<table>
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<th>Item</th>
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<tr>
<td>I. Pledge of Allegiance.</td>
<td>Approval</td>
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<td>II. Call to Order: Roll Call.</td>
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<td>III. Consideration of the minutes of the October 29, 2015, regular meeting for inclusion in the official records of the District.</td>
<td>Approval</td>
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<td>IV. Public Comments.</td>
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<td>V. Financial:</td>
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<td>A. Payments and Claims: Consideration of the October 2015 claims for payment.</td>
<td>Approval</td>
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<td>VI. Transit Service:</td>
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<tr>
<td>A. Managing Director's Report: Jerry J. Kane</td>
<td>Information</td>
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<td>B. Resolution 16-07 Authorizing the execution of an amendment to the agreement to provide management services and operate public transit services between Madison County Mass Transit District and the Agency for Community Transit, Inc.</td>
<td>Approval</td>
</tr>
<tr>
<td>C. Resolution 16-08 Appointing Directors of the Agency for Community Transit, Inc.</td>
<td>Approval</td>
</tr>
<tr>
<td>D. Resolution 16-09 Adoption of the Madison County Mass Transit District's revised Procurement Policies and Practices.</td>
<td>Approval</td>
</tr>
<tr>
<td>E. Resolution 16-10 Authorizing Disadvantaged Business Enterprise Program updates pursuant to Federal requirements.</td>
<td>Approval</td>
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<tr>
<td>F. Resolution 16-11 Approving the Drug and Alcohol Prevention Program as amended.</td>
<td>Approval</td>
</tr>
<tr>
<td>G. Authorizing temporary fare modifications for same route transfers.</td>
<td>Approval</td>
</tr>
<tr>
<td>VII. Other Business:</td>
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<td>VIII. Executive session to discuss the acquisition, and/or sale or lease of property, and/or security, and/or litigation (5ILCS 120/2 et. seq., 2(c)5, 2(c)6, 2(c)8, and 2(c)11 of the Open Meetings Act).</td>
<td>Approval</td>
</tr>
<tr>
<td>X. Adjournment.</td>
<td>Approval</td>
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I. **Pledge of Allegiance**

Chairman Corbett led the reciting of the Pledge of Allegiance.

II. **Call to Order: Roll Call**

Chairman Corbett called the meeting to order at 9:30 a.m.

**MEMBERS PRESENT:** Daniel Corbett, J. Terry Allan, Edward Hagnauer, and Bruce Malone

**MEMBERS ABSENT:** Rose Marie Chadwick

**OTHERS PRESENT:** Jerry Kane, Managing Director; John Papa, Legal Counsel; Mary Ruth Kettenbach, ACT; Erin Werner, ACT; Scott Weber, Scheffel Boyle; and Jenny Zipprich, Scheffel Boyle

III. **Consideration of the Minutes of September 29, 2015**

TRUSTEE MALONE MADE THE MOTION, SECONDED BY TRUSTEE HAGNAUER, TO APPROVE THE MINUTES OF THE SEPTEMBER 29, 2015, REGULAR MEETING FOR INCLUSION IN THE OFFICIAL RECORDS OF THE DISTRICT.

A ROLL CALL VOTE FOLLOWED:

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<tbody>
<tr>
<td>J. TERRY ALLAN</td>
<td>AYE</td>
</tr>
<tr>
<td>ROSE MARIE CHADWICK</td>
<td>ABSENT</td>
</tr>
<tr>
<td>DANIEL CORBETT</td>
<td>AYE</td>
</tr>
<tr>
<td>EDWARD HAGNAUER</td>
<td>AYE</td>
</tr>
<tr>
<td>BRUCE MALONE</td>
<td>AYE</td>
</tr>
</tbody>
</table>

ALL AYES. NO NAYS. MOTION CARRIED.

IV. **Public Comments**

No public comments were presented.

V. **Financial**

A. **Payments and Claims: Consideration of the September 2015 claims for payment:**

Managing Director Jerry Kane submitted the payments and claims.

TRUSTEE HAGNAUER MADE THE MOTION, SECONDED BY TRUSTEE MALONE, TO APPROVE THE PAYMENTS AND CLAIMS FOR SEPTEMBER 2015, EXCLUDING THE PAYMENTS AND CLAIMS TO THE CITY OF GRANITE CITY AND GRANITE CITY TOWNSHIP.
A ROLL CALL VOTE FOLLOWED:

J. TERRY ALLAN  AYE
ROSE MARIE CHADWICK  ABSENT
DANIEL CORBETT  AYE
EDWARD HAGNAUER  AYE
BRUCE MALONE  AYE

ALL AYES. NO NAYS. MOTION CARRIED.

TRUSTEE ALLAN MADE THE MOTION, SECONDED BY TRUSTEE MALONE, TO APPROVE THE PAYMENTS AND CLAIMS TO THE CITY OF GRANITE CITY AND GRANITE CITY TOWNSHIP FOR SEPTEMBER 2015.

A ROLL CALL VOTE FOLLOWED:

J. TERRY ALLAN  AYE
ROSE MARIE CHADWICK  ABSENT
DANIEL CORBETT  AYE
EDWARD HAGNAUER  ABSTAIN
BRUCE MALONE  AYE

ALL AYES. NO NAYS. TRUSTEE HAGNAUER ABSTAINED. MOTION CARRIED.


TRUSTEE ALLAN, MADE THE MOTION, SECONDED BY TRUSTEE HAGNAUER, TO APPROVE THE MONTHLY FINANCIAL REPORT AS OF SEPTEMBER 30, 2015.

A ROLL CALL VOTE FOLLOWED:

J. TERRY ALLAN  AYE
ROSE MARIE CHADWICK  ABSENT
DANIEL CORBETT  AYE
EDWARD HAGNAUER  AYE
BRUCE MALONE  AYE

ALL AYES. NO NAYS. MOTION CARRIED.

C. Presentation of the FY2015 Audit: Scott Weber, Scheffel Boyle, presented the FY2015 audit.

TRUSTEE MALONE MADE THE MOTION, SECONDED BY TRUSTEE ALLAN, TO ACCEPT THE FY2015 AUDIT AS PRESENTED.

A ROLL CALL VOTE FOLLOWED:

J. TERRY ALLAN  AYE
ROSE MARIE CHADWICK  ABSENT
DANIEL CORBETT  AYE
EDWARD HAGNAUER  AYE
BRUCE MALONE  AYE

ALL AYES. NO NAYS. MOTION CARRIED.
VI. **Transit Service**

A. **Managing Director's Report:** Jerry Kane presented the report.

B. **Proposed January 2016 Service Changes:** Jerry Kane, Managing Director, presented the proposed January 2016 service changes.

TRUSTEE MALONE, MADE THE MOTION, SECONDED BY TRUSTEE HAGNAUER, TO APPROVE THE PROPOSED JANUARY 2016 SERVICE CHANGES AS PRESENTED.

A ROLL CALL VOTE FOLLOWED:

J. TERRY ALLAN AYE
ROSE MARIE CHADWICK ABSENT
DANIEL CORBETT AYE
EDWARD HAGNAUER AYE
BRUCE MALONE AYE

ALL AYES. NO NAYS. MOTION CARRIED.

C. TRUSTEE ALLAN MADE THE MOTION, SECONDED BY TRUSTEE HAGNAUER, TO APPROVE THE FOLLOWING RESOLUTION:

16-06 AUTHORIZING EQUAL EMPLOYMENT OPPORTUNITY PROGRAM REVISIONS PURSUANT TO FEDERAL REQUIREMENTS

A ROLL CALL VOTE FOLLOWED:

J. TERRY ALLAN AYE
ROSE MARIE CHADWICK ABSENT
DANIEL CORBETT AYE
EDWARD HAGNAUER AYE
BRUCE MALONE AYE

ALL AYES. NO NAYS. MOTION CARRIED.

VII. **Other Business**

No items were presented.

VIII. **Executive session to discuss the acquisition, and/or sale or lease of property, and/or security, and/or litigation (5ILCS 120/2 et. seq., 2(c)5, 2(c)6, 2(c)8, and 2(c)11 of the Open Meetings Act).**

No executive session.

IX. **Adjournment**

TRUSTEE ALLAN MADE THE MOTION, SECONDED BY TRUSTEE MALONE, TO ADJOURN.
A ROLL CALL VOTE FOLLOWED:

J. TERRY ALLAN            AYE
ROSE MARIE CHADWICK       ABSENT
DANIEL CORBETT            AYE
EDWARD HAGNAUER           AYE
BRUCE MALONE              AYE

ALL AYES. NO NAYS. MOTION CARRIED.

Meeting adjourned at 10:09 a.m.

Respectfully submitted:

Erin Werner
RESOLUTION 16-07

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE AGREEMENT TO PROVIDE MANAGEMENT SERVICES AND OPERATE PUBLIC TRANSIT SERVICES BETWEEN MADISON COUNTY MASS TRANSIT DISTRICT AND THE AGENCY FOR COMMUNITY TRANSIT, INC.

WHEREAS, Madison County Mass Transit District (District) was created in December 1980 by resolution of the Madison County Board pursuant to Section 3 of the Local Mass Transit District Act, approved July 21, 1959 as amended (70 ILCS 3610/1 et seq.), to foster an improved coordinated transportation system; and,

WHEREAS, the District has the responsibility to operate and maintain mass transit as a public service for the welfare of the residents of the District and the vitality of Madison County, Illinois; and,

WHEREAS, the District has maintained an agreement with the Agency for Community Transit, Inc. (Agency) to provide paratransit bus service, public fixed-route bus service, and management for the District since 1986; and,

WHEREAS, the District executed an agreement with the Agency, to provide paratransit bus service, public fixed-route bus service, maintenance of the District’s assets, rideshare services for the greater St. Louis region, design, construction and maintenance of the District’s bikeways and trails, and to provide the District’s general management and administrative services; and,

WHEREAS, the District and the Agency are both desirous of amending the current agreement to identify the level of transit service provided for specific fiscal periods and to allow for a flexible funding arrangement in future fiscal periods.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE MADISON COUNTY MASS TRANSIT DISTRICT THAT:

1. The Madison County Mass Transit District agrees to reimburse the Agency for Community Transit, Inc. for the total operating costs to provide paratransit and fixed-route services and the costs of associated services as set forth in Section 2 and APPENDIX A and APPENDIX B for the period July 1, 2015 through June 30, 2016, an amount not to exceed nineteen million, five hundred thousand dollars ($19,500,000).

ADOPTED, by the Board of Trustees of the Madison County Mass Transit District, Madison County, Illinois, on this nineteenth day of November 2015.

Daniel L. Corbett, Chairman

J. Terry Allan

Edward A. Hagnauer

Rose Marie Chadwick

Bruce A. Malone

APPROVED as to Form:

John T. Papa, Legal Counsel
CERTIFICATE

I, Erin Werner, do hereby certify that I am the fully qualified and acting Secretary of the Board of Trustees of the Madison County Mass Transit District, and as such Secretary, I am the keeper of the records and files of the Madison County Mass Transit District.

I do further certify that at a duly constituted and legally convened meeting of the Board of Trustees of the Madison County Mass Transit District held on Thursday, November 19, 2015, a resolution was adopted in full accordance and conformity with the by-laws of the Madison County Mass Transit District and the statutes of the State of Illinois, as made and provided, and that the following is a full, complete and true copy of the pertinent provisions of said Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE MADISON COUNTY MASS TRANSIT DISTRICT THAT:

1. The Madison County Mass Transit District agrees to reimburse the Agency for Community Transit, Inc. for the total operating costs to provide paratransit and fixed-route services and the costs of associated services as set forth in Section 2 and APPENDIX A and APPENDIX B for the period July 1, 2015 through June 30, 2016, an amount not to exceed nineteen million, five hundred thousand dollars ($19,500,000).

I further certify that the original of the complete said resolution is on file in the records of the Madison County Mass Transit District in my custody. I do further certify that the foregoing Resolution remains in full force and effect.

IN WITNESS WHEREOF, I have hereunto affixed my official signature as Secretary of the Madison County Mass Transit District on this nineteenth day of November 2015.

__________________________
Erin Werner
RESOLUTION 16-08

APPOINTING DIRECTORS OF THE AGENCY FOR COMMUNITY TRANSIT, INC.

WHEREAS, Madison County Mass Transit District (District) was created in December 1980 by resolution of the Madison County Board pursuant to Section 3 of the Local Mass Transit District Act, approved July 21, 1959, as amended (70 ILCS 3610/1 et. seq.); and,

WHEREAS, the District is lawfully empowered to operate as a municipal corporation providing mass transit services for the residents of the District and members of the general public; and,

WHEREAS, the Agency for Community Transit, Inc., (Agency) was organized as a 501(c)(3) not-for-profit charitable corporation under the laws of the State of Illinois in 1984 for the purpose of operating public transit services under contract to the District; and,

WHEREAS, the Agency for Community Transit Board of Directors serve without compensation; and,

WHEREAS, Jerry J. Kane, currently the Secretary/Treasurer of the Agency's Board, term expires on December 31, 2015; and,

WHEREAS, given the history of its success, the District has determined that the Agency has provided exemplary service to the District and that its relationship with the Agency remains in the best interests of the residents of Madison County, Illinois; and,

WHEREAS, the by-laws of the Agency require the appointment of the Agency's Directors by the Board of Trustees of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE MADISON COUNTY MASS TRANSIT DISTRICT THAT:

1. The Board of Directors and staff of the Agency for Community Transit, Inc., are recognized and commended by the District for their excellent service to the residents of Madison County, Illinois.

2. Jerry J. Kane, currently the Secretary/Treasurer of the Agency's Board, is hereby reappointed for a three-year term, beginning on January 1, 2016 and continuing through December 31, 2018.

ADOPTED, by the Board of Trustees of the Madison County Mass Transit District, Madison County, Illinois, on this nineteenth day of November 2015.

[Signatures]

Daniel L. Corbett, Chairman

J. Terry Allan

Edward A. Hagnauer

Rose Marie Chadwick

Bruce A. Malone

APPROVED as to Form:

John T. Papa, Legal Counsel
CERTIFICATE

I, Erin Werner, do hereby certify that I am the fully qualified and acting Secretary of the Board of Trustees of the Madison County Mass Transit District, and as such Secretary, I am the keeper of the records and files of the Madison County Mass Transit District.

I do further certify that at a duly constituted and legally convened meeting of the Board of Trustees of the Madison County Mass Transit District held on Thursday, November 19, 2015, a resolution was adopted in full accordance and conformity with the by-laws of the Madison County Mass Transit District and the statutes of the State of Illinois, as made and provided, and that the following is a full, complete, and true copy of the pertinent provisions of said Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE MADISON COUNTY MASS TRANSIT DISTRICT THAT:

1. The Board of Directors and staff of the Agency for Community Transit, Inc., are recognized and commended by the District for their excellent service to the residents of Madison County, Illinois.

2. Jerry J. Kane, currently the Secretary/Treasurer of the Agency’s Board, is hereby reappointed for a three-year term, beginning on January 1, 2016 and continuing through December 31, 2018.

I further certify that the original of the complete said resolution is on file in the records of the Madison County Mass Transit District in my custody. I do further certify that the foregoing Resolution remains in full force and effect.

IN WITNESS WHEREOF, I have hereunto affixed my official signature as Secretary of the Madison County Mass Transit District on this nineteenth day of November 2015.

Erin Werner
Briefing Paper

To: Board of Trustees

From: Jerry J. Kane, Managing Director
       Penny Brown, Procurement Specialist

Subject: Revised Procurement Policies and Practices

Date: November 11, 2015

The District requires an efficient and effective procurement system to fulfill its fiscal and management responsibilities to the taxpayers of Madison County. The methods and practices described in the attached *Procurement Policies and Practices* document are intended to ensure that the most economical purchases are made in a timely manner, and that high ethical standards are exercised by all personnel involved in the procurement process. Additionally, this document is intended to ensure that the District complies with the particular requirements of its external funding entities.

Recommendation is being made to adopt the attached, revised *Procurement Policies and Practices* document which is designed to guide employees, officers, agents, and contractors in matters concerning the acquisition of goods and services on behalf of the District.

Noteworthy changes to the previous policy are as follows:

1. Formatting has been changed for easier referencing.

2. The new Code of Federal Regulations (CFR) for Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (referred to as the “Super Circular”) Title 2 Part 200 has been incorporated which replaced Title 49 Part 18 (referred to as the “Common Grant Rule”).

3. Changes to Section 2.4 Ethical Procurement Practices:
   - In order to more closely reflect MCT’s Ethical Procurement Practices with FTA’s code of conduct requirements, the paragraph which states violations and MCT disciplinary actions has been moved from the bottom of the “Conflicts of Interest and Non-Competitive Practices” section 2.4 (1) to the beginning of section 2.4 in order to also apply to the “Contingent Fees and Gratuities” section 2.4 (2).
   - Lobbying Disclosure and the Disadvantaged Business Enterprise (DBE) sections have been moved out of Section 2.4 Ethical Procurement Practices and are now found in separate sections 3.13 and 3.18, respectively.
   - Prohibition of Bribery has been removed. This has been a procurement requirement of State-assisted (Illinois) capital projects in the past. This requirement has been removed due to the infrequency of MCT purchases/projects that must comply with State capital grant requirements and the fact that State procurement requirements are included in respective grant agreements and will therefore be included in procurements accordingly.
   - The Civil Rights Requirement has been removed from this section due to its duplication in Section 4,Clauses for FTA Assisted Contracts. All federally assisted contracts which exceed the micro-purchase threshold of $3,000 include a civil rights clause.
4. Small purchase procedures in section 3.1 (2) have been revised to take into account the Super Circular’s new small purchase threshold of $150,000. Federal grants executed prior to December 26, 2014 continue to be subject to the Common Grant Rule’s lower small purchase threshold of $100,000.

