal requirements. The latest edition of FTA Circular 4220 ([Third Party Contracting Guidance, version 4200.1G, 2025](#)) contains federal procurement requirements. The grantee may also refer to Model Clauses in FTA's "[Best Practices Procurement & Lessons Learned Manual](#)" ([Report 0105](#)) but cautions the grantee to also check the latest edition of the FTA Master Agreement to determine which provisions have been added, changed, or rescinded.

3.3 WRITTEN STANDARDS OF CONDUCT

Grantees shall maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer, agent, immediate family member, or Board member of the grantee shall participate in the selection, award, or administration of a contract if a conflict of interest, real or apparent, would be involved.

Such a conflict would arise when any of the following has a financial or other interest in the firm selected for award:

- (a) The employee, officer, agent, or Board member,
- (b) Any member of his or her immediate family,
- (c) His or her partner, or
- (d) An organization that employs, or is about to employ, any of the above.

The grantee's officers, employees, agents, or Board members shall neither solicit nor accept gifts, gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements. Grantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic

value. To the extent permitted by state or local law or regulations, such standards of conduct will provide for penalties, sanctions, or other disciplinary action for violation of such standards by the grantee's officers, employees, or agents, or by contractors or their agents.

3.4 CONFLICT OF INTEREST

Grantees are required to be aware of conflict of interest issues a prospective contractor might have, including lack of impartiality, impaired objectivity, or unfair competitive advantage. Engaging in practices that result in organizational conflicts of interest is prohibited. Grantees are expected to analyze each planned acquisition in order to identify and evaluate potential organizational conflicts of interest as early in the acquisition process as possible, and avoid, neutralize, or mitigate potential conflicts before contract award. An organizational conflict of interest occurs when any of the following circumstances arise:

- (a) When the contractor is unable, or potentially unable, to provide impartial and objective assistance or advice to the grantee due to other activities, relationships, contracts, or circumstances.
- (b) The contractor has an unfair competitive advantage through obtaining access to nonpublic information during the performance of an earlier contract. 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.

3.5 ENSURING MOST EFFICIENT AND ECONOMIC PURCHASE

Grantee procedures shall provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase.

However, piecemeal purchases for the purpose of evading these procurement procedures are prohibited (see section 1.4). Where appropriate, an analysis will be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach.

3.6 JOINT PROCUREMENTS

Joint procurement refers to a method of contracting in which two or more purchasers agree from the outset to use a single solicitation document and enter into a single contract with a vendor for delivery of property or services in a fixed quantity, even if expressed as a total minimum and total maximum. Unlike a state or local government purchasing schedule, a joint procurement is not drafted for the purpose of accommodating the needs of other parties that may later want to participate in the benefits of that contract. Grantees are encouraged to procure goods and services jointly with other grantees to obtain better pricing through larger purchases. When obtaining goods or services in this manner, grantees participating in FTA assisted joint procurements must ensure compliance with all applicable FTA and federal requirements and include all required clauses and certifications in the joint solicitation and contract documents.

3.7 STATE OR LOCAL GOVERNMENT PURCHASING SCHEDULES/CONTRACTS

State or local government purchasing schedules or contracts refers to an arrangement that a state or local government has established with several vendors in which those vendors agree to provide an option to the state or local government, and its subordinate government entities, to acquire specific goods or services in the future at established prices. Grantees are encouraged to utilize such schedules or contracts for procurement of goods and services. When obtaining goods or services in this manner with FTA funds, grantees shall ensure compliance with all applicable FTA and federal requirements and shall ensure that all required federal clauses and certifications

have been included in the state or local government solicitation and contract documents. One way of achieving compliance with FTA requirements is for all parties to agree to append the required federal clauses in the purchase order or other document that affects the grantee's procurement. When buying from these schedules, the grantee should obtain an FTA Buy America certification before entering into the purchase order.

3.8 USE OF GSA SCHEDULES AND EXCESS OR SURPLUS FEDERAL PROPERTY

Grantees are encouraged to use federal excess and surplus property managed by the U.S. General Services Administration (GSA) when feasible and economical rather than procuring new property. The GSA Federal Property Management Regulations, 41 CFR Parts 101-42 through 101-46, 101-48, and 101-49 govern the eligibility of grantees, as well as others, to acquire supplies and services through GSA's personal property utilization and disposal programs.

3.9 WRITTEN RECORD OF PROCUREMENT HISTORY

Grantees shall maintain readily accessible written records detailing the history of a procurement for three full calendar years after the grantee has made final payment and all other pending matters are closed, including closeout of all grants between the grantee and PennDOT, the grantee and FTA, and PennDOT and FTA. At a minimum, these records must include:

- (a) Procurement Method – A grantee shall provide its rationale for the method of procurement it used for each contract.
- (b) Contract Type – A grantee shall state the reasons for selecting the contract type it used (fixed price, cost reimbursement, and so forth).
- (c) Contractor Selection – A grantee shall state its reasons for contractor selection or rejection.
- (d) Cost or Price – A grantee shall evaluate and state its justification for the contract cost or price.
- (e) Reasonable Documentation – The extent of the documentation maintained by a grantee must be reasonable and commensurate with the size and complexity of the procurement itself.

3.10 RESPONSIBILITY FOR SETTLEMENT OF CONTRACT ISSUES/DISPUTES

Grantees alone shall be responsible in accordance with good administrative practice and sound business judgement for the settlement of all contractual and administrative issues arising out of procurements. These issues include source evaluation, protests, disputes, and claims. These standards do not relieve the grantee of any contractual responsibility under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction. BPT may not substitute its judgement for that of the grantee unless the matter concerns the failure of the grantee to follow its protest procedure or its failure to review a complaint or protest.

3.11 WRITTEN PROTEST PROCEDURES

Grantees shall have written protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to BPT. All protest decisions must be in writing. A protester must exhaust all administrative remedies with the grantee before pursuing a protest with BPT. Reviews of protests by BPT will be limited to the grantee's failure to have or follow its protest procedure, or its failure to review a complaint or protest.

3.12 CONTRACT PERIOD OF PERFORMANCE LIMITATION

A grantee may enter into a multi-year contract to buy rolling stock with an option not exceeding five years to buy additional rolling stock or replacement parts. The grantee may not exercise that option later than five years after the date of the original contract. While other procurement contracts for non-rolling stock are not limited to five years, the duration of the contracts must in PennDOT's sole discretion, be reasonable.

4. COMPETITION

4.1 COMPETITION REQUIRED

Grantees are required to use third party procurement procedures that provide full and open competition.

