

Doing Business

with

VIA

SEPTEMBER 2016



CONTACTING VIA

Procurement Department

*Equipment, Materials, Supplies, Professional Services,
Rolling Stock, Construction, Engineering, and
Architectural Design*

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San Antonio, Texas 78212

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Office of Diversity and Federal Compliance / DBELO

*Disadvantaged Business Enterprise [DBE]
and Small Business Enterprise [SBE] owned
companies*

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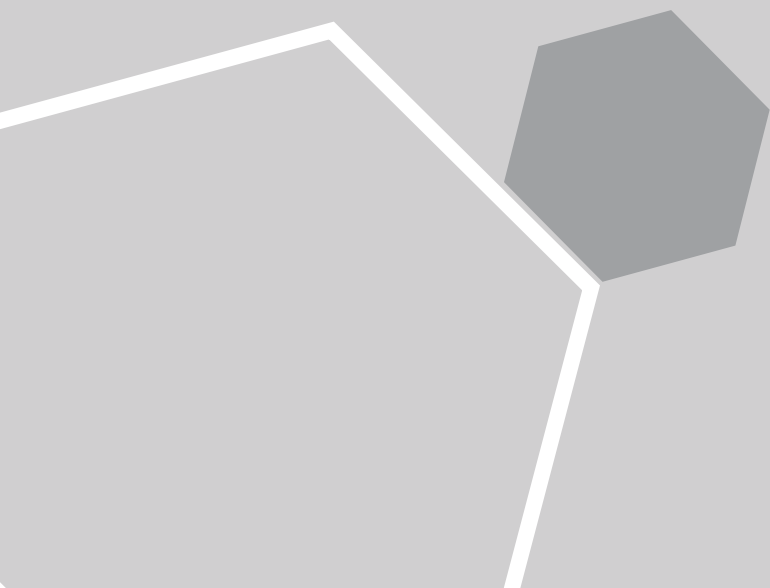


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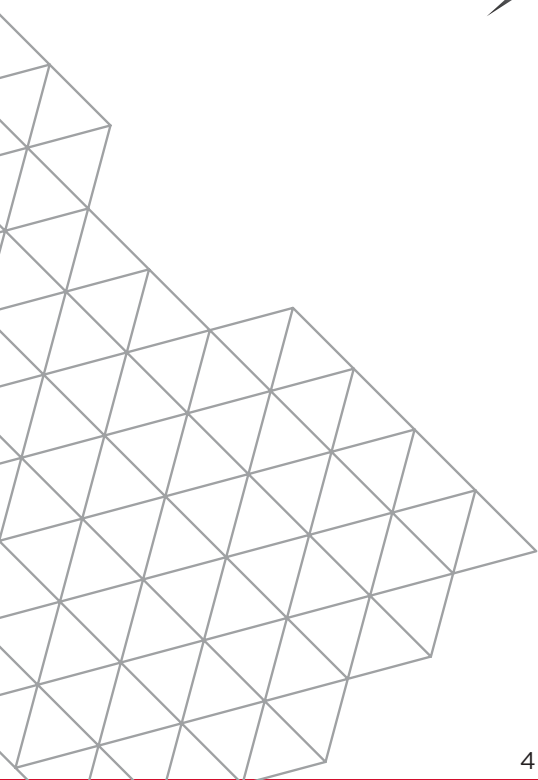
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This guide is designed to help vendors sell their products and services to VIA Metropolitan Transit (VIA). The information provided is intended to serve as a general guide. If you have questions that are not answered, please do not hesitate to contact us. Customer visits and inquiries are welcome. VIA is committed to customer excellence. It is our hope that you have a positive and successful experience doing business with VIA.