5. Formal procurement advertising procedures have been updated.

6. Section 3.8 has been added in order to comply with FTA’s requirement that an analysis for organizational conflicts of interest is performed for applicable contracts.

7. Section 3.14 has been added to clarify FTA’s determination that FTA-assisted purchases made off of the Illinois Joint Purchasing Schedules (Illinois state bid contracts) must account for all Federal clauses and certifications based on the Illinois state contract amount, not the amount of MCT’s purchase.

8. Sections 3.16 Responsibility Requirements and 3.19 Lease vs. Purchase have been added per FTA’s requirements.

9. The summarized list of FTA clauses at the end of the document has been updated to assist with applying clauses to different types of procurement and contracts.
RESOLUTION 16-09

ADOPTION OF THE MADISON COUNTY MASS TRANSIT DISTRICT'S REVISED PROCUREMENT POLICIES AND PRACTICES

WHEREAS, Madison County Mass Transit District (District) was created in December 1980 by resolution of the Madison County Board pursuant to Section 3 of the Local Mass Transit District Act, approved July 21, 1959, as amended (70 ILCS 3610/1 et. seq.); and,

WHEREAS, the District is a recipient of grant funds from the United States Department of Transportation, Federal Transit Administration (FTA) for various capital projects; and,

WHEREAS, the Federal requirements stipulated in 49 CFR Part 18, 2 CFR Part 200, FTA Circular 4220.1F, and the Master Agreement between the FTA and the District require the District to maintain written procurement standards and procedures to ensure that the District and its contractors perform in accordance with the terms, conditions, and specifications of contracts and applicable Federal, State and local requirements; and,

WHEREAS, the staff recommends the approval of the attached revised Procurement Policies and Practices, dated November 2015, which incorporates the required changes in policies and practices since the approval of the District's Procurement Policies and Practices, dated January 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE MADISON COUNTY MASS TRANSIT DISTRICT THAT:


2. Daniel L. Corbett, Chairman, J. Terry Allan, Vice Chairman, and/or Jerry J. Kane, Managing Director of Madison County Mass Transit District, are hereby authorized and directed to carry out the requirements documented therein.

3. Jerry J. Kane, Managing Director of the Madison County Mass Transit District, is hereby authorized to take any and all actions as may be reasonably required to administer said policy and to make revisions to the document as necessary to reflect procedural and other non-substantive changes to maintain the document's consistency with Federal, State and local requirements.

ADOPTED, by the Board of Trustees of the Madison County Mass Transit District, Madison County, Illinois, on this nineteenth day of November 2015.

Daniel L. Corbett, Chairman

J. Terry Allan

Edward A. Hagnauer

Rose Marie Chadwick

Bruce A. Malone

APPROVED as to Form:

John T. Papa, Legal Counsel
CERTIFICATE

I, Erin Werner, do hereby certify that I am the fully qualified and acting Secretary of the Board of Trustees of the Madison County Mass Transit District, and as such Secretary, I am the keeper of the records and files of the Madison County Mass Transit District.

I do further certify that at a duly constituted and legally convened meeting of the Board of Trustees of the Madison County Mass Transit District held on Thursday, November 19, 2015, a resolution was adopted in full accordance and conformity with the by-laws of the Madison County Mass Transit District and the statutes of the State of Illinois, as made and provided, and that the following is a full, complete, and true copy of the pertinent provisions of said Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE MADISON COUNTY MASS TRANSIT DISTRICT THAT:


2. Daniel L. Corbett, Chairman, J. Terry Allan, Vice Chairman, and/or Jerry J. Kane, Managing Director of Madison County Mass Transit District, are hereby authorized and directed to carry out the requirements documented therein.

3. Jerry J. Kane, Managing Director of the Madison County Mass Transit District, is hereby authorized to take any and all actions as may be reasonably required to administer said policy and to make revisions to the document as necessary to reflect procedural and other non-substantive changes to maintain the document's consistency with Federal, State and local requirements.

I further certify that the original of the complete said resolution is on file in the records of the Madison County Mass Transit District in my custody. I do further certify that the foregoing Resolution remains in full force and effect.

IN WITNESS WHEREOF, I have hereunto affixed my official signature as Secretary of the Madison County Mass Transit District on this nineteenth day of November 2015.

[Signature]
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1 PURPOSE
This Madison County Mass Transit District Board of Trustees approved *Procurement Policies and Practices* document is designed to guide employees, officers, agents, and contractors in matters concerning the acquisition of goods and services on behalf of the Madison County Mass Transit District (hereinafter “District”). The District requires an efficient and effective procurement system to fulfill its fiscal and management responsibilities to the taxpayers of Madison County. The policies, methods and practices described in this document are intended to ensure that the most economical purchases are made in a timely manner, and that high ethical standards are exercised by all personnel involved in the procurement process.

In addition, the District must meet obligations as a recipient of capital and operating grant funds from the U.S. Department of Transportation (USDOT) and the State of Illinois. This document is further intended to ensure that the District complies with all particular requirements of external funding entities, including the Federal Transit Administration (FTA), Federal Highway Administration (FHWA), Illinois Department of Transportation (IDOT) and the Missouri Department of Transportation (MDOT).

Federally-assisted contracts executed by the District, including those using FHWA and FTA funds, must comply with the applicable requirements of 49 CFR Part 18, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards” or 2 CFR Part 200, commonly referred to as the “Super Circular”, as applicable. Additionally, contracts using FTA funds will be implemented in accordance with supplementary guidance provided in FTA’s procurement Circular 4220.1F “Third Party Contracting Guidance” as amended or reissued, and in FTA’s Master Agreement. Similarly, state-assisted grants will be subject to supplementary guidelines issued by the respective state.

The remainder of this document is presented in three sections. Section 2 describes overall policies, procurement planning and administrative activities of the District, including a code of ethical standards required of District employees, agents and contractors when carrying out procurement actions. Section 3 provides guidance concerning contracting methods, including alternative types of procurements, and particular aspects of contracting, while Section 4 contains a compilation of required clauses for FTA-assisted contracts.

2 POLICIES AND PRACTICES
This section describes overall policies, procurement planning and administrative activities of the District, as well as ethical standards required of employees and contractors when carrying out procurement actions involving Federal or State funding assistance.

2.1 Procurement Policies
1. Full and Open Competition
   The District will conduct Federally-assisted procurement transactions in a manner that ensures full and open competition. The District will be alert to organizational conflicts of interest as well as non-competitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. Contracts will be awarded to the bidder or proposer or whose bid or offer is responsive to the solicitation and is most advantageous to the District on the basis of price, quality and other factors considered. No unreasonable restrictions or excess requirements will be placed upon contractors or vendors. Offerors of products and services may not be ruled out for anything other than appropriate business decisions, such as past performance, financial and technical resources, cost, quality and delivery terms. The District will consider, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, to foster competition and obtain a more economical purchase.

2. Ethical Standards
   The District will ensure that Federal and State-assisted procurement activities are conducted in a manner consistent with the ethical standards described in 49 CFR Part 18.36 and 2 CFR 200.318. A written code of conduct in such procurements is incorporated into Section 2.4 of this document.
3. Consideration of Contractors
   The District will extend to its contractors and vendors a reasonable opportunity to resolve disputes, claims and appeals relating to contracts and purchases. Protest procedures are incorporated into Section 3.22 of this document to handle and resolve disputes arising from procurement actions.

2.2 Procurement Planning
   The District continually reviews the capital and operating needs of the transit system in order to anticipate and plan for specific procedures of products and service. Annual and long range procurement planning is conducted by the Managing Director of the District with input from department directors or managers. This process ensures that the District’s policies are adhered to, and that unnecessary or duplicative purchases are avoided.

1. Long Term Planning
   The District recognizes that purchases of rolling stock, major facilities and equipment generally require Federal and State funding assistance. Obtaining external funding assistance requires that the District anticipate its procurement needs over a minimum five-year horizon encompassed by the Transportation Improvement Program (TIP) development process. Therefore, the District will conduct long term planning on an appropriate level to ensure that major procurement needs are anticipated and referenced in the TIP. Given the scope of the District’s operations and the finite number of major procurements anticipated in coming years, it is not considered necessary that a written long-term procurement plan be compiled.

2. Annual Planning
   The District conducts annual procurement planning to ensure the efficient operation of the transit system. It is the responsibility of the District’s Managing Director, in consultation with department directors or managers, to routinely analyze current and historical consumption levels, and to project future usage based on planned changes in service level, number of vehicles operated, number of employees, and anticipated shifts in technology. Annual planning will address a full range of goods and services needed by the District, including computer hardware, materials, parts, consumable supplies, professional and other services.

2.3 Administration
   The District will maintain a procurement administration and documentation system to ensure that contractors perform in accordance with the terms, conditions and specifications of their contracts or purchase orders. This will include an appropriate level of written documentation for each procurement transaction.

   For each Federally-assisted contract, records will be maintained in sufficient detail to document the following: 1) Rationale for the method of procurement, 2) Selection of contract type, 3) Contractor selection or rejection, and 4) Basis for the contract price. The period covered will extend from the determination of need to close-out of the contract. The procurement files for Federally-assisted contracts will be retained for a minimum of three years as required by 2 CFR Part 200.333, while State-assisted contract procurement files will be retained as required by the state. Procurement files shall include the following items as applicable:

   1. Purchase request, acquisition planning information, and other presolicitation documents.
   2. Independent cost estimate.
   3. Proof of public advertisement and/or other forms of notification to prospective bidders and proposers.
   4. List of prospective bidders and proposers furnished with a solicitation package.
   5. Copy of the solicitation and addenda.
   6. Bids or proposals received.
   7. Memorandum recommending contract award or other action to District Board of Trustees.
   8. Resolution adopted by the District’s Board of Trustees.
   9. Notice to proceed, purchase order, executed contract, change orders and amendments.
   10. Performance bond, payment bond, and project labor agreement.
   11. Required insurance documents.
   12. Record of protests.
   14. Organizational conflict of interest review.
   15. Contract administrative actions.
Procurement activities are administered by agency staff or agents under the direction of the District’s Board of Trustees and Managing Director. Major capital acquisitions, such as rolling stock and facilities, generally are determined by the Managing Director in consultation with the Board. Department managers are responsible for the identification of procurement needs within their particular functional area. Bid specifications and procurement documents are prepared by the department directors or managers with input from the DBE officer, and administered by the Procurement Specialist.

2.4 Ethical Procurement Practices

This code of conduct is intended to ensure that the District’s officers, employees, agents, contractors and Board members act in procurement matters in an ethical manner as prescribed by Federal and State statutes and regulations, local practices and public expectations. Upon proof of violation, the District, by its Board of Trustees, may discipline any of its employees, officers, agents or Board members, as the facts of each case warrant as determined by the Board of Trustees of the District. The Board of Trustees of the District may also impose sanctions upon contractors who have through their officers, agents and employees violated this code of conduct.

1. Conflicts of Interest and Non-Competitive Practices

No employee, officer, agent or Board member of the District shall participate in the selection, or in the award or administration of a contract supported by Federal or State funds if a conflict of interest, real or apparent, would be involved. This prohibition extends to such individuals during their tenure in office or employment and for one year thereafter. Such 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/her immediate family;
   c. His/her partner;
   d. An organization that employs, or is about to employ, any of the above;
   e. Any member or staff of the United States House of Representative or the United States Senate;
   f. Any members or staff of the Illinois House of Representative or the Illinois Senate; or
   g. Any officer or member of the board of directors of the East West Gateway Council of Governments.

The District will require every recipient of a Federally-assisted contract selected through a formal procurement process to certify that it has no direct or indirect pecuniary or proprietary interest, and that it will not acquire any interest that conflicts in any manner or degree with the work required to be performed and/or provided under its contract with the District, and that it will not employ any person or agent having such interest. In the event that any contractor, its agent, employees or representatives hereafter acquire such a conflict of interest, the contractor shall immediately disclose such interest and take action immediately to eliminate the conflict or to withdraw from the contract.

2. Contingent Fees and Gratuities

No officer, employee, agent or Board member of the District will be allowed to solicit gifts, gratuities, favors, or anything of monetary value from contractors, potential contractors, their representatives, or parties to subagreements. Any acceptance of an unsolicited gift must be reported promptly to the Managing Director of the District.

The District will require every recipient of a Federally-assisted contract selected through a formal procurement process to certify that no person or selling agency except bona fide employees or designated agents or representatives of the contractor has been employed or retained to solicit or secure a contract with the District with the understanding that a commission, percentage, brokerage, or contingent fee would be paid; and no gratuities in the form of entertainment, gifts or otherwise were offered or given by the contractor or any of its agents, employees or representatives, to any official, member or employee of the District or other governmental agency with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determination with respect to the performance required under a contract with the District.
3 CONTRACTING METHODS AND GUIDANCE

Federally-assisted contracts are subject to particular requirements of the Federal Acquisition Regulation (FAR). Procurements under grants agreements executed prior to December 26, 2014 are subject to the previous simplified acquisition threshold of $100,000 per 49 CFR 18.36(d). Grants obligated on or after December 26, 2014 have a higher simplified acquisition threshold of $150,000 per 2 CFR 200.88 which incorporates by reference the FAR at 48 CFR 2.1(definitions). Additionally, FTA-funded contracts must comply with the requirements of FTA’s Master Grant Agreement executed between the District and FTA. Further FTA guidance and procurement methods are provided in FTA’s third party contracting guidance circular.

3.1 Informal Procurements

The District will utilize informal procurement methods as described below for Federally-assisted contracts below the simplified acquisition threshold.

1. Micro-Purchases
   Consistent with the FAR, the District will handle procurements of property or services valued at $3,000 or less as micro-purchases. Davis-Bacon prevailing wage requirements, however, will apply to construction contracts exceeding $2,000, even though the District uses micro-purchase procurement procedures. Generally, the District will solicit two or more price quotes by telephone, internet search, or written request to secure the lowest price for micro-purchase items, and will document the results of such solicitation in the form of staff notes or a memorandum to the procurement file. However, micro-purchases may be made without obtaining competitive quotations if a price is determined to be fair and reasonable. In such cases when competition is not obtained, equitable distribution among qualified suppliers will be maintained, procurements will not be split to avoid competition, and the file will be documented with a determination on how the fair and reasonable determination was derived.

2. Small Purchases
   Small purchases are to be considered those with a value of greater than $3,000 but not more than the simplified acquisition threshold as detailed above. The District will solicit two or more price or rate quotations either by telephone, internet search, or written request to secure the best price or value and will document the results of a fair and reasonable price determination in a memorandum to the procurement file.

3.2 Formal Procurement Methods

The District will utilize a formal process for larger Federally-assisted procurements having a value greater than the simplified acquisition threshold. When a formal process is used, bids or proposals will be publicly advertised. The District may place an advertisement in a trade publication such as Passenger Transport or online at FedBizOpps.gov, or in general circulation publications such as the St. Louis Post Dispatch, Granite City Herald, Alton Telegraph or Edwardsville Intelligencer. Additionally, publications that offer additional exposure to disadvantaged business enterprises shall be used as applicable.

1. Invitation for Bids (IFB) / Sealed Bid
   The IFB process shall be used to solicit sealed bids in response to a procurement that lends itself to a firm fixed price contract. All bids will be publicly opened at the time and place prescribed in the IFB. The desired result of the IFB process will be to award a contract to the responsive and responsible bidder offering the lowest price to the District.

   The solicitation of bids by the District will be conducted in ways that maximize competition and opportunities for a response by any interested party. The District shall compile and maintain a current list of known contractors and vendors, and provide an IFB or notification to any interested party so requesting. A pre-bid conference may be convened, but only when the District believes that particular aspects of the technical specification may require further clarification. When a pre-bid conference is held, written minutes shall be recorded and distributed to attendees and other prospective bidders. An evaluation process will select the successful bidder on the basis of price and those price-related factors listed in the solicitation in order to generate a recommendation to the District’s Board of Trustees. The District may reject any or all bids if there is a sound, documented business reason.
2. Request for Proposals
The District will utilize a formal RFP process when the conditions are not appropriate for the use of sealed bids. The RFP process shall be used to solicit sealed proposals in response to a detailed specification issued by the District, for a procurement that lends itself to the selection of a preferred vendor or contractor on the basis of evaluation factors identified in the RFP along with their relative importance. Due to the nature of the procurement, award should not be based exclusively on price or price-related factors. The desired result of the RFP process is to award a contract to the responsible firm whose proposal is most advantageous or the best value to the District with price and other factors considered.