4.2 PREQUALIFICATION

Grantees are permitted to prequalify people, firms, and property for procurement purposes if the grantee ensures that all prequalification lists it uses are current and include enough qualified sources to maximize full and open competition, and the grantee permits potential bidders or offerors to qualify during the solicitation period (from the issuance of the solicitation to its closing date).

4.3 SOLICITATION REQUIREMENTS

Each solicitation is required to provide the following information:

- (a) Description of Property or Services - The solicitation and the contract awarded under it must include a clear and accurate description of the grantee's technical requirements for the property or services to be acquired in a manner that provides for full and open competition. The description may include a statement of the qualitative nature of the property or services to be acquired. When practicable, the recipient should describe its requirements in terms of functions to be performed or level of performance required, including the range of acceptable characteristics or minimum acceptable standards.
- (b) Quantities Limited to the Recipient's Actual Needs – Grantees shall limit quantities to the amount necessary to support the quantity of property or extent of services the recipient actually needs at the time of acquisition. The recipient may not add quantities or options to contracts solely to allow them to assign these quantities or options at a later date.
- (c) Brand Name or Equal - When it is impractical or uneconomical to provide a clear and accurate description of the technical requirements of the property to be acquired, a "brand name or equal" description may be used to define the performance or other salient characteristics of a specific type of property. The recipient must identify the salient characteristics of the named brand that offerors must provide. When using a "brand name" specification, the recipient does not need to reverse-engineer a complicated part to identify precise measurements or specifications in order to describe its salient characteristics. FTA's "Best Practices Procurement & Lesson Learned Manual" contains, in Appendix B, additional information on preparation of specifications including examples with specific language.
- (d) Evaluation Factors - The solicitation must identify all factors to be used in evaluating bids or proposals.
- (e) Contract Type Specified - The recipient's specifications should state the type of contract that will be awarded. Contract types may include a firm fixed price contract or a cost reimbursement contract. A firm fixed price contract includes a price that remains fixed irrespective of the contractor's cost experience in performing the contract. A firm fixed price contract may include an economic price adjustment provisions, incentives, or both. A cost reimbursement contract provides for payment of the contractor's allowable incurred costs, to the extent prescribed in the contract. Allowable costs may include incentives if the grantee believes they can prove helpful. Cost reimbursement contracts are suitable for use only when uncertainties involved in contract performance do not permit costs to be estimated with sufficient accuracy to use any type of fixed price contract.
- (f) Prohibited or Restricted Contract Types – The cost plus a percentage of cost and cost plus a percentage of construction cost methods of contracting is prohibited. Time and material contracts are only permitted after determining that no other contract type is suitable, and if the contract specifies a

ceiling price that the contractor may not exceed except at its own risk.

4.4 SOLICITATION RESTRICTIONS

Solicitation requirements that contain features that unduly restrict competition are prohibited. Some situations considered to be restrictive of competition include the following:

- (a) Excessive Qualifications – Imposing unreasonable business requirements for bidders or offerors.
- (b) Unnecessary Experience – Imposing unnecessary experience requirements for bidders and offerors.
- (c) Improper Prequalification – Using prequalification procedures that conflict with the prequalifications standards described above.
- (d) Retainer Contracts – Making a noncompetitive award to any person or firm on a retainer contract with the grantee if that award is not for the property or services specified for delivery under the retainer contract.
- (e) Excessive Bonding – Unnecessary bonding is discouraged because it increases the cost of the contract and restricts competition, particularly by disadvantaged business enterprises.
- (f) Brand Name Only – Specifying only a “brand name” product without allowing offers of “an equal” product, or allowing “an equal” product without listing the salient characteristics that the “equal” product must meet to be acceptable for award.
- (g) In-State or Local Geographic Restrictions – Specifying for FTA assisted procurements in-state or local geographic preferences, or evaluating bids or proposals in light of in-state or local geographic preferences, even if those preferences are imposed by state or local laws or regulations. In particular, FTA recipients are prohibited from limiting its bus purchases to in-state dealers.
- (h) Organizational Conflict of Interest – Engaging in practices that result in organizational conflicts of interest as described above.
- (i) Restraint of Trade – Supporting or acquiescing in noncompetitive pricing practices between firms or between affiliated companies. Questionable practices include 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 offerors.
- (j) Arbitrary Action - Taking any arbitrary action in the procurement process.

4.5 FEDERAL REQUIREMENTS AFFECTING PROPERTY/SERVICES ACQUIRED

Solicitations and resulting FTA assisted contracts must identify those federal requirements that will affect contract scope and performance. See chapter IV of FTA Circular 4220.1G (Third Party Contracting Guidance), and FTA’s latest Master Agreement for references to federal requirements established following publication of Circular 4220.1G.

4.6 FEDERAL REQUIREMENTS AFFECTING BIDDER/OFFEROR/CONTRACTOR

Solicitations and resulting FTA assisted contracts must identify those federal requirements that a bidder or offeror must fulfill before and during contract performance. See chapter IV of FTA Circular 4220.1G (Third Party Contracting Guidance), and FTA’s latest Master Agreement for references to federal requirements established following publication of Circular 4220.1G.

4.7 AWARD TO OTHER THAN THE LOW BIDDER

If the grantee intends to reserve its right to award to other than the low bidder or offeror, that information must be stated in the solicitation document.

4.8 REJECTION OF ALL BIDS OR OFFERS

If the grantee intends to reserve its right to award or reject all bids or offers, that information must be stated in the solicitation document.

4.9 AWARD ONLY TO RESPONSIBLE BIDDERS/OFFERORS

Contracts awards must be made only to “responsible” contractors possessing the ability, willingness, and integrity to perform successfully under the terms and conditions of the contract. Responsibility of contractors is determined by the grantee after receiving bids or proposals and before making contract award. Consideration will be given to such matters as integrity, ethics, debarment, suspension, affirmative action, DBE, public policy, administrative and technical capacity, licensing, taxes, financial resources, production capability, timeliness, and performance record.

5. PROCUREMENT BY MICRO-PURCHASES

5.1 MICRO-PURCHASE PROCEDURES

Procurement by micro-purchases are those purchases of \$10,000 or less (unless stricter local rules or other laws apply). Purchases below that threshold may be made without obtaining competitive quotations if the grantee determines that the price is fair and reasonable. Such purchases are exempt from FTA’s Buy America requirements. There should be equitable distribution among qualified suppliers (in the local area) and no splitting of procurements to avoid competition. The Davis-Bacon Act applies to construction contracts (involving federal funds) between \$2,000 and \$10,000. Minimum documentation is required, including a determination that the price is fair and reasonable and how this determination was derived. The grantee may make micro-purchases without BPT concurrence. However, the grantee shall keep all records related to such purchases on file and available for inspection by BPT.