DOING BUSINESS WITH VIA METROPOLITAN TRANSIT

VIA FACTS



- VIA, created in 1978, is a political subdivision of the State of Texas.
- VIA's fleet consists of 450 buses, and 104 VIAtrans (paratransit) vehicles.
- VIA operates 92 scheduled routes.
- VIA has 8 Park & Rides and 6 Transit Centers.
- VIA has 7,200 bus stops.
- VIA provides service 365 days a year.
- VIA's service area is approximately 1,225 square miles.
- VIA serves over 98% of Bexar County.
- VIA has approximately 2,165 employees.
- VIA is governed by an 11-member Board of Trustees.
 - Staggered 2-year terms
 - 5 members appointed by City Council
 - 3 Members appointed by Bexar County Commissioners Court
 - 2 Members appointed by the Suburban Council of Mayors

VISION FOR EXPANDING BUSINESS OPPORTUNITIES— BUSINESS/SUPPLIER DIVERSITY POLICY

VIA and the Advanced Transportation District (ATD) are committed to enhancing business/supplier diversity opportunities for all who want to do business with VIA. VIA believes it is fundamental to its commitment to the local economy to allow competition in order to grow and develop a portfolio of critical and valued business partners. Generating open competition brings value to VIA and the ATD and an ability to leverage the best resources in the marketplace. Supplier diversity increases VIA's and the ATD's access to creativity and innovation.

VIA has a Disadvantaged Business Enterprise (DBE) Program. This program applies to federally funded procurements. These procurements sometimes have DBE goals. These goals will require DBE participation for a portion of the contract. Bidders/proposers must meet these goals by either being a certified DBE or by subcontracting with certified DBEs.

In addition to the DBE program, VIA has a Small Business Enterprise (SBE) Participation (%) program. This program generally applies to locally-funded, non-federally funded, procurements. Locally-funded procurements sometimes have SBE goals. Similar to the DBE program, these goals will require SBE participation for a portion of the contract. Bidders/proposers must meet these goals by either being a certified SBE or by subcontracting with a certified SBE.

Businesses do not have to be certified as a DBE or SBE to do business with VIA. Only procurements with assigned goals require certification for at least a portion of the contract.

Procurement Commitments and Procedures

Commitments

- Ensure maximum, open and free competition.
- Provide prompt and courteous reception, as well as fair and equal treatment, to all suppliers, providers and their representatives.
- Provide equal opportunity for all suppliers and providers to participate in the solicitation process.
- Show proper consideration and cooperation when vendors make errors in the bidding/proposing process.
- When possible, avoid putting a vendor or provider through unnecessary expense or inconvenience.
- Provide clear and full explanations to vendors for rejection of their bids/proposals.
- Stay informed about sources of supply, methods, services, and materials.
- Guarantee the confidentiality of quotations and bids before bid opening.
- Remain free from obligations to any supplier or provider.

- Do not accept improper gratuities (in the form of entertainment, gifts, or otherwise) from any contractor, bidder, or prospective bidder.

Procurement Department

The Procurement Department is responsible for encouraging meaningful offers from all entities and increasing competition at reasonable expense. When appropriate, procurement transactions shall be conducted in a manner that provides for maximum competition consistent with Federal Transit Administration (FTA) Circular 4220.1F, FTA Best Procurement Practices Manual and VIA's Code of Conduct. Splitting of procurements to avoid competition is prohibited [FTAC 4220.1F, VI, 3.a.; BPPM § 4.1].

Procurement staff distributes work in the following manner:

1. Purchasing Specialists
 - a. Informal purchases under \$10,000
 - b. Place orders against requirements contracts
2. Contract Administrators
 - a. Formal contracts over \$10,000
 - b. Ensure contractual obligations are met

Procurement Methods

VIA practices basic procurement methods for procuring goods, services, equipment, and construction through local funds or Federally assisted programs or projects, including:

- Micro Purchases
- Small Purchases
- Formal Procurements
 - Sealed Bids
 - Competitive Proposals

GENERAL INFORMATION

What does VIA procure?