All qualified proposals will be reviewed by a minimum three-member staff evaluation committee, using a technical evaluation process determined in advance and described in the RFP. The evaluation may make use of multiple selection criteria, such as firm qualifications and background, personnel expertise and availability, proposer understanding of the project, technical approach, price, and other factors. These criteria may be variably weighted as considered appropriate by the District. Signed copies of the evaluation forms will be retained in the procurement file.

3.3 Architectural and Engineering Services (A&E) and Other Services
For all Federally-assisted contracts involving architectural and engineering (A&E) services the District will use qualifications-based selection procedures of 40 U.S.C. Chapter 11, “Brooks Act” or equivalent State of Illinois procedures when contracting for program management, construction management, feasibility studies, preliminary engineering, design, architectural, engineering, surveying, mapping, and related services listed in 49 U.S.C. Section 5325 that are directly in support of, directly connected to, directly related to, or lead to construction, alteration, or repair of real property.

The District shall negotiate and enter into A&E contracts at a fair and reasonable compensation. According to the requirements of 49 U.S.C. Section 5325 for all Federally-assisted contracts, the District must accept indirect cost rates established by a cognizant Federal or State government agency in accordance with the FAR for one-year applicable accounting periods, if those rates are not currently under dispute. If such rates are not available, an audit of the contractor or subcontractor shall be performed for compliance with the cost principles of the FAR as set forth in 48 CFR Part 31. A firm’s indirect cost rates, without any limitation by administrative or de facto ceilings, shall be used, as applicable, for purposes of contract estimation, negotiation, administration, reporting, and contract payment, after the firm’s indirect cost rates are accepted as described above.

3.4 Sole Source Procurement
The District’s preference is to avoid non-competitive procurements, except in selected situations where circumstances preclude full and open competition. Federally-assisted contracts may be awarded on a sole-source basis when a procurement is infeasible under small purchase procedures, sealed bids, or competitive proposals, and at least one of the following circumstances applies:

1. Unique capability of availability such as a) unique or innovative concept not available from another source; or b) patents or restricted data rights restrictions that preclude competition; or c) substantial duplication costs in the case of a follow-on contract; or d) unacceptable delay in the case of a follow-on contract;
2. Unusual and compelling urgency such as a) a case where the District would be seriously injured unless it would be permitted to limit the solicitation; or b) the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
3. When an awarding authority authorizes noncompetitive proposals; or
4. After solicitation of a number of sources, competition is determined inadequate.

3.5 Contract Period Limitation
With regard to FTA-assisted contracts, the District may not enter into a multi-year contract to buy rolling stock with an option exceeding five (5) years to buy additional rolling stock or replacement parts.
3.6 Cost Analysis and Price Analysis
Federally-assisted contracts require that a cost analysis or price analysis be performed in connection with every procurement action, including contract modifications. As a starting point, an independent cost estimate must be made prior to receiving bids or proposals. A cost analysis should be used to verify the proposed cost, profit, and all cost elements are fair and reasonable, 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 regulations. Profit is to be negotiated as a separate element of the price when there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of work to be performed, the risk borne by the contractor, the contractor’s investment, the amount of subcontracting, the quality of the contractor’s record of past performance, and industry profit rates in the region for similar work.

3.7 Use of Contract Options
The District may allow for option prices in Federally-assisted contracts, and exercise options when it is deemed beneficial to the District. The option will provide the District with the unilateral right for a specified period of time to purchase additional equipment, supplies, or services called for in the contract, or may elect to extend the term of the contract. Before an option is exercised, the District will take the following actions:

1. Evaluate the option as part of the initial procurement.
2. Establish 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.
3. Incorporate all terms and conditions of the option into the initial contract.

3.8 Organizational Conflict of Interest
When outside sources are used to perform a project’s technical, financial, or management duties, then an analysis of the contractor will be performed in order to identify and evaluate potential organizational conflicts of interest that would result in conflicting roles that might bias a contractor’s judgment or would result in unfair competitive advantage. An organizational conflict of interest occurs when any of the following circumstances arise: 1) lack of impartiality or impaired objectivity; 2) unequal access to information; or 3) biased ground rules.

3.9 Restricted Practices
The following practices are restricted or prohibited in Federally-assisted procurements:

1. Unreasonable requirements placed on firms in order for them to qualify to do business with the District.
2. Unnecessarily high experience requirements.
3. Unnecessarily high bonding requirements.
4. Non-competitive pricing practices between firms or between affiliated companies.
5. The use of a tag-on is prohibited and is defined as the addition of work (supplies, equipment or services) that is beyond the scope of the original contract that amounts to a cardinal change and is subject to non-competitive procurement procedures.
6. Organizational conflicts of interest.
7. Restrictive use of brand names without having a substitutions process.
8. Any arbitrary action in the procurement process.
9. Geographic preferences. However, procurements for architectural and engineering (A&E) may have a geographic location as part of the selection criterion. Contracts and agreements entered into due to state licensing requirements that don’t conflict with Federal law and major disaster or emergency relief under the Stafford Act, 42 U.S.C. Section 5150, are also exempt from in-state or local geographic restrictions.
10. Improper prequalification procedures.
11. Cost plus percentage of cost contracting.
13. Time and material type contracts may only be used after a determination that no other type of contract is suitable, and if the contract specifies a ceiling price that the contractor shall not exceed except at its own risk.
14. Advance payments are prohibited except in limited circumstances or with prior FTA concurrence. Adequate security must be obtained.
3.10 Bonding Requirements

Construction contracts shall provide adequate protection to guarantee construction performance and payment of materials and labor used in such work. At the sole discretion of the District, bonding for non-construction contracts may be used in order to protect the District’s interest. The bonding policies for FTA funded construction contracts exceeding $100,000 are as follows:

1. Bid Guarantee. The District will require every bidder submitting a proposal or bid to provide a bid guarantee equivalent to 5 percent of its bid price. The “bid guarantee” shall consist of a firm commitment such as a bid bond, certified check, cashier’s check, or letter of irrevocable credit accompanying a bid to ensure that the bidder will honor its bid upon acceptance.

2. Performance Bond. The District will require every contractor receiving a contract award to obtain a payment bond for 100 percent of the contract price. A “performance bond” is obtained to ensure completion of the obligations under the third party contract. At the sole option of the District, a bond, certified check, cashier’s check, or letter of irrevocable credit may be acceptable in lieu of the performance bond. In the event of a contract price increase, the District may require additional performance bond protection of an amount equal to 100 percent of the increase. The District may require the contractor to increase the penal amount of the existing bond or furnish an additional bond.

3. Payment Bond. A “payment bond” is obtained to ensure that the contractor will pay all people supplying labor and material for the third party contract as required by law. At the sole option of the District, a bond, certified check, cashier’s check, or letter of irrevocable credit may be acceptable in lieu of the payment bond. In compliance with FTA guidelines, the District will require that every contractor receiving a contract award funded all or in part with FTA funds submit a payment bond as follows:
   a. Less Than $1 Million. 50% of the contract; or
   b. More Than $1 Million but Less Than $5 Million. 40% of the contract price; or
   c. More Than $5 Million. $2,500,000 if the contract price is more than $5 million.

3.11 Change Order Procedures

For all Federally-assisted contracts, the District will adhere to formal change order procedures as described in this section. At any time while a particular contract is in force, the District may, by written order designated or indicated to be a change order, make any change in the work within the scope of the contract. Oral orders generally will not be binding unless confirmed in writing by the District.

When the District issues a change order, it will afford the affected contractor(s) an opportunity to respond when it is asserted that the change order causes an increase or decrease in the cost or time required for the performance of work under the contract. In such instances, the contractor(s) will be directed to submit a written statement setting forth the general nature and monetary extent of such claim within then (10) days after receipt of the written change order from the District. Such claims will be considered in a timely manner, and an equitable adjustment may be made and the contract modified in writing accordingly. However, no claim will be allowed for any costs incurred before the contractor gives written notice to the District that an adjustment of compensation or other consideration is requested, not will further adjustment be allowed after final payment is made under the contract.

3.12 Records Requirements

The District will require that every contractor of a Federally or State assisted contract comply with the requirements of the grantor agency and allow for access to any books, documents, papers and records of the contractor which are directly pertinent to that specific contract for the purposes of making audits, examinations, excerpts and transcriptions.

3.13 Lobbying Disclosure

As required by 49 CFR Part 20 “New Restrictions on Lobbying”, the District will require every contractor submitting a proposal or bid for a Federally-assisted contract award of over $100,000 to submit a certification assuring compliance.
3.14 **Use of State Government Purchasing Schedules**

The District is a member of the Illinois Joint Purchasing Program and is eligible to purchase commodities, services and equipment off of Illinois joint purchasing schedules. Purchases made with FTA-assistance must account for all required Federal clauses and certifications with respect to the full Illinois contract amount, not the District’s purchase amount.

3.15 **Revenue Contracts**

Revenue contracts are those in which the District provides access to public transportation assets for the primary purpose of either producing revenue in connection with an activity related to public transportation, or creating business opportunities with the use of FTA-assisted property. In order to ensure fair and equal access to FTA assisted property and to maximize revenue derived from such property, revenue contracts involving FTA-funded facilities or assets will be awarded according to FTA requirements.

3.16 **Responsibility Requirements**

Contract awards will only be made to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

3.17 **Use of Liquidated Damages**

The District may incorporate liquidated damages into contracts when it reasonably expects to suffer damages due to increased project costs resulting from late completion and the extent or amount of such damages would be difficult or impossible to determine. In determining whether to use a liquidated damages clause, the District will consider the following issues: (a) the probable effect of its use on pricing and competition; and (b) the costs and difficulties of contract administration. Liquidated damages will be imposed only after all reasonable steps to ensure contract performance. The amount of liquidated damages will be specified in advance in the applicable contract.

3.18 **Disadvantaged Business Enterprise**

It is the policy of the District that Disadvantaged Business Enterprises, as defined in 49 CFR Part 26, “Participation By Minority Business Enterprise In Department of Transportation Financial Assistance Programs”, as amended, shall have an equal opportunity to receive and participate in the performance of contracts financed wholly or partially with Federal funds under contracts with the District. Accordingly, the District will include provisions in applicable Federally-assisted contracts to ensure that contractors comply with applicable Federal requirements.

3.19 **Lease vs. Purchase**

Where appropriate, consideration will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

3.20 **Excess Property Disposition**

The District will utilize and maintain all property acquired with Federal funding assistance continuously and appropriately throughout the useful life of the property. In the event that Federally-funded property is removed from service before the end of its useful life as determined by USDOT, the District will follow the procedures identified in the Master Grant Agreement executed between the District and FTA.

3.21 **Intelligent Transportation System (ITS)**

ITS property and services must comply with the National ITS Architecture and Standards. To the extent applicable, the District will ensure that its contracts which involve ITS projects require provisions to ensure compliance with Federal requirements.
3.22 Protest Procedures

The District will administer any protest initiated by a protesting party concerning its procurement actions in accordance with the following procedures.

1. Submission of Protest. The protest must be filed (received) by the District in accordance with the timing requirements set forth herein, and must include:
   a. The name, address, phone number and e-mail address of the protestor;
   b. The project name and solicitation number;
   c. A statement of the grounds for the protest or appeal, along with any supporting documentation; and
   d. A statement as to what relief is requested.

   The written protest shall be directed to the District’s Managing Director with the word “Protest” clearly marked on the outside of the transmittal envelope. Protests should be submitted to:

   Madison County Transit
   Attn: Managing Director
   One Transit Way
   P.O. Box 7500
   Granite City, IL 62040

2. Pre-bid protest. Any protest regarding a solicitation must be filed a minimum of five (5) calendar days prior to the bid opening or proposal due date. Any protest filed after that date which raises issues regarding the solicitation will not be considered by the District. This type of protest may be based upon a) restrictive specifications, or b) the evaluation procedure, or c) the basis of award, or d) any claim that the solicitation documents or the solicitation process violates applicable Federal or State laws.

3. Pre-award protest. All other protests made prior to award must be filed no later than five (5) calendar days after the protesting party knows or should have known the alleged basis of the protest.

4. Post-award protest. Any protest regarding the award of the contract must be submitted no later than seven (7) calendar days after the date of award or earliest date that the protesting party should have known of the facts giving rise thereto. Any protest regarding the award of a contract filed after that date will not be considered by the District. Goods, construction and/or services being performed under a protested contract will generally not be suspended pending the resolution of the protest.

   The protesting party is required to furnish with its protest, at its sole expense, a Protest Bond in the amount of one thousand dollars ($1,000). The protest bond shall be in the form of a cashier’s check or certified check made payable to Madison County Mass Transit District. The protest bond shall serve as a guarantee of the validity and accuracy of the protest. If the protest is upheld, the bond shall be returned to the protesting party. If the protest is denied, the bond shall be used by the District to recover any administrative costs and damages incurred as a result of the protest and/or any resulting delay in the contracting for goods and services described herein.

5. District response. A protest submitted in a timely manner shall be reviewed by the District’s Managing Director, who shall consider all facts, technical support, and justification submitted by the protesting party, and within a reasonable period render a written decision on behalf of the District as to the validity of the protest and the disposition thereof. The District’s Managing Director may request additional information from the protesting party to clarify or support its assertions, in which case such information shall be submitted by the protesting party within seven (7) calendar days following the Managing Director’s request.

6. Request for reconsideration. In the event that the protesting party disagrees with any response, determination or decision of the District’s Managing Director, the protesting party may, within five (5) calendar days following receipt of such communication, appeal the determination or decision in writing to the Chairman of the District’s Board of Trustees. Such written notice of appeal shall include all documents and other information necessary to substantiate the appeal. The Chairman shall provide timely review of the
appeal and transmit a written decision or determination to the protesting party. This decision shall be considered final.

7. Decisions by District. When a protest is filed prior to a bid opening, proposal due date or award of a contract, the bid opening, proposal due date or contract award may be postponed until the protest is resolved. The District reserves the right to proceed with the appropriate action in the procurement process prior to resolution of protest if the District determines that:

   a. The item to be procured is urgently required; or
   b. The protest was vexatious or frivolous; or
   c. Delivery or performance will be unduly delayed by failure to make the award promptly; or
   d. Failure to make a prompt award will otherwise cause undue harm to District, FTA or other affected party.

3.23 Protests to Federal Transit Administration (FTA)

In all instances involving a project administered by FTA, the District shall disclose information regarding the protest to FTA, and keep FTA informed about the status of the protest.

FTA is not a party to the District’s third party contracts, and does not have any obligation to any participant in the District’s third party contracts. In general, FTA will not substitute its judgment for that of the District unless the matter is primarily a Federal concern. Violations of the law will be referred to the local, State, or Federal authority having proper jurisdiction.

The protester must exhaust its administrative remedies by pursuing the District’s protest procedures to completion before appealing the decision to the FTA. The protester must deliver its appeal to the FTA Region V Administrator within five (5) working days of the date when the protester received actual or constructive notice of an adverse decision or other grounds for appeal including the District’s failure to have or failure to comply with its protest procedures or failure to review the protest.

Protests should be submitted to the FTA Region V Office in Chicago, Illinois with a concurrent copy to the District. The protest filed with FTA shall:

1. Include the name and address of the protestor;
2. Identify the District’s project name and solicitation number;
3. Contain a statement of the grounds for the protest and any supporting documentation; and
4. Include a copy of the protest filed with the District and a copy of the District’s decision, if any.

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4 CLAUSES FOR FTA ASSISTED CONTRACTS

Unless otherwise modified by FTA, the District will incorporate the following clauses as applicable in FTA-assisted contracts.