Table 1 below compares the requirements for Micro-Purchases (Section 5) and Small Purchases (Section 6).

6. PROCUREMENT BY SMALL PURCHASE PROCEDURES

6.1 SMALL PURCHASE PROCEDURES

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that cost more than \$10,000 but do not cost more than \$250,000 (unless stricter local rules or other laws apply). Grantees may not divide or reduce the size of its procurement to avoid additional procurement requirements applicable to larger acquisitions. If small purchase procedures are used, grantees shall obtain price or rate quotations from three qualified sources. The grantee may award a contract to the offeror that submitted the lowest quotation after obtaining BPT concurrence. The grantee shall submit its request for concurrence to BPT accompanied by the following;

- (a) The description of the item or service being purchased that was used to obtain quotes;
- (b) The name and address of each offeror (indicate which offeror has been selected for award);
- (c) The monetary amount of each quotation; and
- (d) If the selected offeror did not submit the lowest quote, justification for the selection must also be submitted.

Additionally, purchases made with FTA funds that cost greater than or equal to \$150,000 must comply with FTA’s Buy America requirements. The grantee shall submit the following certifications:

- (a) Pre-Award Buy America Certification (Attachment 2); and
- (b) Post-Delivery Buy America Certification (Attachment 5).

Table 1 below compares the requirements for Micro-Purchases (Section 5) and Small Purchases (Section 6).

Table 1 – Micro-Purchase and Small Purchase Requirements

| | Micro-Purchases | Small Purchases |
|---------------------------|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cost Thresholds | Less than \$10,000 | Between \$10,000 and \$250,000 |
| Competitive Quotations | Not Required | From 3 qualified sources |
| Davis-Bacon Requirements | Apply to micro-purchases greater than \$2,000 | Apply to all small purchases |
| Buy American Requirements | Do not apply | Apply to small purchases over \$150,000 |
| BPT Concurrence | Not Required Agency should maintain records of decision for BPT inspection | Required – Agency should provide: <ul style="list-style-type: none"> • Description of item(s) being purchased • Name & address of all offerors • Monetary value of each quote • Justification, if low bid is not selected |

7. PROCUREMENT BY SEALED BIDS/INVITATION FOR BIDS (IFB)

7.1 GENERAL

Bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.

- a) In order for sealed bidding to be feasible, the following conditions must be present:
 - 1) A complete, adequate, precise, and realistic specification or purchase description is available;
 - 2) Two or more responsible bidders are willing and able to compete effectively for the business;
 - 3) The procurement lends itself to a firm fixed-price contract and the selection of the successful bidder can be made principally on the basis of price; and
 - 4) Discussion with bidders after bids have been submitted are expected to be unnecessary as contract award is based on price and price-related factors alone.
- b) If this procurement method is used, the following requirements apply:
 - 1) The invitation for bids will be publicly advertised and bids must be solicited from an adequate number of known suppliers, providing them sufficient time to prepare bids prior to the date set for opening the bids;

- 2) The invitation for bids, which will include any specification and pertinent attachments, will describe the items or services sought in sufficient detail so prospective bidders may submit a proper bid;
- 3) All bids will be publicly opened at the time and place prescribed in the invitation for bids;
- 4) A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. When specified in bidding documents, factors such as discounts, transportation costs, and life cycle costs must be considered in determining which bid is lowest. Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are typically taken; and
- 5) Any or all bids may be rejected if there is a sound and documented business reason.

A flow chart presenting the process for IFB procurements is shown in Figure 1 at the end of this section.

7.2 INVITATION FOR BIDS (IFB)

The grantee shall obtain the written (physical or electronic) approval of its IFB from BPT prior to the issuance of the IFB.

7.3 PUBLIC NOTICE

Adequate public notice (sample attached, see Attachment 7) of the IFB in a newspaper of general circulation, or a digital publication platform with an equivalent public availability, must be given a minimum of 30 calendar days prior to the bid opening. BPT concurrence is required if the grantee desires to give public notice less than 30 calendar days prior to the bid opening. BPT may require the grantee to give public notice 45 calendar days prior to the bid opening for purchases of construction and custom-built supplies. BPT may require that special procurements be nationally advertised or locally advertised in more than one physical or digital publication. Grantees shall make copies of the IFB available to any interested person upon request. Grantees may establish procedures for the distribution of the IFB including the imposition of a fee to reimburse the agency for the costs of photocopying and mailing (as long as the same amount is charged to all parties). All copies of the IFB must be distributed via certified mail (return receipt requested).

7.4 REVIEW OF REQUESTS FOR CLARIFICATIONS, EXCEPTIONS AND APPROVED EQUALS –

If the grantee receives any requests for clarifications, exceptions, or approved equals to the IFB a minimum of 15 calendar days before the bid opening, the grantee shall review each request and determine whether to accept or reject it. The grantee is not required to review requests for clarifications, exceptions, or approved equals received fewer than 15 calendar days before the bid opening.

7.5 PRE-BID CONFERENCE

At the time the grantee is reviewing requests for clarifications, exceptions, and approved equals, the grantee has the option of holding a pre-bid conference with potential bidders to clarify various aspects of the IFB. A pre-bid conference may minimize the possibility of confusion, ambiguity, bid protest or delays. If the IFB is of sufficient complexity, the grantee may stipulate in the IFB that a pre-bid conference will be held.

7.6 NOTICE OF DECISION REGARDING REQUESTS FOR CLARIFICATIONS, EXCEPTIONS AND APPROVED EQUALS

Before issuing written notice of its decision whether to accept or reject any requests for clarifications, exceptions or approved equals to the IFB, the grantee shall obtain BPT approval of its decision. BPT shall follow-up with a

written electronic confirmation of the verbal approval. The notice must be provided to all parties that received the IFB at least seven calendar days before the bid opening. If notice is mailed, it must be done so via certified mail (return receipt requested). If the notice is faxed, the party receiving the faxed notice must then fax acknowledgment of receipt of the notice to the grantee. If the notice is transmitted electronically, the party receiving the notice must respond to acknowledge receipt of the notice. The notice must list all requests for clarifications, exceptions or approved equals received and state whether the grantee has accepted or rejected the request.

7.7 BID OPENING

Bids must be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The grantee shall record the amount of each bid together with the name of each bidder. The record must be open to public inspection.