Examples include:

- Fuel
- Bus parts
- Tires
- VIAtrans Transportation services
- Professional services
- Printing
- Construction
- Expendable items (facility maintenance)

Micro Purchases (Less than \$3,000):

- Less than \$3,000: If it cannot be determined that the price is fair and reasonable, solicit bids from more than one firm.
- Telephone Quotes

Micro Purchase procedures

- Quick turnaround, usually the same day
- Quotes are taken over the phone
- Quotes can be received by e-mail
- Informal bid documents

Small Purchases (Greater than \$3,000 but less than \$50,000):

- Obtain price quotations from an adequate number of qualified sources.
- Some procurements of this size may also require formal solicitation.
- Telephone Quotes

Small Purchase procedures

- Quotes may be taken over the phone
- Quotes may be received by e-mail
- Informal Bid documents

Formal Procurements (\$50,000 and above):

- Invitation for Bids (IFB)
- Request for Proposals (RFP)
- Contracts of \$100,000 or greater require approval from VIA's Board of Trustees

Invitation for Bid (IFB)

- Sealed bid
- Item or service can be adequately described
- Adequate competition
- Firm fixed price
- Award based on lowest responsive and responsible bid(s)
- Ability to complete contract

Request for Proposal (RFP)

- Item or service cannot be precisely defined, described or standardized
- Adequate competition
- Firm fixed price or cost reimbursement
- Award based on technical (proposal) and price

Formal Procurement Procedures

- Notification
- Formal document
- Advertised in the newspaper
- 30- to 45-day timeline
- Bidders/Proposers are notified in writing of the outcome

PROCUREMENT PROCEDURES

Purchases are authorized by a purchase order or contract prepared by a designated agent and supported by a requisition.

Vendors wishing to do business with VIA are encouraged to register at www.VIA.mwdsbe.com.

- VIA uses **B2Gnow** for advertising and posting its solicitations. Registered vendors receive e-mails notifying them of active procurement opportunities. Also, registered vendors can download Invitations for Bids (IFBs) and Requests for Proposals (RFPs) as well as other related documentation.
- **B2Gnow** also provides access to procurement opportunities with other government entities.
- This is a free service.
- Please contact the Diversity Program Compliance System Administrator at (210) 362-2074 or the **B2Gnow** Administrator at (210) 362-2417 for technical assistance.
- VIA staff can assist anyone who may be interested in registering.

Bid Openings: Formal sealed bids are opened at the time and date set in the bid document. The bids are opened in the Procurement office unless otherwise stipulated. All bid openings are open to the public and you or any representative of your firm is welcome to attend regardless of whether your firm is engaged in the bidding.

BID PROCEDURES

As a direct recipient of Federal grant funds, some VIA projects funded by the United States Government Department of Transportation require that the competitive bidding be carried out in accordance with Federal requirements.

Following are some terms and conditions applicable to all sealed bids, both formal and informal.

1. Bidders Investigation

Bidders are required to submit their offers upon the following express conditions:

- (a) Bidders must thoroughly examine the drawings, specifications, schedules, instructions, and all other contract documents.
- (b) Bidders shall make all investigations necessary to thoroughly inform themselves regarding plant and facilities for delivery of materials, equipment, or construction services as required by the bid conditions.

2. Preparation of Bids

Bids will be prepared in accordance with the following:

- (a) All information required by the bid invitation shall be furnished. The bidder shall print or type their name and manually sign the price schedule and each continuation sheet on which an entry is made.
- (b) Unit prices shall be shown and where there is an error in extension of price, the unit price shall govern.
- (c) Alternate bids will not be considered unless authorized by VIA.
- (d) Proposed delivery time, if required, MUST be shown in calendar days.
- (e) For tax exemption information, refer to the Section located in this booklet.

3. Description of Supplies

Any catalog or manufacturer's reference used in describing an item is merely descriptive, and not restrictive, unless otherwise noted, and is used only to indicate type and quality of material. Bidders are required to state exactly what they intend to furnish or obtain approval of substitution; otherwise they shall be required to furnish the items as specified.

4. Submission of Bids

- (a) Bids shall be enclosed in sealed envelopes addressed to the identified party as shown on the Invitation for Bid. The name and address of bidder, the date and hour of the bid opening and the title of the procurement shall be placed on the outside of the envelope.
- (b) Bids must be submitted on the forms furnished. Telegraphic/fax/e-mail bids will not be considered.
- (c) Samples, when required, must be submitted within the time specified, at no expense to VIA. If not destroyed or used up during testing, samples will be returned upon request at the bidder's expense.

5. Rejection of Bids

VIA may reject a bid if:

- (a) The bidder misstates or conceals any material fact in the bid.
- (b) The bid does not strictly conform to the law or the requirements of the bid.