APPLICABILITY OF THIRD-PARTY CONTRACT CLAUSES
(Excluding micro-purchases, except for construction contracts over $2,000)

<table>
<thead>
<tr>
<th>CLAUSE</th>
<th>TYPE OF PROCUREMENT</th>
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<tbody>
<tr>
<td>No Federal government obligations to third-parties by use of a disclaimer</td>
<td>All</td>
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<td>Program fraud and false or fraudulent statements and related acts</td>
<td>All</td>
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<tr>
<td>Access to Records</td>
<td>All</td>
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<tr>
<td>Federal changes</td>
<td>All</td>
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<td>Civil Rights (EEO, Title VI &amp; ADA)</td>
<td>All</td>
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<tr>
<td>Incorporation of FTA Terms</td>
<td>All</td>
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<tr>
<td>Energy Conservation</td>
<td>All</td>
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<tr>
<td>Termination Provisions</td>
<td>&gt;$10,000</td>
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<tr>
<td>Debarment and Suspension</td>
<td>&gt;$25,000</td>
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<tr>
<td>Buy America</td>
<td>&gt;$100,000 or &gt;$150,000 (see note *)</td>
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<tr>
<td>Provisions for resolution of disputes, breaches, or other litigation</td>
<td>&gt;$100,000 or &gt;$150,000 (see note *)</td>
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<tr>
<td>Lobbying</td>
<td>&gt;$100,000 or &gt;$25,000 (see note *)</td>
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<td>Clean Air</td>
<td>&gt;$100,000 or &gt;$25,000 (see note *)</td>
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<td>Clean Water</td>
<td>&gt;$100,000 or &gt;$25,000 (see note *)</td>
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<td>Cargo Preference</td>
<td>&gt;$100,000 or &gt;$25,000 (see note *)</td>
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<tr>
<td>Fly America</td>
<td>&gt;$2,000 (including ferry vessels)</td>
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<tr>
<td>Davis Bacon Act</td>
<td>&gt;$2,000 (including ferry vessels)</td>
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## APPLICABILITY OF THIRD-PARTY CONTRACT CLAUSES
(Excluding micro-purchases, except for construction contracts over $2,000)

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<td>Copeland Anti-Kickback Act</td>
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<td>Section 1</td>
<td>Professional Services/A&amp;E</td>
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<td>Operations/Management/Subrecipients</td>
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<td>Revenue Rolling Stock Purchase</td>
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<td>Construction</td>
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<td>Materials &amp; Supplies</td>
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<td>Contract Work Hours &amp; Safety Standards Act</td>
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<td>Bonding</td>
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<td>Seismic Safety</td>
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<td>A&amp;E for new buildings &amp; additions</td>
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<td>Transit Employee Protective Arrangements</td>
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<td>Transit operations funded with Section 5307,</td>
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<td>5309, 5311 or 5316 funds</td>
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<td>Charter Service Operations</td>
<td>All</td>
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* Note: Grants awarded on or after December 26, 2014 are subject to the Super Circular (2 CFR 200) simplified acquisition threshold of $150,000. Grants awarded prior to this date are subject to the previous simplified acquisition threshold of $100,000 (per 49 CFR 18.36(d)).
RESOLUTION 16-10

AUTHORIZING DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
UPDATES PURSUANT TO FEDERAL REQUIREMENTS

WHEREAS, the Madison County Mass Transit District (District) is responsible for the provision of public mass transportation services pursuant to Section 3 of the Local Mass Transit District Act, as approved on July 21, 1959, as amended (70 ILCS 3610 et. seq.); and,

WHEREAS, as a recipient of federal funds, the District is required by the United States Department of Transportation, Federal Transit Administration, to administer an ongoing Disadvantaged Business Enterprise Program pursuant to 49 CFR Part 26; and,

WHEREAS, the District is required by the United States Department of Transportation, Federal Transit Administration, to submit an updated Disadvantaged Business Enterprise Program to comply with 49 CFR Part 26.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE MADISON COUNTY MASS TRANSIT DISTRICT THAT:

1. Madison County Mass Transit District hereby approves the Madison County Mass Transit District's Disadvantaged Business Enterprise Program, revised November 2015, as attached.

2. Jerry J. Kane, Managing Director of Madison County Mass Transit District, is authorized to file the updated Madison County Mass Transit District's Disadvantaged Business Enterprise Program to the Federal Transit Administration.

3. Jerry J. Kane, Managing Director of the Madison County Mass Transit District, is authorized and directed to take any and all actions as may reasonably be required to enact and administer said program, and maintain the District in full compliance with the provisions of 49 CFR Part 26.

ADOPTED by the Madison County Mass Transit District, Madison County, Illinois, on this nineteenth day of November 2015.

Daniel L. Corbett, Chairman

J. Terry Allan
Edward A. Hagnauer

Rose Marie Chadwick
Bruce A. Malone

APPROVED as to Form:

John T. Papa, Legal Counsel
CERTIFICATE

I, Erin Werner, do hereby certify that I am the fully qualified and acting Secretary of the Board of Trustees of the Madison County Mass Transit District, and as such Secretary, I am the keeper of the records and files of the Madison County Mass Transit District.

I do further certify that at a duly constituted and legally convened meeting of the Board of Trustees of the Madison County Mass Transit District held on Thursday, November 19, 2015, a resolution was adopted in full accordance and conformity with the by-laws of the Madison County Mass Transit District and the statutes of the State of Illinois, as made and provided, and that the following is a full, complete, and true copy of the pertinent provisions of said Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE MADISON COUNTY MASS TRANSIT DISTRICT THAT:

1. Madison County Mass Transit District hereby approves the Madison County Mass Transit District's Disadvantaged Business Enterprise Program, revised November 2015, as attached.

2. Jerry J. Kane, Managing Director of Madison County Mass Transit District, is authorized to file the updated Madison County Mass Transit District's Disadvantaged Business Enterprise Program to the Federal Transit Administration.

3. Jerry J. Kane, Managing Director of the Madison County Mass Transit District, is authorized and directed to take any and all actions as may reasonably be required to enact and administer said program, and maintain the District in full compliance with the provisions of 49 CFR Part 26.

I further certify that the original of the complete said resolution is on file in the records of the Madison County Mass Transit District in my custody. I do further certify that the foregoing Resolution remains in full force and effect.

IN WITNESS WHEREOF, I have hereunto affixed my official signature as Secretary of the Madison County Mass Transit District on this nineteenth day of November 2015.

Erin Werner
Madison County Mass Transit District
Granite City, Illinois

Disadvantaged Business Enterprise Program

Revised November 2015
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Attachments

A  Signed Policy Statement
B  Organizational Chart
C  Sample Forms
I. POLICY STATEMENT

The Madison County Mass Transit District (MCT) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (USDOT), 49 CFR Part 26. It is MCT policy to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts. This policy encompasses the following actions:

- Ensure nondiscrimination in the award and administration of USDOT-assisted contracts by MCT;
- Create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts issued by MCT;
- Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards and certified by the Illinois Unified Certification Program (ILUCP) are permitted to participate as DBEs;
- Help remove barriers to the participation of DBEs in USDOT-assisted contracts issued by MCT;
- Assist in the development of firms that can compete successfully in the market place outside the DBE Program.

Erin Werner, Administrative Assistant, is the delegated DBE Liaison Officer (DBELO). In this capacity, Ms. Werner, at the direction of the Managing Director, is responsible for implementing various aspects of the DBE Program. In the event that the delegated DBELO is unable to fulfill her obligations as DBELO (i.e. due to an extended leave of absence, change in employment status, etc.), the Managing Director is authorized to designate an interim and/or replacement DBELO. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by MCT in its financial assistance agreements with USDOT.

This policy statement is distributed to all directors, managers, supervisors, and procurement personnel, and is conspicuously posted in the workplace for the information of other employees and visitors. MCT also distributes this policy statement to DBE and non-DBE business organizations known to be available to perform work on USDOT-assisted contracts, primarily via legal advertisements in publications of community and business organizations representing minority and/or women-owned disadvantaged businesses and through dissemination to Small Business Development Centers.

A copy of the signed policy statement is included as Attachment A.

II. APPLICABILITY

As a recipient of financial assistance from USDOT, MCT is required to implement a DBE Program in accordance with 49 CFR Part 26, which is incorporated herein by reference. The DBE Program applies to all MCT contracts that are funded, in whole or in part, by USDOT financial assistance. In the event of any conflicts or inconsistencies between the Regulations and this DBE Program with respect to USDOT-assisted contracts, the Regulations shall prevail.
III. DEFINITIONS

MCT has adopted terms as defined in 49 CFR §26.5 to describe and carry out its DBE program. Some of the more common terms are defined below for convenience of the reader.

**Disadvantaged Business Enterprise (DBE)** means a for-profit, small business concern: (1) that is at least fifty-one percent (51%) owned by one or more individuals who are both socially and economically disadvantaged, or, in the case of a corporation, in which fifty-one percent (51%) of the stock is owned by one or more socially and economically disadvantaged individuals; and (2) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

**Good Faith Efforts** means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

**Race-Conscious** measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.

**Race-Neutral** measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, race-neutral includes gender-neutrality.

**Recipient** is any entity, public or private that receives Federal financial assistance from USDOT. The term “recipient” includes MCT acting either as a grantee or sub grantee to which Federal funds have been passed through by a grantee.

**SBA Certified firm** refers to firms that have a current, valid certification from or recognized by the SBA under the 8(a) BD or SDB programs.

**Small Business Concern** means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in 49 CFR 26.65(b)

IV. DBE LIAISON OFFICER

MCT has no direct employees, but instead contracts with the Agency for Community Transit, Inc. (ACT), a not-for-profit entity, to carry out all day-to-day administrative functions, including the procurement of goods and services applicable to the DBE program. The Managing Director of MCT also serves as the Executive Director of ACT. For purposes of this section, references to MCT and ACT are synonymous.

Erin Werner, Administrative Assistant, is designated by the Managing Director to serve as the DBE Liaison Officer (DBELO). In the event that the delegated DBELO is unable to fulfill her obligations as DBELO (i.e. due to an extended leave of absence, change in employment status,
etc.), the Managing Director is authorized to designate an interim and/or replacement DBELO. The DBELO may be contacted at the following address, telephone and e-mail address:

Erin Werner  
Administrative Assistant  
Madison County Mass Transit District  
P.O. Box 7500  
Granite City, Illinois 62040-7500  
Telephone: (618) 797-4600  
e-mail: ewerner@mct.org

The DBELO is responsible for implementing all aspects of the DBE program and for ensuring that MCT complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Managing Director concerning DBE program matters. An organization chart displaying the DBELO’s position in the organization appears in Attachment B.

The DBELO is responsible for developing, implementing, and monitoring the DBE program, in coordination with MCT management staff as appropriate. The DBELO has a staff of two persons to assist in the administration of the program. The duties and responsibilities of the DBELO include:

- Work with MCT department heads and the Managing Director to establish overall annual DBE goals.
- Identify upcoming procurement and contracting activities and ensure that appropriate DBE goals are included in solicitations.
- Provide information concerning MCT DBE policy, goals, and contracting opportunities to businesses and other organizations that represent disadvantaged business community members.
- Notify known DBEs of upcoming contracting and subcontracting opportunities through legal advertisements in minority-oriented publications, Small Business Development Centers and correspondence with representative business associations. Ensure that bid notices and requests for proposals are made available to DBEs in a timely manner.
- Participate on internal bid/proposal evaluation committees established by MCT to assist in the selection of bids and proposals.
- Review third party contracts and purchase requisitions for compliance with the DBE program.
- Monitor the compliance of MCT contractors and subcontractors with DBE commitments. Compile and report statistical data and other information documenting DBE program activities and results consistent with USDOT requirements.
- Analyze agency progress toward DBE goal attainment and identify ways to improve progress.
- Advise the Managing Director regarding DBE matters and achievement.
- Act as liaison to Illinois Department of Transportation (IDOT) in matters pertaining to the Illinois Unified Certification Program (ILUCP).
The DBELO is afforded unrestricted access to MCT staff and consultants as necessary to carry out DBE-related activities. All personnel, whether employed by MCT, ACT, or retained by contract, are ultimately responsible to the Managing Director. To the extent that DBE functions are part of the assigned work of employees or consultants, their achievements in this area are considered in staff performance evaluations and consultant contract reviews.

V. GOALS FOR DBE PARTICIPATION

A. DBE Goal Determination

MCT establishes an overall three year DBE goal for USDOT-assisted projects pursuant to the guidelines of 49 CFR 26.45. The goal calculation is a percentage of all FTA funds, excluding federal funds used to purchase transit vehicles, which MCT will expend in FTA-assisted contracts in the three forthcoming federal fiscal years. Following is a summary of the steps used to develop the goal.

Projecting the Number and Types of Projects - Consistent with federal regulations, MCT first projects the number and types of USDOT-assisted contracts to be awarded by MCT during the DBE goal’s three year period.

Determining a Base Figure of Relative Availability of DBE Participation - The base figure is expressed as a percentage and is calculated by dividing the total number of DBEs ready, able, and willing to compete for FTA-assisted contracts by the total number of all firms (DBEs and non-DBEs) ready, able, and willing to perform the types of work that MCT anticipates awarding. To determine the numerator, MCT tallies the number of DBEs listed under the relevant NAICS codes for MCT’s defined market area utilizing IDOT’s Unified Certification Program Directory (https://webapps.dot.illinois.gov/UCP/ExternalSearch). To determine the denominator, MCT sources current County Business Pattern data from the U.S. Census Bureau website (http://censtats.census.gov/cgi-bin/msanaic/msasect.pl) and utilizes the same NAICS codes to tally the number of all firms in MCT’s defined market area. MCT’s geographic market area comprises of the following counties in Illinois: Bond, Calhoun, Clinton, Greene, Jersey, Madison, Marion, Monroe, St. Clair, Randolph, and Washington. These same eleven counties also comprise the Illinois Department of Transportation (IDOT) District 8 region.

A weight or percentage of the total funds, for each NAICS code is then calculated by dividing the estimated FTA assistance per NAICS code by the total estimated FTA assisted contracts. The Relative Availability of DBEs for each NAICS code is next multiplied by the weighted percentage that was calculated for each NAICS code in order to compute a weighted base figure for each NAICS code. The weighted base figures for all NAICS codes are then added to generate the weighted base figure or total percentage of DBEs ready, able, and willing to perform on the FTA-assisted contracts.

Adjusting the Base Figure – MCT then reviews past experience with DBE participation and current regional factors which might affect DBE participation. This includes but is not limited to reviewing the current capacity of DBE’s to perform work in DOT-assisted...
contracting in comparison to past years; reviewing information obtained through consultation with minority, woman and general contractor groups; any information available related to DBE potential for growth such as bonding and insurance issues; data on employment, education and training.

Projected Percentage of Goals to Be Achieved Through Race-Neutral and Race-Conscious Measures – MCT would prefer to meet one hundred percent (100%) of its DBE goal using race neutral methods. However, history notes that the expected DBE participation has been realized through a combination of race/gender-conscious and race/gender-neutral measures. Therefore, MCT reviews the past goals and possible race neutral opportunities for the anticipated projects and then determines the percentage of the DBE goal to be obtained through race-neutral and race-conscious measures.

B. Publication and Adoption of Three Year Goal

Pursuant to 49 CFR §26.45(g)(2) MCT will publish a notice announcing its proposed overall goal before submission to FTA on August 1. The notice will be posted on MCT’s website and may be posted in any other sources (e.g. including but not limited to the Edwardsville Intelligencer and Alton Telegraph, which are local general circulation newspapers, and in the St. Louis American, which is a minority-focused newspaper). If the proposed goal changes following review by FTA, the revised goal will be posted on MCT’s website.

At its discretion, MCT may also choose to inform the public that the proposed overall goal and rationale are available for inspection during normal business hours at its principal office and for a 30-day comment period. Notice of the comment period shall include address to which comments may be sent.

Upon conclusion of the public comment period, the DBELO will prepare a summary report analyzing the comments and recommending modifications to the annual overall DBE goal or methodology as appropriate. Recommendations will be submitted to the Managing Director for consideration. If no comments are received that would significantly change the goals analysis, the results of the public comment period will be presented as an informational matter to the Board of Trustees with no further action required. If changes are recommended by the Managing Director, the Board of Trustees will review the public comments and make a final determination as to the annual DBE participation goal.

VI. FOSTERING SMALL BUSINESS PARTICIPATION

As MCT strives towards realizing the maximum level of DBE participation utilizing race-neutral efforts, a natural result is fostering small business participation.

MCT uses the definition of small business concerns set out in 49 CFR Part 26.5. This will ensure that all small businesses allowed to participate in the program are subject to the same size standards and consequently, compete with similarly-sized businesses. A small business will be considered qualified if it is listed with the SBA and/or the ILUCP.
MCT’s has developed the following measures to offer contracting requirements which facilitate competition by small business concerns, and take reasonable steps to eliminate obstacles to their participation.

1. Schedule pre-bid and pre-proposal conferences at times that qualified small business would be better able to attend.
2. Provide informational conferences as appropriate to explain procedures and forms, presentation of bids, quantities, and specifications as well as required documentation of specific efforts to involve subcontractors and joint venture partners.
3. Encourage prime contractors to subcontract portions of work they might otherwise perform with their personnel to qualified small businesses, including DBE’s by including language in solicitation documents.
4. Unbundle large procurements, such as construction and other multiple phase projects, into smaller contracts whenever feasible to encourage bids and proposals from qualified small businesses.
5. Encourage prime contractors to develop or increase opportunities for small businesses to participate in varied types of work in addition to assuming increasingly significant projects by including language in solicitation documents.
6. Ensure that a reasonable number of prime contracts are of a size that small businesses, including DBE’s, can reasonably perform by working with procurement specialist and engineers as projects are developed.
7. Make available, at no charge, to prospective small businesses relevant procurement materials that might assist such parties in formulating their bid or proposal, except where MCT is legally restricted from making such information available.
8. Provide notice of advertisements to Small Business Development Centers within the MCT regional area.
9. Require prompt payment clauses in contracts.

VII. DBE PARTICIPATION BY RACE-CONSCIOUS MEANS

Should MCT become aware the DBE goal is not being obtained through race-neutral means, actions will be taken to utilize race-conscious measures such as those outlined below.

A. ILUCP Availability

Make available, either by printed or electronic means, the ILUCP Directory containing the names and addresses of certified firms and individuals doing business within the procurement area.

B. Set Contract Specific Goals for DBE participation.

MCT will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities, and not necessarily every such contract. The contract goal will be developed to reflect the circumstances of the specific contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)
1. **Awarding Contracts with Contract-Specific Goals**

MCT shall award contracts to the lowest responsive and responsible bidder/offeror consistent with its adopted procurement procedures. Upon the decision to establish a goal for a particular contract, the determination shall be made as to whether compliance with the good faith effort requirements shall be a determination of responsiveness or responsibility in the contract award process. DBE subcontractor information will either be required (1) at the time of bid/proposal submission as a point of responsiveness or (2) upon MCT notification, up to five (5) days after bid opening as a point of responsibility. The solicitation documents will clearly state which methodology is being utilized. The prime contractor who is awarded the contract shall make copies of all DBE subcontracts available to the District upon request. The subcontractor shall ensure that all subcontracts or an agreement with DBEs to supply labor or materials require that the subcontract and all lower tier subcontractors be performed in accordance with this provision.