7.8 BID ACCEPTANCE AND EVALUATION

Bids must be unconditional and offered without alternation or modification except as authorized in the IFB. Bids must be evaluated based on the requirements set forth in the IFB, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award must be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The IFB must set forth the evaluation criteria to be used. No criteria may be used in bid evaluation that are not set forth in the IFB.

7.9 MODIFICATION OR WITHDRAWAL OF BIDS PRIOR TO BID OPENING

Bids may be modified or withdrawn by written notice or in person by a bidder or its authorized representative if its identity is made known and a receipt of the bid is signed prior to the exact hour and date set for the opening of bids.

7.10 WITHDRAWAL OF BIDS AFTER BID OPENING

Withdrawal of erroneous bids after bid opening but before award based on bid mistakes shall be permitted by the written determination of the grantee. This may be done when the bidder requests relief and presents credible evidence that the reason for the lower bid price was a clerical mistake as opposed to judgment mistake and was actually due to an unintentional arithmetical error or an unintentional omission of a substantial quantity of work, labor, material or services made directly in the compilation of the bid. The Grantee must receive the request for relief and the supporting evidence within five calendar days after bid opening.

7.11 PRE-AWARD CONCURRENCE FROM BPT

Immediately after the grantee has completed its evaluation of the bids and before awarding the contract, the grantee shall request BPT to concur with its selection of the lowest responsive and responsible bidder. The grantee shall submit its request to BPT accompanied by the following:

- (a) The name and address of each bidder;
- (b) The amount of each bid;
- (c) Reference to the specific project number and/or contract number to which the procurement will be charged;
- (d) Statement of which bidder the grantee has selected as the lowest responsive and responsible bidder or a statement that the grantee has decided to reject all bids. If applicable, the statement must document a sound business reason for rejecting all bids;
- (e) A complete copy of the selected bid (including a copy of the bid security bond, if required by the IFB);
- (f) A list of all potential bidders to which the IFB was mailed;

- (g) A statement by the grantee that the price is fair and reasonable and the basis for that determination;
- (h) If the amount of the selected bid exceeds available funding, a request from the grantee to BPT for an increase in funding if so desired (Not applicable to Community Transportation Capital grants; and
- (i) If purchasing one or more vehicles with FTA funds, the grantee shall submit the following certifications:
 - (1) Pre-Award Bid Specification Certification (Attachment 1);
 - (2) Pre-Award Buy America Certification (Attachment 2) (Applicable only if total bid price exceeded \$150,000); and
 - (3) Pre-Award Federal Motor Vehicle Safety Standards (FMVSS) Certification (Attachment 3).

If other than the apparent low bidder is selected by the grantee as the lowest responsive and responsible bidder, the following additional information must accompany the grantee's request for BPT pre-award concurrence:

- (j) A complete copy of each bid that is lower than the bid selected as the lowest responsive and responsible bidder;
- (k) An explanation of the basis for the selection of the lowest responsive and responsible bidder including the evaluation criteria and the technical evaluation; and
- (l) If the grantee has not selected the apparent low bidder because it finds said bidder to be non-responsible, the grantee shall submit to BPT documentation to support such finding.

7.12 AWARD

Within 60 calendar days of the bid opening, but only after obtaining pre-award concurrence from BPT, the grantee shall award the contract by written notice to the lowest responsible and responsive bidder, or shall reject all bids. All bids may be rejected if there is a sound documented business reason. Extensions of the date for the award may be made by mutual written consent of the grantee and the lowest responsible and responsive bidder.

7.13 CHANGE ORDER AFTER CONTRACT AWARD

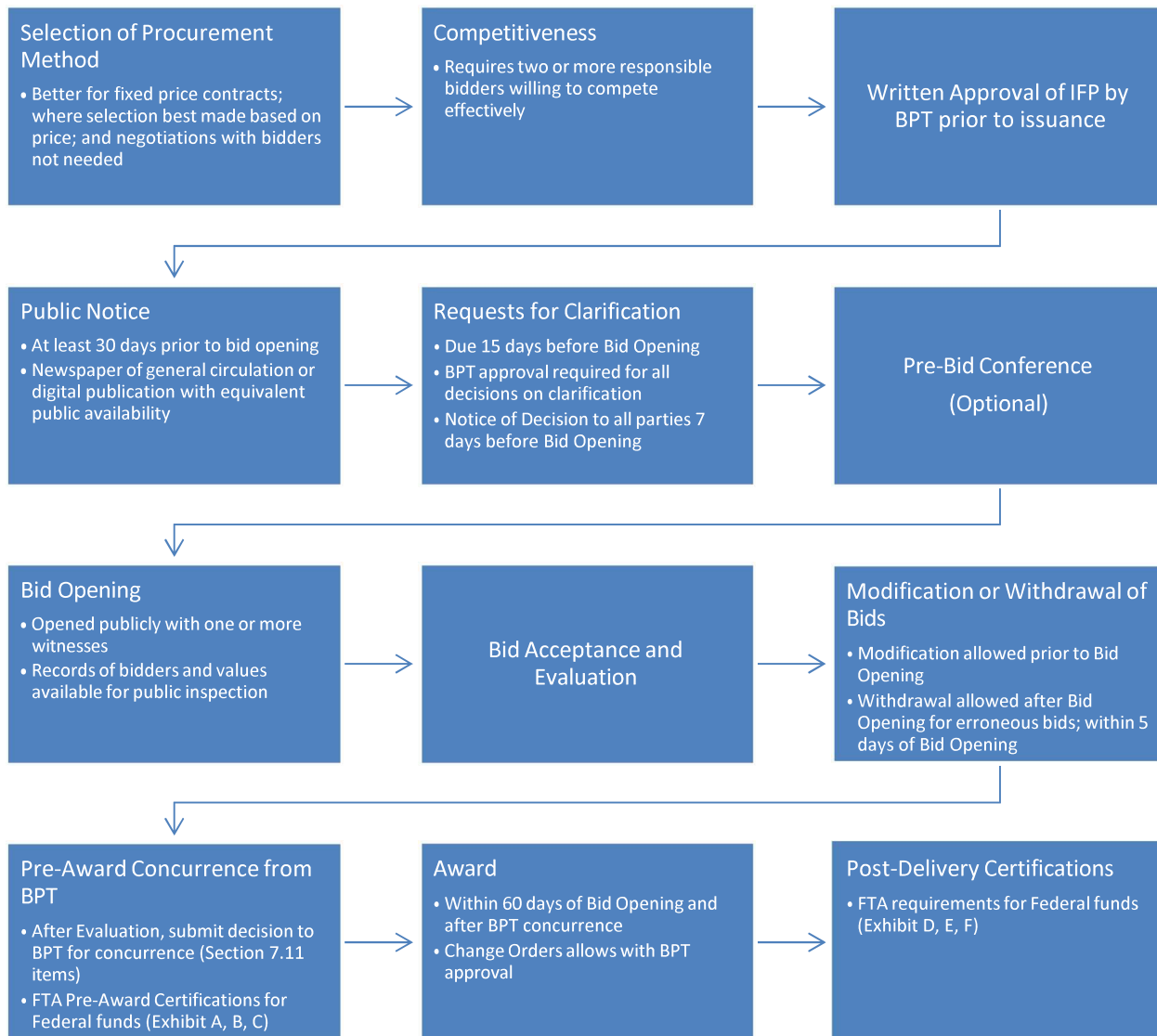
No change orders to the contract may occur without BPT's approval. If the change order involves a price change, the grantee's request for BPT approval must be accompanied by a statement signed by an officer of the grantee that the price change is fair and reasonable, along with the basis for that determination. A change order cannot expand the scope of the contract.