- (c) The bid is non-responsive or unreasonably priced, or imposes modifying conditions.
- (d) VIA may, however, reject any or all bids or any part of a bid whenever it is deemed in the best interest of VIA to do so. VIA also may waive any minor informalities or irregularities in any bid.

6. Withdrawal or Modification of Bids

Bids may not be withdrawn or modified after the time set for the bid opening.

7. Late Bids

Bids and Modifications or Withdrawals received after the time set for the bid opening will not be considered, unless they are received before the award is made and it is determined that the delay was due solely to a delay in the mail for which the bidder was not responsible.

8. Discounts (not applicable on construction contracts)

Discounts for early payment shall not be considered in the evaluation of offers, except in the case of a tie bid, provided that a minimum of ten (10) days is offered in which to take the discount.

9. Award of Contract

- (a) The contract will be awarded to the lowest responsive and responsible bidder.
- (b) A written award or acceptance mailed or otherwise furnished to the successful bidder results in a binding contract without further action by either party.

TAXES

Because VIA is a political subdivision of the State of Texas, the receipts from the sale, lease or rental of any taxable items directly to VIA; the storage, use, or other consumption of taxable items by VIA; or the performance of taxable services for VIA are exempt from the taxes imposed by the Limited Sales, Excise and Use Tax Act, Section 151 Subchapter H of the Tax Code. Tex. Tax Code Ann. Section 151.302 et.seq. (Vernon Supp. 1992).

Exemption certificates will be issued by VIA upon request when supported by an authorized purchase order.

Note: *The contractor may be required to submit a bid which separates the rental and other materials from services to qualify for the exemption.*

PRESENTATIONS AND DEMONSTRATIONS

VIA's Procurement Department procures equipment, materials, parts, supplies, professional services, construction, architectural, and engineering services. Contact the Procurement Department to present your products and/or services. The appropriate purchasing agent will set up an appointment for your demonstration.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

Policy Statement

VIA has established a DBE Program in accordance with regulations of the United States Department of Transportation (U.S. DOT). VIA receives federal funding from the U.S. DOT, and as a condition of receiving this, VIA has signed an assurance that it will comply with 49 CFR Part 26. VIA's DBE Program is applicable to contracts funded with federal assistance.

VIA has committed to:

- Ensuring non-discrimination in the award and administration of U.S. DOT-assisted contracts;
- Creating a level playing field on which DBEs can compete fairly for U.S. DOT-assisted contracts;
- Ensuring that the DBE program is tailored in accordance with applicable law;
- Ensuring that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;

- Helping remove barriers to the participation of DBEs in U.S. DOT-assisted contracts; and
- Assisting the development of firms that can compete successfully in the marketplace outside the DBE program.

In addition, DBEs will not be discriminated against on the grounds of race, color, religion, national origin, disability, age, or sex in consideration for an award of a contract.

What is a DBE?

“DBE” refers to a small business which is at least 51% owned by one or more socially and economically disadvantaged individuals. Socially and economically disadvantaged individuals refer to women and any minorities. In the case of any publicly owned business, at least 51% of the stock must be owned, management, and daily business operations are controlled by one or more socially and economically disadvantaged individuals. All DBEs are small businesses, but not all small businesses are DBEs.

Note: *Please do not confuse DBE certification with SBE, Women-Owned Business Enterprise (WBE), Minority Business Enterprise (MBE), or Disabled Veteran Business Enterprise (DVBE) which are other certifications provided to small, minority businesses. These certifications are different than the DBE certification required for meeting goals on U.S. DOT federally-assisted contracts.*

Setting DBE Goals

- **Agency Overall Goal:** Every three years, VIA is required by federal guidelines to determine an overall DBE goal for the agency, which is projected using a formula recommended by the FTA.
- **Contract FTA Goals:** VIA’s DBE staff sets DBE goals on individual procurements which are funded through Federal dollars and are likely to have opportunities for DBE firms. VIA encourages DBEs to submit bids as a prime contractor and/or participate as subcontractors on projects that are in their field of work based on their North American Industry Classification System (NAICS) codes.
 - Race Conscious (RC): Contract goals that are set/focused specifically assisting only DBEs.
 - Race Neutral (RN): DBE goal achievement on a federally assisted contract where the RC DBE goal was exceeded, a DBE is the prime, or where there was no DBE goal.
 - Small Business Element: 5% of contracts under \$1 million targeted for small business participation, regardless of race or gender.

