

**RESOLUTION NO. 2023-06
OF THE FRONT RANGE PASSENGER RAIL DISTRICT**

**ADOPTING A PROCUREMENT AND PURCHASING POLICY FOR GOODS AND
SERVICES**

WHEREAS, pursuant to Section 32-22-101, *et. seq.*, C.R.S. (the “Act”), the Front Range Passenger Rail District (“District”) was established as a body politic and corporate and a political subdivision of the state to research, develop, construct, operate, and maintain an interconnected passenger rail system within the front range that is competitive in terms of travel time for comparable trips with other modes of surface transportation; and

WHEREAS, Section 32-22-105(2)(d), C.R.S. authorizes the Board of Directors of the District (the “Board”) to make and pass resolutions necessary for the government and management of the affairs of the district and the execution of the district’s powers and duties; and

WHEREAS, the Board is further authorized pursuant to Sections 32-22-105(2)(g)-(h), C.R.S., to appoint, hire, and retain professional consultants and to prescribe methods for the letting of contracts for labor, materials, or supplies that may be required to carry out the District; and

WHEREAS, pursuant to Section 32-22-105(1)(a)(I), C.R.S., the Board has the exclusive power to adopt Board policy and procedures.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Front Range Passenger Rail District that the Board of Directors hereby adopts a Procurement and Purchasing Policy for Goods and Services, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, and directs that a copy of such policy shall be maintained in the District’s files.

APPROVED this 21st day of April 2023.



Chair

ATTEST:



Julie Mullica (May 8, 2023 09:02 MDT)

Secretary

EXHIBIT A
PROCUREMENT AND PURCHASING POLICY FOR GOODS AND SERVICES

PROCUREMENT AND PURCHASING POLICY
FOR GOODS AND SERVICES
FRONT RANGE PASSENGER RAIL DISTRICT

I. Purpose.

This policy (“Policy”) of the Front Range Passenger Rail District (the “District”) establishes the criteria and procedures for the letting of contracts for the purchase of goods and services as may be required for carrying out the purposes of the District. This Policy is intended to inform potential vendors, suppliers and service providers of the District’s procurement criteria and procedures so that the procurement process is open and transparent. This Policy is also established to ensure fair and equitable treatment of all persons or firms involved in purchasing by the District; assure that goods and services are procured efficiently, effectively and at prices favorable to the District; promote competition in contracting; provide safeguards for maintaining a procurement system of integrity; ensure that goods and services of high quality and meet the standards and needs of the District; and provide opportunities for small business enterprises to participate in the work of the District. This Policy shall be implemented in a manner to provide consistent, significant opportunities for small business enterprises to supply goods and services to the District.

This Policy is not intended to govern the District’s purchase of materials or the letting of contracts in association with the construction of improvements, works, or structures. Such procurement and purchasing shall be governed by a separate policy.

II. Open Records.

Documents related to procurement shall be available to the public consistent with the Colorado Open Records Act, Part 2 of Article 72 of Title 23 of the Colorado Revised Statutes as amended or any successor provisions.

III. Administration of Procurement Process.

All procurement transactions shall be administered by the General Manager, or such other person as the Board of Directors of the District (the “Board”) may designate in writing. Purchase orders, contracts or contract amendments shall be in writing and shall set forth the terms of the procurement. In applying this Policy, the General Manager shall estimate the value of the goods or services to be procured in his or her reasonable discretion.

Decisions on the final award of a contract for goods and services may be based on a variety of factors including responsiveness to any request for proposal or qualifications, cost, quality, experience of the individual or entity, small business enterprise participation, and overall value to the District. Economic, as well as non-economic, criteria may be considered in the reasonable discretion of the District in selecting the individual or entity to provide the goods or services required.

The General Manager shall have the discretion to enter procurement contracts up to \$20,000. Procurement contracts of more than \$20,000 shall be authorized by the Finance Committee. Procurement contracts of more than \$20,000 may also be authorized by the Board Treasurer if the circumstances allow, such as timing, safety, or other reasons. All Finance Committee or Treasurer authorized procurement contracts will be referred to the Board for ratification at the next board meeting following the authorization of the contract. Procurements of \$150,000 or more shall only be effected through a written contract approved by resolution of the Board of Directors.

IV. Procurement of Goods or Services Valued up to \$20,000.

For services or purchases up to \$20,000, only one quotation or bid need be solicited if the price quoted or bid is considered reasonable by the General Manager, in his or her discretion.

V. Sole Source Criteria for Contracts of \$20,000 or More.

In general, the District shall conduct procurement competitively. However, procurement by non-competitive proposals may be used for contracts of \$20,000 or more only when the procurement by competitive proposal is not practical for one of the following reasons: (1) the item is available only from a single source, based on the General Manager's good faith review of available sources; (2) an emergency exists that threatens the public health, safety, or welfare, or endangers property, or would otherwise cause serious injury to the District or its property; or (3) the Board has determined that it is in the District's best interests to procure by non-competitive proposal.

VI. Procurement of Goods or Services Valued from \$20,000 up to \$150,000.

For services or purchases in amounts of more than \$20,000 but less than \$150,000 (as estimated by the General Manager in his or her reasonable discretion), bids or proposals shall be solicited from at least three vendors or firms, which may be done by e-mail or other written means. The names of the vendors or firms contacted, addresses and/or telephone numbers, and persons contacted shall be documented in writing and maintained as a public record.

VII. Procurement of Goods or Services Valued at \$150,000 or More.

For services or purchases in amounts of more than \$150,000 but less than \$500,000 (as estimated by the General Manager in his or her reasonable discretion), public notice appropriate for the procurement involved, as determined by the General Manager, is to be given at least seven (7) business days before the deadline for submission of bids or proposals. For procurements of \$500,000 or more, public notice shall be published on the district's website and/or other appropriate publicly accessible format, at least fifteen (15) business days before the deadline for submission of bids.

VIII. Disadvantaged Business Enterprises.

The District has a strong commitment to providing opportunities for small and disadvantaged businesses to receive the contracts it awards, and will take appropriate steps, including advertising, outreach, and direct solicitation, to fulfill this commitment. Participation of small business enterprises may be a factor considered in the award of contracts for goods and services by the District.

VIII. State and Federal Compliance.

The General Manager may deviate from this Policy and/or implement alternative procurement approaches as necessary in order to comply with any applicable State or Federal procurement requirements, or to ensure the eligibility of costs incurred by the District for reimbursement from the State or Federal funds.

IX. General Provisions.

- A. The District reserves the right to alter or amend this policy at any time by majority vote of the Board.
- B. This policy shall in no way vest any vendor, supplier, individual, firm or entity with any rights of protest or challenge, or any other rights whatsoever.
- C. The District reserves the right to reject any and all proposals, bids, or submissions in its sole discretion.
- D. All contracts entered into with vendors, suppliers, an individual or a firm shall comply in all respects with any other requirements imposed by law.

Resolution No. 2023-06 ADOPTING A PROCUREMENT AND PURCHASING POLICY

Final Audit Report

2023-05-08

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