7.14 POST-DELIVERY CERTIFICATIONS

If purchasing one or more vehicles with FTA funds, the grantee shall submit to BPT after delivery of the vehicle and prior to final acceptance of the vehicle the following certifications:

- (a) Post-Delivery Bid Specification Certification (Attachment 4)
- (b) Post-Delivery Buy America Certification (Attachment 5) (Applicable only if total bid price exceeded \$150,000)
- (c) Post-Delivery FMVSS Certification (Attachment 6)

Figure 1 - Procurement by Sealed Bids / Invitation for Bids (IFB)



8. PROCUREMENT BY COMPETITIVE PROPOSAL/REQUEST FOR PROPOSALS (RFP)

8.1 GENERAL

The use of competitive proposals is an accepted procurement method when the nature of the procurement does not lend itself to sealed bidding and the grantee expects more than one source is willing and able to submit a proposal. If this procurement method is used the following requirements apply:

- (a) Requests for proposals must be publicly advertised. All evaluation factors and their relative importance must be specified in the solicitation; but numerical or percentage ratings or weights need not be disclosed.
- (b) Proposals must be solicited from at least three qualified sources.
- (c) Grantees shall have a method in place for conducting technical evaluations of the proposals received to determine the most qualified offeror. A minimum of three individuals with knowledge of the product or services being procured must participate in the technical evaluation.
- (d) Awards will be made to the responsible offeror whose proposal is most advantageous to the grantees' program with price and other factors considered.

8.2 CONDITIONS FOR USE

Grantees may use competitive proposals (subject to BPT approval) when any of the following circumstances are present:

- (a) The property or services to be acquired are described in performance or functional specification; or if described in detailed technical specifications, other circumstances such as the need for discussions or the importance of basing contract award on factors other than price alone are present.
- (b) Due to the nature of the procurement, contract award need not be based exclusively on price or price-related factors.
- (c) Separate discussions with individual offerors are expected to be necessary after proposal submittal.

A flow chart presenting the process for IFB procurements is shown in Figure 2 at the end of this section.

8.3 REQUEST FOR PROPOSALS (RFP)

Grantees shall solicit proposals through a RFP. The RFP must identify all evaluation factors along with their relative importance. The grantee shall obtain the written approval of its RFP from BPT prior to the issuance of the RFP.

8.4 PUBLIC NOTICE

Adequate public notice of the RFP in a newspaper of general circulation, or a digital publication platform with an equivalent public availability, and at least one physical or digital publication with national circulation must be given in a reasonable time prior to the date set for receipt of the proposals. Grantees shall make copies of the RFP available to any interested person upon request. Grantees may establish procedures for the distribution of the RFP including the imposition of a fee to reimburse the agency for the costs of photocopying and mailing (as long as the same amount is charged to all parties).

8.5 RECEIPT OF PROPOSALS

Offerors must submit their sealed proposals to ensure that their proposals are received prior to the time and date established for receipt of the proposals. Proposals must be submitted in the format required by the RFP. Cost

proposals must be submitted separate from the technical proposals so as to avoid disclosure of their contents until the technical review is completed.

8.6 EVALUATION

The grantee shall have a method in place for conducting technical evaluations of the proposals received and for selecting contractors. The relative importance of the evaluation factors must be established prior to opening the proposals. BPT requires that the grantee perform a technical evaluation of the proposals without consideration of cost, in which case the cost portions of the proposals are retained by the grantee, sealed, until the technical rating is determined. A combined technical and cost rating for each proposal is then determined.

8.7 DISCUSSION WITH RESPONSIBLE OFFERORS AND REVISION OF PROPOSALS

As provided in the RFP, grantees may conduct oral interviews with responsible offerors who submit proposals determined to be reasonably suitable of being selected for award. Oral interviews must be conducted for the purpose of clarification to assure full understanding of and responsiveness to the solicitation requirements and for the purpose of obtaining best and final offers. Offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. In conducting oral interviews, grantee shall make no disclosure of any information derived from proposals submitted by competing offerors.