DBE Responsiveness/Good Faith Efforts

- (a) A bidder who meets the DBE contract goal is deemed responsive.
- (b) If the contract goal is not met, evidence of Good Faith Efforts (GFE) must be submitted by the bidder by the time/date the bid or proposal is due. It is the obligation of the bidder to make a GFE. A solicited for participation GFE must list the DBE firms that the prime approached, dates, and time. If the bidder does not submit this information on the required form by the time/date the bid or proposal is due, VIA has grounds to deem the bidder non-responsive to the DBE requirements of the particular solicitation.
- (c) The decision to deem the bidder non-responsive for failure to submit this information by the time/date the bid or proposal is due is not administratively appealable.
- (d) GFE Evaluation Committee: The members of this committee are responsible for determining whether a bidder who has not met the contract goal has documented a sufficient GFE to be regarded as responsive. VIA will ensure that all information is complete and accurate and adequately documents the bidder's GFE before it commits to the performance of the contract by the bidder.

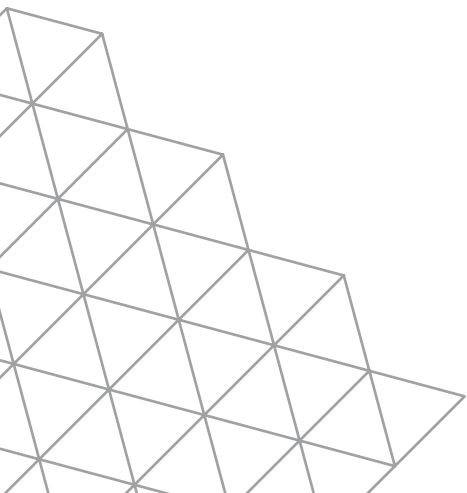
Administrative Reconsideration

- (a) Within 5 days of being informed by VIA that it is not responsive because it has not documented a sufficient GFE, a bidder may request Administrative Reconsideration through VIA's General Legal Counsel, 123 N. Medina, San Antonio, Texas 78207, or DBEAppealsOfficer@viainfo.net.
- (b) This reconsideration official will not have played any role in the original determination that the bidder did not document sufficient good faith efforts. The bidder will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder will have the opportunity to meet in person with the reconsideration official or their designee to discuss the issue.
- (c) VIA will send the bidder a written decision on reconsideration, explaining the basis for the finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so.
- (d) The result of the reconsideration process is not administratively appealable to the U.S. Department of Transportation.

Counting DBE Participation

VIA will count DBE participation toward overall and contract goals as provided in 49CFR 26.55. For example:

- When a DBE participates in a contract, only the value of the work actually performed by the DBE will count toward the goal (whether a prime or a subcontractor). VIA requests DBE subcontractors submit a verification form that all work is performed by their own workforce.
- When a DBE performs as a participant in a working partnership, VIA will count a portion of the total dollar value of the contract, equal to the clearly defined portion of the work of the contract that the DBE performs with its own forces, toward DBE goals.
- VIA will count expenditures to a DBE contractor toward DBE goals only if the DBE is performing a commercially useful function on that contract.
- If a firm is not currently certified as a DBE in accordance with the standards of this part at the time of the execution of the contract, VIA **WILL NOT** count the firm's participation toward any DBE goals, except as provided for in 49 CFR Part 26 Section 26.55 (i).
- VIA **WILL NOT** count the participation of a DBE subcontractor toward the prime contractor's DBE achievements or overall goal until the amount being counted toward the goal has been paid to the DBE.