**DBE Required Submittal Information**

Each solicitation for which a contract goal has been established will require bidders/offereors to submit the following information on the DBE Participation forms (See Attachment C):

a) The names and addresses of DBE firms that will participate in the contract;

b) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;

c) The dollar amount of the participation of each DBE firm participating;

d) Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;

e) Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment; and

f) If the contract goal is not met, evidence of good faith efforts.

**Evaluation of DBE Certification Status and/or Good Faith Efforts**

MCT shall require that any DBEs listed by bidders for participation in the contract be certified DBEs in a NAICS code applicable to the kind of work the DBE firm would perform on the contract as of the time of required submittal of documents. The DBELO shall review the bidder’s DBE submittal to confirm each DBE firm’s certification status. MCT shall accept current certifications by the ILUCP.

Should the established contract goal not be met by utilizing certified DBE, the bidder must show that all necessary and reasonable steps were taken to achieve the contract goal. Necessary and reasonable steps are those which, by their scope, intensity and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not successful. MCT will consider the quality, quantity, and intensity of the kinds of efforts that the bidder has made. Mere *pro forma* efforts, in other words, efforts done as a matter of form, are not good faith efforts; rather, the bidder is expected to have taken genuine efforts that would be reasonably expected of a bidder actively and aggressively trying to obtain DBE participation sufficient to meet the contract goal.
The following is a list of the types of action that MCT will consider as part of the evaluation of the bidder’s good faith efforts to obtain participation. These listed factors are not intended to be a mandatory checklist and are not intended to be exhaustive. Other factors or efforts brought to the attention of MCT may be relevant in appropriate cases, and will be considered.

(1) Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBE companies that have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBE companies to respond to the solicitation. The bidder must determine with certainty if the DBE companies are interested by taking appropriate steps to follow up initial solicitations.

(2) Selecting portions of the work to be performed by DBE companies in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.

(3) Providing interested DBE companies with adequate information about the specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

(4) a. Negotiating in good faith with interested DBE companies. It is the bidder’s responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBE companies that were considered; a description of the information provided regarding the specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBE companies to perform the work.

b. A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm’s price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBE companies is not in itself sufficient reason for a bidder’s failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a bidder to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Bidders are not, however, required to accept higher quotes from DBE companies if the price difference is excessive or unreasonable. Contractor must submit copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract.

(5) Not rejecting DBE companies as being unqualified without sound reasons based on a thorough investigation of their capabilities. The bidder’s standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the bidder’s efforts to meet the project goal.

(6) Making efforts to assist interested DBE companies in obtaining bonding, lines of credit, or insurance as required by the contract or contractor.
(7) Making efforts to assist interested DBE companies in obtaining necessary equipment, supplies, materials, or related assistance or services.
(8) Effectively using the services of available minority/women community organizations; minority/women contractors’ groups; local, state, and federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBE companies.

If MCT determines that the apparent successful bidder has made a good faith effort to secure the work commitment of DBE companies to meet the contract goal, MCT will award the contract provided that it is otherwise eligible for award. If MCT determines that the bidder has failed to meet the requirements of the DBE goal and that a good faith effort has not been made, MCT will notify the contractor. The notification shall include a statement of reasons why good faith efforts have not been found.

Administrative Reconsideration
If MCT determines that the bidder has failed to meet the requirements to meet the DBE goal and that a good faith effort has not been made, MCT will notify the bidder/offeror. The notification shall include a statement of reasons why good faith efforts have not been found.

Within five (5) days of being informed by MCT that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. In such case, the bidder/offeror should make this request in writing to the Managing Director of MCT, who has not played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts. As part of this reconsideration, the bidder/offeror 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/offeror will have the opportunity to meet in person with the Managing Director to discuss the issue of whether it met the goal or made adequate good faith efforts attempting to do so. MCT will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder/offeror did or did not meet the goal or make adequate good faith efforts to do so.

2. Good Faith Efforts when a DBE is Replaced/Terminated on a Contract

The prime contractor will be required to give notice in writing to the DBE subcontractor, with a copy to MCT, of its intent to request to terminate and/or substitute, and the reason for the request. Additionally, the prime contractor must give the DBE five (5) days to respond to the prime contractor’s notice and advise MCT and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why MCT should not approve the prime contractor’s action.

MCT will require that a prime contractor not terminate or substitute a DBE subcontractor/supplier without MCT’s prior written consent. This is applicable to both post-award terminations, as well as to pre-award deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements.
If a termination of a DBE’s subcontract is approved, or a DBE subcontractor fails to complete its work on the contract for any reason, MCT will require the prime contractor to make good faith efforts to find another DBE subcontractor/supplier to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal established for the procurement.

3. Calculating DBE Participation

When a DBE participates in a contract, MCT counts only the value of the work actually performed by the DBE toward DBE goals. In addition, a DBE must perform a commercially useful function on the contract to be counted. A commercially useful function is generally performed when the DBE is responsible for the work and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. MCT is governed by the provisions of 49 CFR Part 26.55 on questions of commercially useful functions as it affects the work. Specific counting guidelines are provided in 49 CFR Part 26.55, the provisions of which govern over the summary contained herein.

(1) DBE as the contractor: 100 percent goal credit for that portion of the work performed by the DBE’s own forces, including the cost of materials and supplies. Work that a DBE subcontracts to a non-DBE does not count toward the DBE goals.

(2) DBE as a joint venture contractor: 100 percent goal credit for that portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work performed by the DBE’s own forces.

(3) DBE as a subcontractor: 100 percent goal credit for the work of the subcontract performed by the DBE’s own forces, including the cost of materials and supplies, excluding the purchase of materials and supplies or the lease of equipment by the DBE subcontractor from the prime contractor or its affiliates. Work that a DBE subcontractor in turn subcontracts to a non-DBE does not count toward the DBE goal.

(4) DBE as trucker: 100 percent goal credit for trucking participation provided the DBE is responsible for the management and supervision of the entire trucking operation for which it is responsible. At least one truck owned, operated, licensed, and insured by the DBE must be used on the contact. Credit will be given for the following:
   a. The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract.
   b. The DBE may also lease trucks from a non-DBE firm, including from an owner-operator. The DBE that leases trucks equipped with drivers from a non-DBE is entitled to credit for the total value of transportation services provided by non-DBE leased trucks equipped with drivers not to exceed the value of transportation services on the contract provided by DBE-owned trucks or leased trucks with DBE employee drivers. Additional participation by non-DBE owned trucks equipped with drivers receives credit only for the fee or commission it receives as a result of the lease arrangement.
   c. The DBE may lease trucks without drivers from a non-DBE truck leasing company. If the DBE leases trucks from a non-DBE truck leasing company and uses its own employees as drivers, it is entitled to credit for the total value of these hauling services.
(5) DBE as a material supplier:
   a. 60 percent goal credit for the cost of the materials or supplies purchased from a DBE regular dealer.
   b. 100 percent goal credit for the cost of materials or supplies obtained from a DBE manufacturer.
   c. 100 percent credit for the value of reasonable fees and commissions for the procurement of materials and supplies if not a regular dealer or manufacturer.

DBE achievement will not be counted toward the overall goal until the DBE has been paid. The DBELO will track the participation of DBEs in contract-specific goal contracts separately from the participation of DBEs that is considered race-neutral. Any portion of a DBE’s participation that is achieved after the certification of the DBE has been removed during the performance of a contract will not be counted.

VIII. ADMINISTRATIVE REQUIREMENTS

A. MCT Assurance of Non-discrimination

MCT shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts.

B. Transit Vehicle Manufacturers Goals

MCT will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on USDOT-assisted transit vehicle procurements, to certify that it has complied with the applicable requirements of 49 CFR Part 26.

C. DBE Financial Institutions

MCT is not aware of any bank in Southwestern Illinois currently qualified as a DBE. It is MCT policy to periodically re-investigate whether DBE-qualified banks or financial institutions have come into existence in the region. The primary source for MCT information concerning this issue is the Federal Reserve Board website (www.federalreserve.gov/releases/mob/). MCT will consider using such institutions as opportunities materialize. It is also MCT policy to maintain its bank accounts within the defined service area boundaries of the Transit District to the extent possible.

MCT encourages prime contractors on USDOT-assisted contracts to make use of DBE-qualified banks as available in their home communities.

D. DBE Directory

MCT is a member of the Illinois Unified Certification Program (ILUCP), which is administered by the Illinois Department of Transportation (IDOT). The ILUCP maintains a
statewide DBE directory, which is on the IDOT website at: https://webapps.dot.illinois.gov/UCP/ExternalSearch.

The Directory lists certified DBE firms in alphabetical order by the industry categories and the IDOT districts in which the firms have indicated they are available. MCT is within IDOT District 8.

MCT will furnish a copy of the ILUCP DBE Directory to any prospective bidders and proposers unable to access the IDOT website or otherwise obtain a copy of the Directory on its own. It is the responsibility of the prime contractor to confirm a DBEs certification according to the type of work/services called for in the scope of work. Only those firms certified and listed in the ILUCP at the time of required document submittal may be utilized in meeting a DBE contract goal.

E. Bidders’ List

MCT maintains a list containing information about all DBE and non-DBE firms that bid or quote on USDOT-assisted contracts tendered by MCT. The bidders’ list includes the name, address, DBE status, years doing business and annual gross receipts of firms. MCT employs various practices to collect this information. A clause is included in all USDOT-assisted contracts requiring prime contractors to report the name and contact information of all firms quoted in subcontracts to MCT which includes a classification designation. If the USDOT-assisted contract has a DBE goal attached, additional information is collected by the contractor and submitted as noted in the procurements documents. When there is no DBE goal associated to the contract MCT requests that DBE firms quoting on subcontracts report business background information directly to MCT.

F. Over-Concentration

MCT has not identified that over-concentration exists in the types of work that DBEs perform.

G. Assistance to Prospective Bidders and Proposers

MCT does not have a business development or mentor-protégé program, but does participate in transit industry associations (American Public Transit Association, Illinois Public Transit Association) and advertises contractor opportunities in both trade-specific and general circulation publications. Additionally, the following forms of assistance are offered by MCT:

1. Pre-bid and pre-proposal informational conferences are convened as appropriate for the benefit of both DBE and non-DBE firms. The DBELO explains DBE procedures and forms, presentation of bids, quantities, and specifications as well as required documentation of specific efforts to involve DBE subcontractors and joint venture partners.
2. Make available for review by prospective DBE bidders and proposers relevant procurement materials that might assist such parties in formulating their bid or
3. Bid/proposal bond requirements may be reduced or waived to the extent allowable by law when such consideration is requested by a prospective bidder or proposer that is an eligible qualified small business.

4. Conduct workshops when they relate to specific programmed or actual procurements that are sufficiently unique and/or complex such that a workshop is warranted. In such instances, the Managing Director will determine the duration and content of the workshop.

H. Dissemination of Policy Statement

The DBELO distributes copies of the DBE Policy Statement signed and dated by the Managing Director to purchasing staff, department directors and managers, and throughout the business community, including DBEs and non-DBEs that perform work on USDOT-assisted contracts for MCT. The Policy Statement is posted on the MCT website (www.mct.org) and is available in print and alternative formats upon request by interested members of the public and business community. Additionally, MCT makes reference to the policy in contract specifications and advertisements of all USDOT-assisted contracts.

I. No Quotas or Set-Asides

MCT does not use quotas or set-asides in any way in the administration of its DBE program.

J. Reporting Requirements

MCT provides reports regarding actual DBE participation and goals as required by 49 CFR Part 26 to USDOT and IDOT. The DBE Uniform Report reviewing MCT commitments and awards to certified DBE is submitted to FTA semiannually. Prior to December 31, an analysis of the previous federal fiscal year’s (FFY) goal attainment is completed and reviewed with the Managing Director. Recommendations for the next FFY are discussed and documented.

IX. REQUIRED CONTRACT PROVISIONS/CLAUSES

MCT will include the following paragraphs in all USDOT-assisted contracts and subcontracts with contractors/suppliers. Additionally, MCT requires the contractor to include these requirements in each subcontract, modified only if necessary to identify the affected parties:

A. Policy: It is the policy of the U.S. Department of Transportation that disadvantaged business enterprises as defined in 49 CFR Part 26 shall have an equal opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this agreement.

B. Non-Discrimination: MCT shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of
its DBE Program or the requirements of 49 CFR Part 26. MCT shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. MCT’s DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement.

C. Small Business and DBE Obligation: MCT and its contractors agree to ensure that small businesses (including disadvantaged business enterprises) as defined in 49 CFR Part 26 have an equal opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement. In this regard, MCT and its sub-recipients, contractors, and subcontractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that small businesses (including disadvantaged business enterprises) have an equal opportunity to compete on and perform contracts.

D. Contract Assurance: The contractor or subcontractor/suppliers shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such remedy as MCT deems appropriate.

E. Prompt Payment: The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty (30) days from the receipt of each payment the prime contractor receives from MCT. The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) days after the receipt of payment from MCT for work satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of MCT. This clause applies to both DBE and non-DBE subcontractors.

F. DBE and Small Business Financial Institutions: MCT encourages prime contractors to make use of DBE and small business financial institutions in their home communities as is practical.

X. MONITORING AND ENFORCEMENT

A. Monitoring Actual DBE Participation

The DBELO monitors actual DBE participation by tracking contractor and subcontractor reports of payments. The DBELO may require prime contractors and DBE subcontractors and suppliers to provide appropriate documentation to verify such payments. DBE participation is counted toward contract goals and the annual overall goal in accordance with the 49 CFR Part 26. Credit toward overall or contract goals will only be given upon satisfactory evidence that payments were actually made to DBEs.
B. Monitoring Payments to DBEs

The DBELO shall maintain a running tally of actual payments to DBE firms for work committed to them at the time of contract award. MCT will conduct random reviews of contract payments to ensure the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation. MCT will randomly contact subcontractors to confirm the subcontractor actually did perform the work reported as such by the prime contractor.

MCT will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records must be made available for inspection upon request by any authorized representative of MCT or USDOT. This reporting requirement also extends to any certified DBE subcontractor.

C. Enforcement Mechanisms

MCT will notify USDOT-FTA of any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in the regulations. MCT will also consider similar action under its legal authority, including responsibility determinations in future contracts.

MCT has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, breach of contract action pursuant to the terms of the contract. Additionally, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE violations, including, but not limited to, suspension or debarment proceedings pursuant to 49 CFR Part 26; Enforcement action pursuant to 49 CFR Part 31; or Prosecution pursuant to 18 USC 1001.

XI. DBE CERTIFICATION

MCT is a member of the Illinois Unified Certification Program (ILUCP), which is administered by the Illinois Department of Transportation (IDOT). The ILUCP meets all relevant requirements of 49 CFR Part 26. Five entities in the State of Illinois currently certify DBEs on behalf of the ILUCP. In addition to IDOT, these include the City of Chicago, Chicago Transit Authority (CTA), PACE and Metra.

The ILUCP is based on the concept of statewide reciprocity among participating agencies. MCT honors a DBE certification issued by any of the aforementioned five entities, and defers all DBE certification and recertification activities to the ILUCP. In addition to IDOT, these include the City of Chicago, Chicago Transit Authority (CTA), PACE and Metra.

The ILUCP is based on the concept of statewide reciprocity among participating agencies. MCT honors a DBE certification issued by any of the aforementioned five entities, and defers all DBE certification and recertification activities to the ILUCP. For information about the certification process or to apply for certification, firms are directed to the IDOT website: http://www.idot.illinois.gov/doing-business/certifications/disadvantaged-business-enterprise-certification/il-ucp-directory/index. 
Attachment A

SIGNED POLICY STATEMENT
The Madison County Mass Transit District (MCT) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (USDOT), 49 CFR Part 26. It is MCT policy to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts. This policy encompasses the following actions:

- Ensure nondiscrimination in the award and administration of USDOT-assisted contracts by MCT;
- Create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts issued by MCT;
- Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards and certified by the Illinois Unified Certification Program (ILUCP) are permitted to participate as DBEs;
- Help remove barriers to the participation of DBEs in USDOT-assisted contracts issued by MCT;
- Assist in the development of firms that can compete successfully in the market place outside the DBE Program.

Erin Werner, Administrative Assistant is the delegated DBE Liaison Officer (DBELO). In this capacity, Ms. Werner, at the direction of the Managing Director, is responsible for implementing various aspects of the DBE Program. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by MCT in its financial assistance agreements with USDOT.

This policy statement is distributed to all directors, managers, supervisors and procurement personnel, and is conspicuously posted in the workplace for the information of other employees and visitors. MCT also distributes this policy statement to DBE and non-DBE business organizations known to be available to perform work on USDOT-assisted contracts, primarily via legal advertisements in publications of community and business organizations representing minority and/or women-owned disadvantaged businesses and through dissemination to Small Business Development Centers.