8.8 AWARD OF CONTRACT

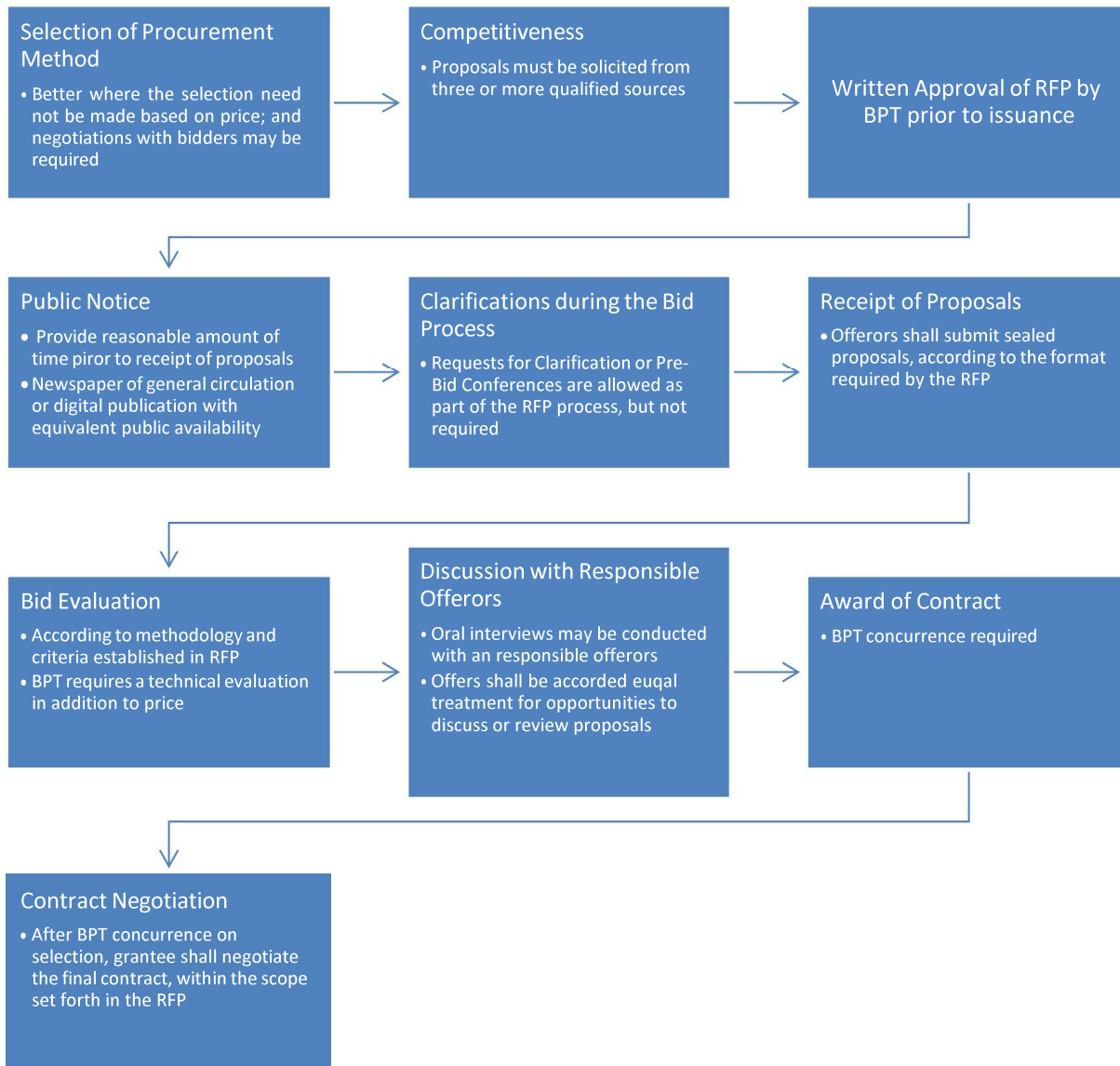
The responsible offeror whose proposal is selected in writing, taking into consideration price and all evaluation factors, will enter into contract negotiation. Prior to awarding the contract the grantee shall request BPT to concur with its selection. The grantee shall submit its request to BPT accompanied by the following:

- (a) The name and address of each offeror.
- (b) The monetary amount of each proposal received.
- (c) The score assignment resulting from the grantee's evaluation of proposals.
- (d) A complete copy of the selected proposal.

8.9 CONTRACT NEGOTIATION

After obtaining BPT concurrence with the selected proposal, the grantee shall proceed to negotiate a contract with the selected offeror staying within the scope set forth within the RFP.

Figure 2 - Competitive Proposal / Request for Proposals (RFP)



9. PROCUREMENT BY NONCOMPETITIVE PROPOSAL (SOLE SOURCE)

9.1 GENERAL

Sole source procurements are accomplished through solicitation or acceptance of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. A contract amendment or change order that is not within the scope of the original contract is considered a sole source procurement that must comply with this subparagraph.

- (a) Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed, bids, or competitive proposals and at least one of the following circumstances applies:
 - (1) The item is available only from a single source and it can be documented that it is the only item that can meet the unique needs of the grantee;
 - (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - (3) FTA authorizes noncompetitive negotiations (only if federal funds are involved); or
 - (4) After solicitation of a number of sources, competition is determined inadequate.
- (b) A cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profit, is required.

The grantee shall submit a written request for BPT concurrence with the use of sole source procurement procedures. Sole source procurements require specific justification which could withstand the test of an audit or legal challenge. Sole source justification must include the following:

- Timing
- Efforts to locate potential contractors
- Lack of Response to a former competitive effort
- Other factors (Applicable to Vehicles Only):
 - Analysis of ridership characteristics, and how they mandate the need for the size and specific passenger capacity of the sole source vehicle(s) requested (Average number of riders per trip, peak loading per trip, number of passengers in wheelchairs and walkers per trip, etc.).
 - Analysis of the physical characteristics of the service routes or service area, and how they mandate the need for the sole source vehicle(s) requested (Geographical characteristics, road conditions, weather conditions, etc.).
 - Analysis of existing equipment now serving the routes (or similar routes if expansion is proposed), and describe why similar replacement vehicles or other vehicles available on the market would not be suitable to provide this service. Include details on accidents, road calls and missed trips or cancellation of service caused by vehicle characteristics.
 - A summary of the information above which clearly identifies the sole source vehicle(s) as the only vehicle capable of providing the proposed service.

After BPT has provided written concurrence with the request, the grantee may award a contract for a purchase through solicitation or acceptance of a proposal from only one source.

10. OPTIONS

10.1 GENERAL

Grantees may include options in contracts so long as the grantee is able to justify them as needed for its public transportation or project purposes. An option is a unilateral right in a contract by which, for a specified time, a procuring agency may acquire additional equipment, supplies, or services than originally procured, or may elect to extend the term of the contract. If a grantee chooses to use options, the requirements below apply:

- (a) **EVALUATION OF OPTIONS:** The option quantities or periods contained in the contractor's bid or offer must be evaluated in order to determine contract award. When options have not been evaluated as part of the award, the exercise of such options will be considered a sole source procurement.
- (b) **EXERCISE OF OPTIONS:**
 - (1) A grantee shall ensure that the exercise of an option is in accordance with the terms and conditions of the option stated in the initial contract awarded.
 - (2) An option may not be exercised unless the grantee has determined that the option price is better than prices available in the market or that the option is the more advantageous offer at the time the option is exercised.

10.2 IMPROPER CONTRACT EXPANSION

A contract has been improperly expanded when the expansion includes a larger scope, greater quantities, or options beyond the grantee's reasonably anticipated needs.

11. CONTRACT COST AND PRICE ANALYSIS FOR EVERY PROCUREMENT ACTION

11.1 GENERAL

Grantees shall perform a cost or price analysis in connection with every procurement action, including contract modifications. The method and degree of analysis is dependent on the facts and circumstances surrounding each procurement, but as a starting point, grantees shall make independent estimates before receiving bids or proposals.