CERTIFICATION

- **South Central Texas Regional Certification Agency (SCTRCA):** VIA Metropolitan Transit contracts with the SCTRCA to provide certification services for interested small businesses wishing to establish DBE and SBE certification.
- **Texas Unified Certification Program (TUCP):** Under the TUCP, VIA is not a certifying agency but is a participant. VIA signed a Letter of Agreement dated February 19, 2002, to participate in the TUCP. The State program was submitted to the Secretary of the U.S. DOT for approval. The program was implemented on October 1, 2002. VIA has since signed, at the request of the State, a renewal of the Letter of Agreement signed on September 22, 2011.

Reporting to DOT

DBE participation is reported to U.S. DOT on a semi-annual basis. These reports reflect awards and commitments actually made to DBEs on U.S. DOT-assisted contracts.

Confidentiality

VIA will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with federal, state and local law. As a governmental entity, VIA is subject to the Texas Public Information Act, which is codified as Chapter 552 of the Texas Government Code and the federal Freedom of Information Act (FOIA). Under both acts, information in the possession of a governmental body is generally available to the public. However, the law does provide exceptions to release, and VIA will assert such exceptions applicable to information submitted to support an entity's DBE certification.

ADDITIONAL DBE EFFORTS

How Can I participate?

1. **Get certified.** Although vendors are not required to be certified in order to do business with VIA, VIA projects that have DBE and SBE goals require certified vendors. VIA is not a certifying agency. Only those businesses that are verified as having current DBE or SBE certification are considered as viable prime or sub-contractors in VIA's procurement process, where such participation is required.
2. **Register.** VIA utilizes the **B2Gnow** software for vendor registration, contract compliance, payment verification, and posting all formal procurement opportunities. Vendors doing business with VIA must register on this system. VIA has prepared manuals specifically to assist vendors with the registration process. The VIA Office of Diversity Federal Compliance (ODFC) and Procurement departments can also assist with the registration process.
3. **Share Information and Network.** Check VIA's **B2Gnow** portal, (www.VIA.mwdsbe.com) and status of formal procurements on a regular basis to stay informed of solicitations. Attend pre-bid conferences and events to promote your services. Have your information available and ready to go. If you are a small business, many subcontracting opportunities present themselves when you approach a prime contractor to offer your services.
4. **Participate in Educational Opportunities.** Training opportunities for certification, financial reporting, and managing a small business, are offered throughout the year. These are usually free or offered at a minimal fee. VIA's DBE staff participates in many functions concerning DBE issues including, but not limited to, trade shows, workshops, and seminars.

VIA periodically sponsors outreach efforts such as quarterly meetings, annual conference and other work sessions which are focused on educating DBEs on all aspects of VIA's procurement rules and regulations. On occasion, VIA will invite other entities committed to assisting DBEs to these outreach efforts.

Whenever the opportunity arises, VIA will present oral presentations concerning the DBE program and encourages small, minority and women owned businesses to seek DBE certification. VIA has a collaborative relationship with the U.S. Small Business Administration and the Maestro Entrepreneur Center located at 1811 S. Laredo Street, San Antonio, Texas 78207, to provide technical assistance to

small, disadvantaged, minority, women- and veteran-owned businesses wanting to do business with VIA. Be sure to participate in training or capacity building activities when these are advertised.

5. **Ask for help.** If you have a question or do not understand what requirements are being requested on a particular solicitation, ask for assistance from the Procurement or DBE staff.

Open Door Policy

VIA's ODFC/DBELO and Procurement Department have an open-door policies and will assist any business or prospective small business or DBE firm. Vendors are encouraged to contact VIA staff with any questions or concerns.

The Procurement department is located at 800 W. Myrtle St., Second Floor, San Antonio, Texas 78212. The phone number is (210) 362-2400 and the fax number is (210) 362-2588.

The ODFC/DBELO is located at 800 W. Myrtle St., First Floor, San Antonio, Texas 78212. The phone number is (210) 362-2070 and the fax number is (210) 362-2073.

Keys to a Successful Customer Experience

- Be sure to register through the **B2Gnow** portal, **www.VIA.mwdsbe.com**
- Consistently check the website for opportunities.
- Keep in touch with VIA staff.
- Review price and know your ability to perform the work.
 - Know that all submittals should be fair and reasonable.
 - Know that best price, minimum needs, and “value” are important.