____________________________

Jerry J. Kane
Managing Director

Date
Attachment B

ORGANIZATIONAL CHART
Attachment C

SAMPLE FORMS
Bid Submittal Forms

- **DBE Utilization Plan**

1. **Policy**
   It is a Madison County Mass Transit District policy to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts.

2. **Obligation**
   The contractor agrees to ensure that disadvantaged businesses as defined in 49 CFR Part 26 have the maximum opportunity to participate in the performance of contracts or subcontracts financed in whole or in part with Federal funds. The contractor shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 and the Contractor DBE Special Provision (project manual section _______) to ensure that said businesses have the maximum opportunity to compete for and perform under this contract. The contractor shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of contracts.

3. **Project and Bid Identification**
   Complete the following information concerning the project bid.

<table>
<thead>
<tr>
<th>Prime Contractor:</th>
<th>Bid Due Date:</th>
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</thead>
<tbody>
<tr>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Job Location:</th>
<th>Street</th>
<th>City</th>
<th>County</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Job Description:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Total Bid Amount:</th>
<th>Contract DBE Goal:</th>
<th>Percentage</th>
<th>Dollar Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td></td>
<td>%</td>
<td>$</td>
</tr>
</tbody>
</table>

Example: $3,000,000 (Total Bid Amount) X 4% (Percentage) = $120,000 (Minimum “Dollar Amount” to meet DBE goal)

4. **Assurance**
   I, acting in my capacity as an officer of the undersigned bidder (or bidders if joint venture), hereby assure Madison County Transit that on this project, my company: (check one)

- [ ] Meets or exceeds contract DBE goal and will provide documented participation as follows:
  - The signed DBE Participation Statements required by the Contractor DBE Special Provision evidencing availability and the Contractor’s commitment to use of each business participating in the plan and assuring that each business will perform a commercially useful function in the work of the contract.

- [ ] Failed to meet the contract DBE goal and will provide documented participation and/or good faith efforts. My company is providing participation as follows:
  - The contract goals should be accordingly modified or waived. All information required by the Contractor DBE Special Provision in support of this request including good faith efforts will be provided.
  - The signed DBE Participation Statements required by the Contractor DBE Special Provision evidencing availability and use of each business participating in the plan and assuring that each business will perform a commercially useful function in the work of the contract.

Company __________________________________________________

By________________________________________________________

Title_____________________________________________________

Date______________________________________________________
**LIST OF SUBCONTRACTORS**

This form is required upon the District’s request as a matter of responsibility after the due date for bids but prior to contract award.

<table>
<thead>
<tr>
<th>Full name of subcontractor, address, city, state, ZIP, phone #</th>
<th>Age of firm</th>
<th>DBE, WBE, or SBE</th>
<th>Gross receipts of firm</th>
<th>NAICS Codes and Work tasks to be assigned</th>
<th>Total estimated value of work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sample subcontractor One Unknown Ave. MCT Village, IL 0000 (123) 456-7890</td>
<td>22 years</td>
<td>DBE</td>
<td>under $500,000</td>
<td>238140 - masonry work</td>
<td>$ xxxx.xx</td>
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<td>under $500,000</td>
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<td>4.</td>
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<td>under $500,000</td>
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<td>under $500,000</td>
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DBE = Disadvantaged Business Enterprise
WBE = Woman Business Enterprise
SBE = Small Business Enterprise
DBE Participation Statement

This form is required upon the District’s request as a matter of responsibility after the due date for bids but prior to contract award.

1. Instructions
   This form must be completed for each disadvantaged business participating in the prime contractor’s DBE Utilization Plan. This form shall be submitted in accordance with the Contractor DBE Special Provision ______ (give section #). If additional space is needed, complete an additional form for the firm.

   Name of DBE Firm: __________________________________________
   Address: __________________________________________________
   Contact number: (____) - ______ Contact Person: ______________________

   Check all that apply:
   ___ DBE  ___ WBE  ___ SBE
   DBE = Disadvantaged Business Enterprise;  WBE = Woman Business Enterprise;  SBE = Small Business Enterprise

   Ethnic Classification:
   ___ Black American  ___ Hispanic American
   ___ Native American  ___ Subcontinent Asian American
   ___ Asian Pacific American  ___ Non-Minority

   Gross Receipts:
   ___ under $500,000  ___ $2 mil to $5 mil
   ___ $500,000 to $1 mil  ___ above $5 mil
   ___ $1 mil to $2 mil

   Age of firm: ______________________

2. Work
   ___ Joint Venture  ___ Subcontractor  ___ Trucking
   ___ Manufacturer  ___ Supplier

<table>
<thead>
<tr>
<th>Item</th>
<th>NAICS Code</th>
<th>Description of Work</th>
<th>Quantity</th>
<th>Unit Price</th>
<th>Total</th>
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   Total $________

3. Partial Payment Items
   For any of the above items which are partial pay items (see Calculating DBE Participation in the Contractor DBE Special Provision section) specifically describe the work and subcontract dollar amount below.

4. Commitment
   The undersigned certify that the information included herein is true and correct, and that the DBE firm agrees to perform a commercially useful function in the work of the contract item(s) listed above and to execute a contract with the prime contractor. The undersigned further understand that no changes to this statement may be made without prior approval from Madison County Transit (MCT) and that complete and accurate information regarding actual work performed on this project and the payment therefore must be provided to MCT.

   Prime Contractor Signature ___________________________  DBE Firm Signature ___________________________
   Title ___________________________________________  Title ___________________________________________
   Date ___________________________  Date ___________________________

OFFICE USE ONLY
IL UCP Directory: yes / no  NAICS code(s): ___________________________
Reviewed by: ___________________________  Date: ___________________________
• **DBE UNAVAILABILITY FORM**

*If the DBE goal was not fully met, the bidder must complete this form and/or provide other evidence of good faith efforts upon the District’s request as a matter of responsibility prior to contract award.*

Bidder’s documents should show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of 49 CFR 26 which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation even if they were not fully successful. Suggested actions that show good faith effort are identified in the Introduction Bid / Summary section titled “Contractor DBE Special Provision.”

I, ________________________________________, ________________________________ of
(Name)                                                                  (Title)
__________________________________________, certify that on ______________,  I contacted
(Name of bidding company)                                                   (Date)
___________________________________
(DBE Subcontractor) to obtain a bid for the work items listed below to be performed on this project.

<table>
<thead>
<tr>
<th>WORK ITEMS SOUGHT</th>
<th>FORM OF BID SOUGHT (i.e., unit price, materials &amp; labor, labor only)</th>
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To the best of my knowledge and belief, said DBE subcontractor was unavailable (exclusive of unavailability due to lack of agreement on price) for work on this project, or was unable to prepare a bid for the following reason(s):

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Signature of person that contacted DBE firm: ____________________________________

[make additional copies of this form as needed]
DBE Payment Certification
Form to be submitted within 15 days of payment

The contractor/subcontractor is required to pay its DBE certified subcontractors/suppliers/trucking firms performing work related to this contract for satisfactory performance of that work no later than 30 days after the contractor/subcontractor’s receipt of payment for that work.

<table>
<thead>
<tr>
<th>MCT Project:</th>
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</table>

<table>
<thead>
<tr>
<th>MCT Payment to Contractor:</th>
<th>Date</th>
<th>$</th>
<th>Amount</th>
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</table>

<table>
<thead>
<tr>
<th>Payment made by:</th>
<th>Name of Contractor</th>
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<table>
<thead>
<tr>
<th>Name of DBE Firm Paid:</th>
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<table>
<thead>
<tr>
<th>Payment to DBE:</th>
<th>Date</th>
<th>$</th>
<th>Amount</th>
</tr>
</thead>
</table>

This is the final payment to the above named DBE firm.

☐ Yes  ☐ No

I certify that the information is true and accurate to the best of my knowledge.

Payor’s Signature | Date

OFFICE USE ONLY

Date Payment Received by DBE: __________________________
Confirmed by: __________________________  Date: __________________________
I have no knowledge of any change in the certification status of the DBE firms listed above. The information provided is complete and accurate to the best of my knowledge.

Prime Contractor’s Signature ___________________________ Date ________________

OFFICE USE ONLY
Reviewed by: ___________________________ Date: ________________ DBE Attainment %: ____________________
# Confirmation of DBE Performance On Site

This document serves as a tracking method that the Site Manager or designee is randomly confirming that the people completing the assigned work are in fact employed by the named DBE firm.

Reporting for Month of ________________, 20______

MCT Project: ____________________________

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
<td>Time</td>
<td>Work Task Being Performed</td>
<td>DBE Firm Assigned Work</td>
<td>Name of Employee Performing Work</td>
<td>Person in “E” Confirmed Employee of “D”</td>
<td>Signature of Person who Spoke with Employee Named in “E”</td>
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RESOLUTION 16-11

APPROVING THE DRUG AND ALCOHOL PREVENTION PROGRAM AS AMENDED

WHEREAS, the Madison County Transit District (District) is dedicated to providing safe, dependable, and economical transportation services to our transit system passengers and recognizes that maintaining a drug and alcohol-free work environment is critical component of an effective transit system safety program; and,

WHEREAS, the District has an agreement with the Agency for Community Transit to provide administrative and operational services; and,

WHEREAS, the District is obligated to comply with the provisions of the United States Department of Transportation, Federal Transportation Administration 49 CFR Part 655, 49 CFR Part 40, and the Drug Free Workplace Act; and,

WHEREAS, the Agency for Community Transit, through its agreement with the District, agrees to meet the standards and requirements of 49 CFR Part 655, 49 CFR Part 40, and the Drug Free Workplace Act; and,

WHEREAS, the Agency for Community Transit has submitted for approval the Drug and Alcohol Prevention Program, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE MADISON COUNTY MASS TRANSIT DISTRICT THAT:

1. The Madison County Mass Transit District approves the attached Drug and Alcohol Prevention Program as revised November 12, 2015.

2. The District shall require that any entity that operates transportation services on behalf of the District, adopt comparable policies and procedures conforming with 49 CFR Part 40 and the Drug Free Workplace Act.

3. Recognizing the need for action on routine matters, the Managing Director is authorized to execute routine revisions to the program to maintain compliance with the mandates of 49 CFR Part 655 and the Drug Free Workplace Act.

ADOPTED, by the Board of Trustees of the Madison County Mass Transit District, Madison County, Illinois, on this nineteenth day of November 2015.

Daniel L. Corbett, Chairman

J. Terry Allan
Edward A. Hagnauer

Rose Marie Chadwick
Bruce A. Malone

APPROVED as to Form:

John T. Papa, Legal Counsel
CERTIFICATE

I, Erin L. Werner, do hereby certify that I am the fully qualified and acting Secretary of the Board of Trustees of the Madison County Mass Transit District, and as such Secretary, I am the keeper of the records and files of the Madison County Mass Transit District.

I do further certify that at a duly constituted and legally convened meeting of the Board of Trustees of the Madison County Mass Transit District held on Thursday, November 19, 2015, a resolution was adopted in full accordance and conformity with the by-laws of the Madison County Mass Transit District and the statutes of the State of Illinois, as made and provided, and that the following is a full, complete and true copy of the pertinent provisions of said Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE MADISON COUNTY MASS TRANSIT DISTRICT THAT:

1. The Madison County Mass Transit District approves the attached Drug and Alcohol Prevention Program as revised November 12, 2015.

2. The District shall require that any entity that operates transportation services on behalf of the District, adopt comparable policies and procedures conforming with 49 CFR Part 40 and the Drug Free Workplace Act.

3. Recognizing the need for action on routine matters, the Managing Director is authorized to execute routine revisions to the program to maintain compliance with the mandates of 49 CFR Part 655 and the Drug Free Workplace Act.

I further certify that the original of the complete said resolution is on file in the records of the Madison County Mass Transit District in my custody. I do further certify that the foregoing Resolution remains in full force and effect.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the seal of the Madison County Mass Transit District this nineteenth day of November 2015.

Erin Werner
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Appendix D: ACT Prescription/OTC Drug Authorization Form
1.0 Policy Statement

The Agency for Community Transit (ACT) is dedicated to providing safe and dependable transportation services to our passengers. It is our goal to provide a healthy, satisfying work environment which enables employees to perform all work-related duties in a safe manner. In meeting these goals, it is our policy to:

1. Assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner;
2. Create a workplace environment free from the adverse effects of drug abuse and alcohol misuse;
3. Prohibit the unlawful manufacture, distribution, dispensing, possession or use of controlled substances; and
4. To encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

This drug and alcohol prevention policy, as supplemented by the drug and alcohol program requirements of the Federal Transit Administration (FTA), has been adopted and confirmed as the Drug and Alcohol Prevention Program by the ACT Board of Directors and the Madison County Mass Transit District (MCT) Board of Trustees.

Questions regarding the Drug and Alcohol Prevention program should be directed to the Drug and Alcohol Program Manager, Rhonda Webel, (618) 797-4600.

2.0 Purpose

The purpose of this policy is to assure worker fitness for duty and to protect our employees, passengers and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. This policy is also intended to comply with all applicable federal regulations governing workplace anti-drug and alcohol programs in the transit industry. The FTA has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions and prohibits performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (DOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. In addition, the Federal Government published 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA. This policy is based largely on the federal requirements. However, ACT policy differs from the federal requirements in the selected instances described below:

1. While federal regulations dictate that all employees defined as "safety-sensitive" are subject to drug and alcohol testing, ACT expands testing coverage to include all employees of the agency. Those job classifications that do not fit the safety-sensitive category are considered "non-safety sensitive" for this purpose. Employees categorized as non-safety sensitive under the local policy are administered as a separate pool of employees for the drug/alcohol testing purposes.
2. The FTA mandates that employees transferring to a safety sensitive position are required to submit to a pre-employment drug test. However, employees transferring to a non-safety sensitive position are not required to submit to a drug test.

3.0 Applicability

This policy applies to all employees, paid part-time employees, volunteers and contractors when they are on transit property or when performing any transit-related business. This policy applies to any of the aforementioned who is scheduled to return to work after off-site lunch periods or breaks.

Employees who perform "safety-sensitive functions" for ACT, as defined in the FTA regulations (49 CFR Part 655), are subject to random drug and alcohol testing and other special requirements set forth in this policy. For the purpose of this policy, "safety-sensitive" shall refer to the FTA's definition of "safety-sensitive." Generally, a safety-sensitive function occurs when an employee is performing, ready to perform or immediately available to perform any duty related to safe operation of mass transit services. The following are safety-sensitive functions:

(1) Operation of a revenue service vehicle, whether or not such vehicle is in revenue service.
(2) Controlling dispatch or movement of a revenue service vehicle.
(3) Maintaining revenue service vehicles or equipment used in revenue service.
(4) Operating a non-revenue service vehicle when required to be operated by a holder of a CDL.
(5) Carrying a firearm for security purposes.
(6) Supervising, where the supervisor performs any function listed in items 1-5 above.

ACT has reviewed the actual duties performed by employees in all job classifications to determine which employees perform safety-sensitive functions and has determined which job functions may require the performance of safety-sensitive duties. An analysis will be performed if any new job classifications are developed to determine if the new job classifications should be considered safety-sensitive. Those job classifications which are not safety-sensitive shall be referred to as "non-safety sensitive." For the purpose of this policy, when both safety-sensitive and non-safety sensitive positions are considered together, they shall be referred to simply as "employees."

A list of ACT positions and their respective classifications is included in Appendix B.

4.0 Commitment to Education, Training and Rehabilitation

ACT believes that all employees should be well informed regarding the dangers of drug and/or alcohol misuse in the workplace. Moreover, any employee who does have a problem with drugs and/or alcohol should have an opportunity for rehabilitation. The following guidelines are designed to address these issues:

(1) Upon commencement of employment, ACT will provide training on the effects of drugs and alcohol in the workplace. The training will include handout material
describing each prohibited drug tested, how and why testing is performed, recognizing signs and symptoms, and where to get help. In addition, each employee will view training videos on the hazardous effects of working under the influence of drugs or alcohol.

(2) ACT will provide ongoing information and training for employees and supervisors regarding the detrimental effects of the abuse of drugs and/or alcohol.

(3) Supervisors will receive formal training on a recurring basis to ensure they are capable of recognizing the tangible signs of drug and/or alcohol misuse by employees and of responding in an appropriate manner when an instance of potential drug and/or alcohol misuse is observed.

(4) Resource information will be furnished to employees and supervisors to assist them in locating professional help and/or referral for the treatment of chemical dependency or substance abuse.

5.0 Proper Application of the Policy

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

6.0 Confidentiality

ACT affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process. Laboratory reports or test results shall not appear in an employee’s general personnel file. Information of this nature will be contained in a separate confidential medical folder that will be kept under the control of the Human Resources Manager. Test results may be released only when required by regulation or when the employee provides specific written consent. The reports or test results may only be disclosed without an employee’s consent when:

1. The information is compelled by law or by judicial or administrative process;
2. The information has been placed at issue in a formal dispute between the employee and employer.

Employees must sign a separate release every time substance testing information is to be disclosed. The employee must sign a release any time information is to be released to the employee, union representatives, subsequent employers, or to any other third party designated by the employee.
7.0 Illegal Use of Controlled Substances or Drugs

Illegally used controlled substances include any drug not approved for medical use by the U.S. Drug Enforcement Administration (DEA) or the U.S. Food and Drug Administration (FDA). Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.