11.2 COST ANALYSIS

The grantee shall obtain a cost analysis when a price analysis will not provide sufficient information to determine the reasonableness of the contract cost. A cost analysis must be performed when the offeror is required to submit the elements (i.e., Labor Hours, Overhead, Materials, etc.) of the estimated cost, e.g., under professional consulting and architectural and engineering services contracts. A cost analysis will be necessary when adequate price competition is lacking and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or on the basis of prices set by law or regulation.

11.3 PRICE ANALYSIS

If the grantee determines that competition was adequate, a price analysis rather than a cost analysis is required to determine the reasonableness of the proposed contract price.

11.4 PROFIT

Grantees shall negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk to be 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.

11.5 FEDERAL COST PRINCIPLES

If federal funds are involved, costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with federal cost principles. Grantees may reference their own cost principles that comply with federal cost principles.

12. ARCHITECTURAL AND ENGINEERING (A&E) SERVICES – SPECIAL REQUIREMENTS

12.1 GENERAL

Federal laws and regulations impose special requirements on FTA assisted architectural engineering (A&E) and related procurements. For guidance on these special requirements grantees should refer to [FTA Circular 4220.1G](#) (or the latest version of that circular), Chapter IV, subparagraph 2.h.

13. CONSTRUCTION – SPECIAL REQUIREMENTS

13.1 GENERAL

Federal laws and regulations impose special requirements on FTA assisted construction projects. For guidance on these special requirements grantees should refer to [FTA Circular 4220.1G](#) (or the latest version of that circular), Chapter IV, subparagraph 2.i.

14. RESEARCH-TYPE SERVICES – SPECIAL REQUIREMENTS

14.1 GENERAL

Federal laws and regulations impose special requirements on FTA assisted research-type (research, development, demonstration, deployment, and special studies) services. For guidance on these special requirements grantees should refer to [FTA Circular 4220.1G](#) (or the latest version of that circular), Chapter IV, subparagraph 2.j.

15. PAYMENT PROVISIONS

15.1 ADVANCE PAYMENTS

When federal funds are involved, FTA does not authorize and will not participate in funding payments to a contractor prior to the incurrence of costs by the contractor unless prior written concurrence is obtained from FTA.

15.2 PROGRESS PAYMENTS

Grantees may use progress payments under certain conditions. Progress payments are only made to the contractor for costs incurred in the performance of the contract after the grantee obtains adequate security for those payments and has sufficient written documentation to substantiate the work for which payment is requested.

16. LIQUIDATED DAMAGES PROVISIONS

16.1 GENERAL

A grantee may use liquidated damages if it may reasonably expect to suffer damages (increased costs on project involved) from late completion and the extent or amount of such damages would be difficult or impossible to determine. The assessment for damages must be at a specific rate per day for each day of overrun in contract time; and the rate must be specified in the third party contract. Any liquidated damages recovered will be credited to the project account involved unless FTA (if federal funds are involved) or BPT permits otherwise.

17. CONTRACT PROVISIONS

17.1 GENERAL

All contracts must include provisions to define a sound and complete agreement. In addition, contracts and subcontracts must contain contractual provisions or conditions that allow for:

- (a) Administrative, contractual, or legal remedies in instances where contractors violate or breach

- contract terms, including sanctions and penalties as may be appropriate. (All contracts in excess of the small purchase threshold.)
- (b) Termination for cause and for convenience by the procuring agency including the manner by which it will be effected and the basis for settlement.

18. NONDISCRIMINATION

18.1 GENERAL

All procurements must comply with applicable requirements of all civil rights statutes and regulations, including, but not limited to: the Americans with Disabilities Act, the Civil Rights Act of 1964, the Pennsylvania Human Relations Act, Disadvantaged Business Enterprise/Small Business Element (49 CFR Part 26), and Diverse Business 74 Pa. C.S. Section 303.

19. STEEL PRODUCTS PROCUREMENT

19.1 GENERAL

All procurements must comply with applicable provisions of the "Steel Products Procurement Act", Act No. 3 of 1978, March 3, P.L. 6 (73 P.S. Sections 1881 et seq.).

Attachment 1

PRE-AWARD BID SPECIFICATION CERTIFICATION

Upon review of the information provided by the bidder, I hereby certify the following in regard to the vehicle(s) listed below which will be purchased under this contract (IFB Number and/or Purchase Order Number):

- (a) The rolling stock being contracted for is the same product described in the purchaser's solicitation specifications and;
- (b) The proposed manufacturer is a responsible manufacturer with the capability to produce a vehicle that meets the purchaser's specification set forth in the purchaser's solicitation.

Signature of Authorized Official Title of

Authorized Official Purchaser (Agency) Name

Date

VEHICLES TO BE PURCHASED:

| <u>Make</u> | <u>Model</u> | <u>Year</u> | <u>Number of Vehicles</u> |
|-------------|--------------|-------------|---------------------------|
|-------------|--------------|-------------|---------------------------|

| | | | |
|-------|-------|-------|-------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

BIDDER:

| <u>Name</u> | <u>Street Address</u> | <u>City, State</u> | <u>Zip Code</u> |
|-------------|-----------------------|--------------------|-----------------|
|-------------|-----------------------|--------------------|-----------------|

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| _____ | _____ | _____ | _____ |
|-------|-------|-------|-------|

MANUFACTURER:

| <u>Name</u> | <u>Street Address</u> | <u>City, State</u> | <u>Zip Code</u> |
|-------------|-----------------------|--------------------|-----------------|
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Attachment 2

PRE-AWARD **BUY AMERICA CERTIFICATION**

(Applicable only if total bid price exceeded \$150,000)

Upon review of the information* provided by the bidder, I hereby certify the following in regard to the vehicle(s) listed below which will be purchased under this contract (IFB Number and/or Purchase Order Number _____):

CHECK ONE

_____ The vehicle(s) listed below are in compliance with the requirements of Section 165(a) or (b)(3) of the Surface Transportation Assistance Act of 1982, as amended.

_____ There is a letter from the Federal Transit Administration which grants a waiver to the vehicle(s) listed below from the Buy America requirements under Section 165(b)(1), (b)(2), or (b)(4) of the Surface Transportation Act of 1982, as amended.