8.0 Over-the-Counter/Prescription Drugs

All employees are responsible for reporting fit and ready to work when scheduled.

The appropriate use of legally prescribed drugs and over-the-counter (OTC) medications is not prohibited. However, under the authority of ACT, any employee who is engaged in a safety-sensitive function or operates machinery, and uses any substance which carries a warning label that indicates that mental functions, motor skills, or judgment may adversely affect the employee's ability to perform all the duties of the job in a safe manner must notify the ACT Program Manager before performing work-related duties. Additionally, any employee using a prescription medication or an OTC drug as outlined on the back page of the Prescription/OTC Drug Authorization Form (see Appendix D) is required to have the form completed and submitted to the Program Manager. All information will be kept in strict confidence. The Program Manager reserves the right to verify that the use of medication will not impair the employee's ability to safely, properly and effectively perform his/her duties.

A legally prescribed drug means that the individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. Any employee found to have the presence of a controlled substance in the body must provide, at the time of the interview with the Medical Review Officer (MRO), a valid prescription. A valid prescription includes the patient's name, the name of the substance, quantity/amount to be taken, and the time period of the authorization. The MRO has the discretion to allow up to five days before verifying the test result.

Any employee found to be using a prescription/OTC medication without notifying the ACT Program Manager may be removed from service without pay and charged an unscheduled absence until it is determined that the use of such prescription medication/OTC drug will not impair the employee's ability to safely perform his/her duties. Failure to report conditions that would inhibit or impact the employee’s ability to perform the job duties as required could result in disciplinary action up to and including termination.

9.0 Alcohol

9.1 Adverse Effects

It is recognized that alcohol is a legal, socially acceptable drug when consumed in moderation. However, when consumed primarily for its physical and mood-altering effects, it is a substance that is subject to abuse. As a depressant, it slows physical responses and progressively impairs mental functions, including the ability to safely operate a motorized vehicle or machinery. The chronic consumption of alcohol over time may result in critical
health issues, including dependency, fatal liver diseases, ulcers, and increased possibility of cancers. Slurred speech, poor coordination, inability to walk straight, rapid eye movement, impaired attention or memory, stupor or coma are all signs of alcohol use and problems.

If an alcohol problem is suspected a supervisor or the Designated Employer Representative (DER) must be contacted.

9.2 Consumption of Alcohol

The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy or any other substance such that alcohol is present in the body while performing transit business is prohibited. The concentration of alcohol is expressed in terms of grams of alcohol per 210 liter of breath as measured by a breath-testing device.

FTA regulations prohibit employees having an alcohol concentration of 0.04 or greater from performing or continuing to perform safety-sensitive duties. Employees with a confirmed alcohol test result of 0.04 or greater shall be removed from duty, provided educational material, provided contact information for DOT-qualified Substance Abuse Professionals (SAPs), and terminated.

No employee shall use alcohol while performing safety-sensitive functions, within four (4) hours of reporting for duty, during the hours that they are on call to perform safety sensitive duties, or for eight (8) hours following an accident.

Safety-sensitive employees who are on call shall have the opportunity to acknowledge the use of alcohol at the time he/she is called to report to duty. Employees acknowledging the use of alcohol, but claiming to have the ability to perform safety-sensitive functions shall take an alcohol test and obtain a confirmation rate below 0.02 before performing such duties. Should the employee be found to have an alcohol concentration of 0.02 or greater but less than 0.04, he/she shall not be permitted to perform safety-sensitive functions until:

(1) The employee’s alcohol concentration measures less than 0.02; or
(2) The start of the employee’s next regularly scheduled duty period, but not less than eight hours following administration of the test.

Under ACT’s own authority, no employee shall consume alcohol while in uniform.

10.0 Prohibited Conduct

10.1 Manufacture, Trafficking, Possession and Use

All employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of prohibited substances on transit authority owned or operated property, in uniform, or while on transit authority business. Employees who violate this provision will be terminated. Law enforcement shall be notified, as appropriate, when criminal activity is suspected.

10.2 Reporting to Work Intoxicated/Under the Influence

Any employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty shall be suspended from job duties
pending an investigation and verification of condition. Employees who fail to pass a drug or alcohol test or refuse to submit to testing shall be immediately removed from duty, provided with educational material, referred to an SAP, and terminated. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended. See Appendix C.

10.3 Refusing to Comply with Testing Requirements

Safety-sensitive employees will be subject to urine drug testing and breath alcohol testing as a condition of employment. Additionally, under its own authority, ACT requires non-safety sensitive employees to undergo urine drug testing as well. Any applicant/employee who refuses to comply with a request for testing shall be removed from duty, provided with contact information for DOT-qualified SAPs, and terminated. The following behaviors constitute a refusal to submit to a test:

1. Failure to provide a breath or urine specimen (verbal refusal or physical absence);
2. Provide insufficient quantities of breath or urine without a valid medical explanation;
3. Admit to collector or MRO that you adulterated or substituted a specimen;
4. MRO-verified adulterated or substituted test result;
5. Not reporting to the collection site in the time allotted;
6. Leaving the scene of an accident without valid reason before the tests have been conducted;
7. Failure to sign Step 2 of the required testing form for breath collection;
8. Failure to remain at testing site until testing process is complete;
9. Failure to permit an observed or monitored collection with instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process when required:
10. Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
11. Failure to take a second test when required;
12. Failure to undergo a medical examination when required;
13. Failure to cooperate with any part of the testing process.

For pre-employment tests only: failure to appear, aborting the collection before the test commences, or failure to remain at site prior to commencement of test, are NOT test refusals.

11.0 Notifying ACT of Criminal Drug Conviction

In accordance with the Drug Free Work Place Act of 1988, all employees are required to notify their supervisor, or in their absence the Human Resources Manager, in writing of any criminal drug statute conviction or a violation within five working days after such conviction or violation.
12.0 Voluntary Treatment

ACT encourages employees to seek treatment voluntarily. Any employee who comes forth and notifies ACT of an alcohol or chemical abuse problem will be provided assistance. This assistance will include a listing of agencies designed to provide rehabilitative services at the employee’s expense. Payment for treatment will be coordinated through the employee’s health insurance provider. Employees who do not have health insurance coverage are responsible for the entire cost of any recommended treatment or rehabilitation services. Employees are encouraged, but not mandated, to follow a counselor’s recommended treatment plan. An appropriate leave of absence may be granted for treatment and rehabilitation.

Voluntary requests for treatment must be made prior to any pending drug/alcohol test or disciplinary action. Employees will not be disciplined for requesting treatment, but will be expected to observe job performance standards and work rules as they apply to every employee. Any decision to seek help through ACT will not interfere with an employee’s eligibility for promotional opportunities. Confidentiality of information will be maintained at all times.

13.0 Testing Procedures

All employees shall be subject to drug testing prior to employment, for reasonable suspicion, random, and following an accident as defined in Section 15 of this policy. All employees are required to submit to drug and alcohol tests as a condition of employment. Per company policy, any employee who tests positive for drugs and/or alcohol or refuses to test will be referred to an SAP and terminated.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities that have been approved by the U. S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended. All Non-DOT tests will be performed on Non-DOT forms and their actual practices may mirror DOT’s protocols.

13.1 Drug Testing

Drug tests can be conducted at any time the employee is on duty. The drugs that will be tested include marijuana, cocaine, opiates (to include heroin marker), amphetamines (to include MDMA also known as Ecstasy), and phencyclidine as indicated in Appendix C. An initial drug screen will be conducted on each urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. In instances where there is reason to believe an employee is abusing a substance other than the five drug categories listed above, apart from FTA regulations, ACT reserves the right to test for additional drugs under ACT’s own authority, using standard laboratory testing protocols, on urine samples collected separately from the DOT sample.
All drug testing laboratory results will only be released to and reviewed by a qualified MRO in order to verify and validate test results. The MRO will release findings only to a DER. An MRO shall be a licensed physician who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result. Before verifying that an employee has a positive test result, the MRO is responsible for contacting any such employee, on a direct and confidential basis, to determine whether the employee wishes to discuss the test or present a legitimate explanation for the positive result. An MRO staff person may make the initial contact, but they are prohibited from gathering medical information. If, after reasonable efforts, the MRO is unable to reach the employee directly, the MRO may contact ACT's DER for assistance in contacting the employee. ACT's DER will take maximum precautions to preserve the confidentiality to the MRO contact.

If, after making all diligent and reasonable efforts, neither the MRO nor ACT's DER is able to contact the employee within 10 days of the date the MRO received the confirmed positive test result from the laboratory, the MRO may verify the test result as positive. The MRO may also verify the test result as positive if the employee does not contact the MRO within seventy-two hours of being contacted by ACT's DER or the employee expressly declines the opportunity to discuss the test result. The MRO may reopen the verification of a positive test if the employee presents documentation of serious injury or illness or other circumstances that unavoidably prevented the employee from being contacted within the designated time period, and if the employee then presents a legitimate (in the MRO's opinion) explanation for the positive test, the MRO shall declare the test to be negative.

The MRO will review and interpret an individual's medical history (including any medical records and biomedical information provided), affording the individual an opportunity to discuss the test result, and will then decide whether there is a legitimate medical explanation for the result, including legally prescribed medication.

The MRO can declare a test invalid or canceled based on the regulations specified in 49 CFR Part 40, as amended. A canceled/invalid test is considered neither a positive nor a negative test. An example of a canceled test is a urine sample being rejected by the laboratory. The MRO shall cancel the test and report the cancellation and the reasons for it to the FTA, employer and employee.

13.1a Dilute Result Re-Testing

A negative dilute test result will require the employee/applicant to take another non-observed test (unless there is another basis for use of direct observation); minimum possible notice will be given that he/she will be going to the collection site. If directed to take another drug test, the result of the second test—not that of the original test—becomes the test on record. If the second test is also negative and dilute, the test will be accepted as negative. If an employee/applicant declines to take another test for the purposes of regulations, the employee will be considered to have refused the test and employment will be terminated.
A positive dilute test result is treated as a positive test and is subject to the guidelines as outlined in 13.1 Drug Testing. An employee/applicant will not be eligible for a second test.

13.2 Alcohol Testing

Alcohol tests can be conducted just before, during, or after performing safety-sensitive duties. Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath-testing device (EBT) operated by a trained breath alcohol technician (BAT). All breath alcohol test results will be reported only by an MRO or BAT to a DER. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test.

An alcohol concentration of 0.04 or greater will be considered in violation of this policy and a violation of the requirements set forth in 49 CFR Part 655. Any employee that has a confirmed alcohol test of 0.04 or greater will be removed from duty immediately, provided educational material, referred to a SAP and terminated. Management will assist in making arrangement to transport an employee home as needed.

14.0 Split Specimen Testing

Any employee who questions the results of a required drug test under Section 15 of this policy may request that an additional test be conducted. This test must be conducted at a different DHHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee’s request for a split sample test must be made to the MRO within 72 hours of notice of the original sample verified test result. ACT may request reimbursement for the cost of the split-specimen analysis.

Requests after 72 hours will only be accepted if the delay was due to facts that were beyond the control of the employee.

15.0 Types of Testing

ACT drug/alcohol testing procedures incorporate all requirements defined by Federal regulations to ensure employee confidentiality, the integrity of the testing process, proper safeguarding of the validity of test results, and attribution of test results to the correct employee. The following tests, with the exception of Non-DOT Return to Duty testing, are required of all safety-sensitive employees consistent with the Omnibus Transportation Employee Testing Act of 1991. Employees categorized as non-safety sensitive under the local policy are administered as a separate pool of employees for the drug/alcohol testing purposes.
(1) Pre-Employment
(2) Non-DOT Return to Duty
(3) Reasonable suspicion
(4) Post-Accident
(5) Random

15.1 Pre-Employment Testing

All applicants for safety-sensitive positions shall undergo urine drug testing immediately following the offer of employment or transfer into a safety-sensitive position. Additionally, under its own authority, ACT requires applicants for non-safety sensitive positions to undergo urine drug testing immediately following the offer of employment. Receipt by ACT of a negative drug test result is required prior to employment.

Should a safety-sensitive employee be unavailable to perform job duties for a period of ninety (90) days or more and removed from the random selection pool, the employee will be required to submit to a pre-employment drug screen prior to returning to his/her safety-sensitive job duties. An employee transferring into a safety-sensitive position will be required to submit and pass a pre-employment drug test prior to the transfer.

Applicants/employees will be disqualified from employment if he/she:

(1) Fails to appear for a scheduled examination and sample collection unless excused prior to scheduled exam by ACT for good and verifiable cause;
(2) Declines to, or is unable to, provide a urine sample;
(3) Attempts to alter, taint, or otherwise provide a false sample. Applicants will be provided with contact information for a DOT-qualified SAP; or
(4) Tests positive for the presence of drugs covered by the Omnibus Transportation Employee Testing Act of 1991. Applicants will be provided with contact information for a DOT-qualified SAP.

An applicant/employee who tests positive for the presence of a covered drug in the body may avoid disqualification for employment by establishing clear and convincing evidence that the presence of such drug is the result of the use of medication pursuant to a valid prescription written by a medical practitioner who is familiar with the applicant's medical history and prospective job duties. In this event, the applicant may not begin active duty until it is determined that the use of the medication will not impair the applicant's ability to safely, properly and effectively perform his/her duties.

Applicants who have previously failed or refused a pre-employment drug test under this part must provide proof of having successfully completed a referral, evaluation and treatment plan.

If a pre-employment test is cancelled by the MRO, as outlined in 13.1, ACT requires the applicant/employee take another pre-employment drug test with a verified negative result before performing safety-sensitive duties.
15.2 Non-DOT Return to Duty Testing

Under ACT's own policy authority, not FTA regulation, all employees may be required to submit to drug testing in conjunction with any required physical examination. Required physical examinations may include, but are not limited to, work injuries, an employee's own or family member's medical leave of absence of more than 30 days, or an employee's own medical leave involving an invasive surgery.

15.3 Reasonable Suspicion Testing

All employees may be subject to a fitness-for-duty evaluation, and urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of specific, contemporaneous, and articulating observations concerning appearance, behavior, speech, or body odors of the employee consistent with possible drug use or alcohol misuse. An employee is reasonably suspected of prohibited drug use or alcohol misuse when a trained supervisor(s) or other trained ACT official can:

- Substantiate specific behaviors that may indicate drug use or alcohol misuse.
- Identify job performance problems that may indicate prohibited drug use or alcohol misuse.
- Actually observe physical indications that prohibited drug use or alcohol misuse may be occurring.

A supervisor or other ACT authorized official must make reasonable suspicion referrals. To make reasonable suspicion determinations, supervisors must be trained on the facts, circumstances, physical evidence, physical signs and symptoms, or patterns of performance and/or behaviors associated with drug use and/or alcohol misuse. One supervisor will complete ACT's "Reasonable Suspicion" form, but two or more trained supervisors may participate in the reasonable suspicion determination process.

The drug and/or alcohol test will be conducted immediately upon determination of sufficient cause for testing, whether prior to, during or immediately after the employee has performed safety-sensitive duties.

15.4 Post-Accident Testing

All employees will be required to undergo a urine drug test and breath alcohol test if they are involved in an accident with an ACT transit vehicle (regardless of whether or not the vehicle is in revenue service). An accident is defined as an occurrence associated with the operation of a revenue service vehicle that results:

(1) in a fatality;
(2) in injuries requiring immediate transportation to a medical treatment facility and the employee could not be completely discounted as a contributing factor;
(3) one or more vehicles incur disabling damage that requires towing from the site and the employee could not be completely discounted as a contributing factor.

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

Employees that are on duty in the vehicle and whose performance could have contributed to the accident will be tested. ACT, under its own authority, considers events resulting from movements not consistent with normal maneuvering of the vehicle to meet its own post-accident testing criteria. Example: If an individual falls on a vehicle and needs to be transported to a hospital, then an accident has occurred and a Non-DOT Post-Accident test is required unless the employee can be completely discounted as a contributing factor to the accident. It is the responsibility of the investigating supervisor to make such determination using the best information available at the time and then documenting as such. Any post-accident tests that do not meet the FTA threshold will be performed on Non-DOT forms under ACT’s own authority. This definition only applies to non-fatal accidents. Fatal accidents will result in employees being tested as outlined below.

Following an accident, all employees operating the mass transit vehicle and all other employees whose performance could have contributed to the accident will be required to submit to a drug and alcohol test. Post-Accident testing is stayed while an employee assists in resolution of the accident or receives medical attention following the accident. However, employees must remain readily available no later than eight (8) hours after the accident for alcohol testing and thirty-two (32) hours after the accident for drug testing.

If an alcohol test is not administered within two (2) hours following the accident, the responding supervisor must document the reason the test was not performed and continue attempts to administer the test. If the alcohol test is not administered within 8 hours and/or the drug test is not administered within 32 hours following the accident, attempts to administer an alcohol/drug test will cease and the supervisor will document the circumstance surrounding the missed test.

However, any employee who under the above circumstance fails to remain available for drug and alcohol testing (including notifying ACT of his/her location), or who otherwise leaves the scene of the accident without appropriate authorization prior to drug and alcohol testing, will be considered to have “refused to test.”

An employee involved in an accident must not use alcohol until after the employee undergoes alcohol testing or eight hours have elapsed, whichever comes first.

49 CFR Part 40 allows ACT to acquire post-accident test results obtained by Federal, State, or local law enforcement personnel in instances where ACT is unavailable to perform post-accident testing. The results of a blood, urine or breath test for the use of prohibited drugs and alcohol misuse, conducted by Federal, State or local officials having independent authority for the test shall be considered to meet the FTA requirements provided such tests conform to the applicable Federal, State or local testing requirements and that the test results are obtained by ACT.

15.5 Random Testing

In accordance with 49 CFR Part 655, employees will be subjected to random, unannounced testing. However, in order to maintain a separation between federally mandated and locally
directed testing programs, the ACT workforce is divided into two distinct groups for testing: one containing all safety-sensitive employees covered by the Federal mandate and a second containing non-safety sensitive employees covered by local policy.

There is no discretion as to who is selected for testing. The selection of safety-sensitive and non-safety employees for random drug and alcohol testing will be made using a scientifically-valid method that ensures each employee that he/she will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread reasonably (all days and all times of the day when safety-sensitive functions are performed) throughout the year. The FTA determines the minimum testing percentages annually. Safety and non-safety sensitive employees will be placed in separate common selection pools. Each employee will be matched with a unique random selection number. Through the use of a computer-based random number generation program, the required number of persons will be selected for each testing cycle throughout the year. All employees will remain in the random selection pools at all times throughout the year regardless of whether or not they have been previously selected. Employees who are not scheduled to work and are not available for testing during the testing period will be removed from the random pool prior to the actual random selection. ACT's DER will access the selection pool numbers. The test may be completed prior to, during or after the employee's work shift. The employee will be immediately escorted to the medical facility for the test. As soon as the urine specimen is collected or breath test is completed, the employee will be required to return to work their remaining scheduled shift, unless the breath test is not negative.

16.0 Compensation for Testing

ACT will pay for the costs of the test administration. ACT will compensate an employee for the time involved in completing drug or alcohol testing under the following circumstances:

Employees selected for random drug testing will be compensated from the time they are notified of their selection to be tested, until such time as they are released from the collection site. Compensated time is not to exceed three hours.

Employees required to undergo reasonable suspicion and/or post-accident drug testing will be compensated for their regularly scheduled work hours from the time of such testing until negative results are received and reviewed by the DER. Upon receipt of "negative" test results, ACT management will contact the employee and give them a reasonable time to report for duty.

In the case of alcohol testing, the employee will be paid from the time they report to the appropriate office until they have completed the test.

Time off and medical costs associated with the collecting of explanation for shy bladder or lung will not be compensated.
17.0 Consequences of a Positive Test or Other Policy Violation

Specific disciplinary actions are outlined as the consequence of testing positive for drug and/or alcohol use and other violations of this policy. These actions are described as follows:

**Alcohol**

(1) Should an employee be found to have an alcohol concentration of 0.02 or greater but less than 0.04, he/she shall not be permitted to perform safety-sensitive functions until:
   - A. The employee’s alcohol concentration measures less than 0.02; or
   - B. The start of the employee’s next regularly scheduled duty period, but not less than eight hours following administration of the test.

(2) An employee will be terminated if any of the following conditions exists:
   - A. Confirmation of test measured at 0.04 or above for the misuse of alcohol.
   - B. Refusal to submit to test as outlined in Section 10.3.

**Illegal Drugs**

An employee will be terminated if any of the following conditions exists:

   - B. Refusing to submit to drug testing, as outlined in Section 10.3.
   - C. Attempting to tamper with drug test.
   - D. Testing dilute positive for drugs covered under Federal law, as outlined in Section 13.
   - E. Failure to notify his/her supervisor within five (5) calendar days of any conviction of a drug crime.

Upon a positive test result, an employee/applicant will be immediately removed from duty and provided with contact information of DOT-qualified SAPs.
Appendix A

Contact Names and Numbers

Any questions regarding the ACT substance abuse program should be addressed to the following transit system representatives or their successor:

Drug and Alcohol Program Manager
And Designated Employer Representative:
Rhonda Webel
Human Resources Manager
618/797-4600
Building #1 Administrative Offices
One Transit Way
Granite City, IL 62040

Medical Review Officer:
First Advantage
Dr. Stuart Hoffman
800/809-1012
480 Quadrangle Dr.
Ste. A
Bolingbrook, IL 60440

Designated Employer Representative:
Jerry Kane
Executive Director
618/797-4600
Building #1 Administrative Offices
One Transit Way
Granite City, IL 62040

Substance Abuse Professional:
Mr. Bob Turck
618/798-3667
2044 Madison Ave.
Suite 28
Granite City, IL 62040

OR

Mr. John Darr
618/234-5976
#6 Emerald Terrace
Swansea, IL 62226

ACT Road Supervisors:
Gary VanJelgerhuis
Charles Cannon
Paul Mathenia
618/797-4600
Building #2 Dispatch Office
One Transit Way
Granite City, IL 62040

Bryan Webb
Ed Sims
Stacey Britton

Dave Bowman

A complete copy of regulation 49 CFR Part 655 and Part 40, as amended, is available for review in each Dispatch office, the office of the Human Resources Manager or at http://www.dot.gov.

Questions regarding substance abuse not directly related to the ACT policy may be directed to the following crisis hotline:

Drug Abuse 24 Hour Access Crisis Line & Treatment 800/234-0286
Appendix B
Agency for Community Transit
Job Classification Listing

Safety-Sensitive Positions

Apprentice Bus Fueler
Apprentice Bus Mechanic
Assistant Night Supervisor
Automotive Body Technician
Building Maintenance Tech
Bus Detailer
Bus Driver
Bus Fueler
Bus Servicer
Director of Operations
Dispatcher
Driver Trainer
Fleet Manager
Groundskeeper Crew Leader
Grounds Supervisor
Manager of Fixed Route Operations
Manager of Paratransit Operations
Mechanic

Night Supervisor
Operations Supervisor
Road Supervisor
Shop Foreman

Non Safety-Sensitive Positions

Accountant
Accounting Associate
Administrative Assistant
Bus Cleaner
Commute Service Representative
Custodian
Director of Accounting
Director of Administration
Director of Marketing and Planning
Director of Management Information Systems
Education Coordinator
Executive Director
Fleet Maint. Database Coordinator
GIS Specialist

GIS Technician
Graphic/Web Designer
Groundskeeper
Intern
Manager of Human Resources
Maintenance Clerk
Marketing & Outreach/Vanpool
Network Administrator
Parts Technician
Procurement Specialist
Programmer
Receptionist
On Board Video Reviewer
Supervisor of Planning and Scheduling
Vanpool Service Coordinator
**Appendix C**

**Minimum Drug Threshold Testing**

<table>
<thead>
<tr>
<th>Drug Metabolite</th>
<th>Initial Cutoff Levels</th>
<th>Confirmation Cutoff Levels</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana Metabolite (1)</td>
<td>50 ng/ml</td>
<td>15 ng/ml</td>
</tr>
<tr>
<td>Cocaine Metabolite (2)</td>
<td>150 ng/ml</td>
<td>100 ng/ml</td>
</tr>
<tr>
<td>Opiate metabolites</td>
<td>2000 ng/ml</td>
<td>2000 ng/ml</td>
</tr>
<tr>
<td>Morphine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Codeine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-Acetylmorphine</td>
<td>10 ng/ml</td>
<td>10 ng/ml</td>
</tr>
<tr>
<td>Phencyclidine (PCP)</td>
<td>25 ng/ml</td>
<td>25 ng/ml</td>
</tr>
<tr>
<td>Amphetamines</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Methamphetamine (3)</td>
<td>250 ng/ml</td>
<td>250 ng/ml</td>
</tr>
<tr>
<td>MDMA (4)</td>
<td>500 ng/ml</td>
<td>250 ng/ml</td>
</tr>
<tr>
<td>MDA (5)</td>
<td>250 ng/ml</td>
<td></td>
</tr>
<tr>
<td>MDEA (6)</td>
<td>250 ng/ml</td>
<td></td>
</tr>
</tbody>
</table>

(1) Delta 9-tetrahydrocannabinol-9 carboxylic acid;
(2) Benzoylecgonine;
(3) Specimen must also include amphetamine at a concentration greater than or equal to 100 ng/ml and Methamphetamine is the target for testing.
(4) Methylenedioxymethamphetamine (MDMA)
(5) Methylenedioxyamphetamine (MDA)
(6) Methylenedioxyethylamphetamine (MDEA)

Employees should note that thresholds are subject to change due to DOT requirements. Effort will be made to keep employees abreast of changes; however, it is the employee’s responsibility to keep abreast of changes. Information regarding the thresholds may be obtained by reviewing the drug & alcohol regulations available at most public libraries or via the Internet at [http://www.dot.gov](http://www.dot.gov).
Appendix D
Agency for Community Transit
Prescription/Over-the-Counter Drug Authorization Form

Any ACT employee in a Safety-Sensitive position or operating machinery must notify his/her supervisor when taking any medication which may interfere with the safe and effective performance of his/her duties including operation of equipment, or which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected.

I. TO BE COMPLETED BY EMPLOYEE
I hereby authorize the Agency for Community Transit to obtain information from my physician about the medications listed below. I understand that it is my obligation to inform ACT of any medication I intend to take for review and determination of my eligibility for work.

Employee’s Signature  Date

II. TO BE COMPLETED BY PHYSICIAN
Please complete this form so your patient can work in his/her position. By signing below, you are acknowledging that you are aware of this employee’s job requirements and day-to-day responsibilities, and that the newly prescribed medication(s) or OTC(s) in conjunction with medication(s) or OTC(s) currently being taken will not impair performance or endanger the safety of this individual, coworkers, ACT customers, or the public. Please indicate below what, if any, restrictions should be placed upon the time between when a medication is taken and the time that an individual can safely and effectively perform his/her job duties. A Prescription Drug Class list is on the back of this form. It is not meant to be exhaustive and is subject to change.

New Prescription/OTC being prescribed:

<table>
<thead>
<tr>
<th>Name of Drug</th>
<th>Dosage</th>
<th>#of Pills/Refills</th>
<th>Date Approval Expires</th>
<th>Restrictions/ Instructions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

1. I have reviewed the above named ACT employee's medical records and am familiar with the employee’s job duties. In my opinion, this patient’s condition and the medication(s) listed above will not interfere with his/her ability to safely perform those job duties.

Comments:

2. This individual is currently under my medical supervision and was last seen on _____________ and will be re-evaluated on ________________.

Signed ___________________________ Dated ___________________________

Please Print: Physician Name ___________________________

Address ___________________________

Phone Number ___________________________
MEDICATION LIST

DRUGS WHICH NEED NOT BE REPORTED:
The following drugs do not need to be reported unless known by ACT or employee to cause problems, or if directed by physician. This list is not meant to be inclusive and is subject to change.

**Antibiotics**
- All

**Allergy, Asthma & Decongestants**
- Alphapred

**Birth Control Pills**
- Brethaire

**Dental**
- Ipratropium Inhaler

**Lidocaine**
- Xylocaine

**Nasal**
- Xylometazoline

**Immunizations**
- PPA-GG-LA

**Topical Agents (Lotions, Creams etc.)**
- Terbutaline Inhaler

**Vitamin**
- All

**Analgesics**
- All

**Antineoplastics**
- All

**Antihypertensives**
- All

**Antipsychotics**
- All

**Antispasmodics**
- All

**Anticonvulsants**
- All

**Asthma & Pulmonary**
- All

**Creation Agents**
- All

**Dietary Supplementation**
- All

**Endocrine**
- All

**Immunosuppressants**
- All

**Miscellaneous**
- All

**Muscle Relaxants**
- All

**Neuroleptics**
- All

**Narcotics**
- All

**Ophthalmic**
- All

**Opthalmics**
- All

**Peripheral Vasoconstrictors**
- All

**Thyroid**
- All

**Urologic**
- All

**Vasodilators**
- All

**Vasopressors**
- All

**Vitamins & Minerals**
- All

**Zinc**
- All

MANDATORY REPORTABLE DRUGS WITH RESTRICTIONS: All drugs not listed above must be reported, whether taken alone or in combination with other drugs. Drugs which may require restrictions, with typical constraints, include but are not limited to the following. Listed below are the DRUG, the CONSTRAINT (the time between when you can take the medication and perform your safety-sensitive job), and the RENEWAL TIME (how long the prescription would typically last). Effects of other medications or alcohol may alter stated constraints. Your doctor's recommendations may differ based on your circumstances.

- **Anivert**: 24 hrs - 1 mo.
- **Atarax**: 8 hrs - 1 mo.
- **Benedryl**: 6 hrs - 8 mos.
- **Codiene**: 6 hrs - 1 mo.
- **Compazine**: 8 hrs - 1 mo.
- **Darvocet**: 8 hrs - 1 mo.
- **Darvon**: 6 hrs - 1 mo.
- **Demerol**: 6 hrs - 1 mo.
- **Dimetane**: 8 hrs - 1 mo.
- **Empirin w/codeine**: 6 hrs - 1 mo.
- **Equagesic/Meprobamate**: 8 hrs - 1 mo.
- **Flexeril**: 8 hrs - 1 mo.
- **Hydrocodone**: 6 hr - 1 mo.
- **Hyphen**: 8 hrs - 1 mo.
- **Lavain**: 12 hrs - 1 yr.
- **Lioresal**: 8 hrs - 1 mo.
- **Loratadine**: 6 hrs - 1 mo.
- **Lortab**: 8 hrs - 1 mo.
- **Mepedrine**: 8 hrs - 1 mo.
- **Mepergan**: 8 hrs - 1 mo.
- **Meprobamate**: 8 hrs - 1 mo.
- **Morphine**: 8 hrs - 1 mo.
- **Naldecon**: 6 hrs - 1 mo.
- **Norgesic/Norgesic Forte**: 8 hrs - 3 mo.
- **Parafon/Parafon Forte**: 8 hrs - 3 mos.
- **Percocet/Percodan**: 6 hrs - 1 mo.
- **Phenergan**: 8 hrs - 1 mo.
- **Phenergan w/codeine**: 8 hrs - 1 mo.
- **Promethazine**: 8 hrs - 1 mo.
- **Promazine**: 8 hrs - 1 mo.
- **Rufutus/Rufutus w/codeine**: 8 hrs - 1 mo.
- **Stadol**: 8 hrs - 1 mo.
- **Talwin**: 8 hrs - 1 mo.
- **Tigress**: 8 hrs - 1 mo.
- **Torenac**: 8 hrs - 1 mo.
- **Tylanol**: 8 hrs - 1 mo.
- **Tylox**: 8 hrs - 1 mo.
- **Valium**: 48 hrs - 1 mo.
- **Vicodin**: 8 hrs - 1 mo.
- **Vistaril**: 8 hrs - 1 mo.
- **Wygesic**: 8 hrs - 1 mo.
To: Board of Trustees
From: Jerry Kane, Managing Director
       SJ Morrison, Director of Marketing and Planning
       Joe Domer, Manager of Planning and Scheduling
Subject: Temporary Fare Modification for "Same Route" Transfers
Date: November 13, 2015

SUMMARY
As part of Madison County Transit’s (MCT) upcoming fare adjustments at the January 10, 2016 service change, Planning and Operations staff recommend a temporary exception to the rules of the 2-Hour Zone Pass for two unique situations.

BACKGROUND
MCT is eliminating transfers and upgrades and developing new fare products, concurrent with the implementation of a new Automated Fare Collection System (AFCS) in coming weeks. Planning and Operations staff have identified two unique situations where the forthcoming AFCS system fails to meet MCT’s needs. Those situations are:

1. Passengers traveling the #5 Tri-City Regional wanting to continue travel north or south of Granite City Station.
2. Passengers traveling locally from east Collinsville to west Collinsville, or vice versa, through Collinsville Station on the #15 Collinsville Shuttle.

In both instances, MCT has previously split a single route into two segments for operational efficiencies. To facilitate seamless “same route” transfers from one segment of the route to another, MCT issued free local transfers. Since MCT will no longer issue transfers, passengers will be forced to pay twice when riding the same route.

PROPOSAL
At the January 2016 Service Change, utilize the AFCS to issue a 2-Hour Zone Pass (Pass) on the #5 and the #15 for seamless transfers. This would be a temporary practice until a permanent solution is implemented in May 2016.

• The menu item, “Temp 2-Hour Zone Pass” will be added to the “MCT Pass” category of the Driver Control Unit.
• Pass will be valid for multi-directional travel for 2-hours within the zone it was issued.
• Pass will only be valid on the same route it was issued to facilitate the #5 to #5 or #15 to #15 transfer.
• Pass will be issued for free with cash fares, validated Metrolink tickets and Metro transfers.
• When printed, the AFCS will record that this Pass was issued, but it will not create a boarding event.
• A boarding event will be created when it is scanned on the second vehicle.
• When the May Service change breaks the #5 and #15 into separate routes, this practice of issuing a free pass will be eliminated.

At the May 2016 Service Change, break the #5 Tri-City Regional into two separate routes and break the #15 Collinsville Shuttle into two separate routes.