Signature of Authorized Official

Title of Authorized Official

Purchaser (Agency) Name

Date

VEHICLES TO BE PURCHASED:

| Make | Model | Year | Number of Vehicles |
|------|-------|------|--------------------|
|------|-------|------|--------------------|

| | | | |
|-------|-------|-------|-------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

BIDDER:

| Name | Street Address | City, State | Zip Code |
|------|----------------|-------------|----------|
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| | | | |
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MANUFACTURER:

| Name | Street Address | City, State | Zip Code |
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* Information provided by the bidder included a list of the following:

- (1) Component and subcomponent parts of the vehicle(s) to be purchased identified by manufacturer of the parts, their country or origin and costs; and
- (2) The location of the final assembly point for the vehicle(s), including a description of the activities that will take place at the final assembly point and the cost of final assembly.

Attachment 3

PRE-AWARD
FMVSS CERTIFICATION

The apparent low bidder, as an agent for the manufacturer, has supplied a copy of the manufacturer's self-certification information concerning compliance with Federal Motor Vehicle Safety Standards. Based upon review of that information, I hereby certify that the vehicle(s) listed below, which will purchased under this contract (IFB Number and/or Purchase Order Number _____), complies with all applicable Federal Motor Vehicle Safety Standards.

Signature of Authorized Official

Title of Authorized Official

Purchaser (Agency) Name

Date

VEHICLES TO BE PURCHASED:

| <u>Make</u> | <u>Model</u> | <u>Year</u> | <u>Number of Vehicles</u> |
|-------------|--------------|-------------|---------------------------|
|-------------|--------------|-------------|---------------------------|

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| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

BIDDER:

| <u>Name</u> | <u>Street Address</u> | <u>City, State</u> | <u>Zip Code</u> |
|-------------|-----------------------|--------------------|-----------------|
|-------------|-----------------------|--------------------|-----------------|

MANUFACTURER:

| <u>Name</u> | <u>Street Address</u> | <u>City, State</u> | <u>Zip Code</u> |
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Attachment 4

**POST-DELIVERY
BID SPECIFICATION CERTIFICATION**

I hereby certify that I have visually inspected and road tested the vehicle(s) listed below which were purchased under this contract (IFB Number and/or Purchase Order Number _____) and these vehicles meet the contract specifications.

CHECK ONE:

_____ An on-site inspector's report **is not attached** because fewer than eleven vehicles (for areas greater than 200,000 in population) or fewer than twenty- one vehicles (for areas less than 200,000 in population) were procured under this solicitation.

_____ An on-site inspector's report **is attached** because more than ten vehicles (for areas greater than 200,000 in population) or more than twenty vehicles (for areas less than 200,000 in population) were procured under this solicitation.

Signature of Authorized Official

Title of Authorized Official

Purchaser (Agency) Name

Date

VEHICLES PURCHASED:

| <u>Make</u> | <u>Model</u> | <u>Year</u> | <u>Number of Vehicles</u> |
|-------------|--------------|-------------|---------------------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

BIDDER:

| <u>Name</u> | <u>Street Address</u> | <u>City, State</u> | <u>Zip Code</u> |
|-------------|-----------------------|--------------------|-----------------|
| _____ | _____ | _____ | _____ |

MANUFACTURER:

| <u>Name</u> | <u>Street Address</u> | <u>City, State</u> | <u>Zip Code</u> |
|-------------|-----------------------|--------------------|-----------------|
| _____ | _____ | _____ | _____ |

Attachment 5

**POST-DELIVERY
BUY AMERICA CERTIFICATION**

(Applicable only if total bid price exceeded \$150,000)

Upon review of the information* provided by the bidder upon delivery of the vehicle(s), I hereby certify the following in regard to the vehicle(s) listed below which have been purchased under this contract (IFB Number and/or Purchase Order Number _____):

CHECK ONE:

_____ The vehicle(s) listed below are in compliance with the requirements of Section 165(a) or (b)(3) of the Surface Transportation Assistance Act of 1982, as amended.

_____ There is a letter from the Federal Transit Administration which grants a waiver to the vehicle(s) listed below from the Buy America requirements under Section 165(b)(1), (b)(2), or (b)(4) of the Surface Transportation Assistance Act of 1982, as amended.

Signature of Authorized Official

Title of Authorized Official

Purchaser (Agency) Name

Date

VEHICLES PURCHASED:

| Make Vehicles | Model | Year | Number of |
|------------------|-------|------|-----------|
|------------------|-------|------|-----------|

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BIDDER:

| Name | Street Address | City, State | Zip Code |
|------|----------------|-------------|----------|
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MANUFACTURER:

| Name | Street Address | City, State | Zip Code |
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|------|----------------|-------------|----------|

- * Information provided by the bidder included a list of the following:
- (1) Component and subcomponent parts of the vehicle(s) purchased identified by manufacturer of the parts, their country of origin and costs; and
 - (2) The actual location of the final assembly point for the vehicle(s), including a description of the activities that took place at the final assembly point and the cost of final assembly.

Attachment 6

**POST-DELIVERY
FMVSS CERTIFICATION**

The apparent low bidder, as an agent for the manufacturer, has supplied a copy of the manufacturer's self- certification information concerning compliance with Federal Motor Vehicle Safety Standards. Based upon review of that information I hereby certify that the vehicle(s) listed below, which have been purchased under this contract (IFB Number and/or Purchase Order Number _____) complies with all applicable Federal Motor Vehicle Safety Standards.

Signature of Authorized Official

Title of Authorized Official

Purchaser (Agency) Name

Date

VEHICLES PURCHASED:

| Make Vehicles | Model | Year | Number of |
|------------------|-------|------|-----------|
| | | | |
| | | | |
| | | | |

BIDDER:

| Name | Street Address | City, State | Zip Code |
|------|----------------|-------------|----------|
| | | | |

MANUFACTURER:

| Name | Street Address | City, State | Zip Code |
|------|----------------|-------------|----------|
| | | | |

Attachment 7

SAMPLE BID ADVERTISEMENT

(Enter Agency Name and Address) is announcing its intention to receive sealed bids for the purchase of **(Enter Vehicle Type and Quantity of Vehicle Type Being Purchased)**. A complete bid package that includes technical specifications, special provisions, bid forms, and directions can be obtained by contacting **(Enter Agency Name and Address)** at **(Enter Agency Telephone Number)**. Bids will be received at **(Enter Address)** up to but no later than **(Enter Date and Time of Deadline for Bid Submission)**. Bids will be publicly opened on **(Enter Bid Opening Date)** at **(Enter Time of Bid Opening)** at **(Enter Location and Address of the Location)**. All bids must be submitted in duplicate and remain valid for 60 days from the bid opening date. **(Enter Agency Name)** reserves the right to accept or reject any or all bids on such basis as purchaser deems to be in its best interest, subject to the approval of the Pennsylvania Department of Transportation, which requires the purchaser to award to the lowest responsive and responsible bidder.