

REGIONAL TRANSPORTATION DISTRICT
RESOLUTION NO. [010](#), SERIES OF 2022
(Delegation of Authority and Competitive Selection)
2022

WHEREAS, the Board of Directors (“Board”) of the Regional Transportation District (“RTD”), in accordance with its Bylaws and the RTD Act, previously delegated certain purchasing and contracting authority to the General Manager in Resolution No. 7, Series of 1990, adopted August 14, 1990, Resolution No.19, Series of 2007, adopted November 20, 2007, and Resolution No. 002, Series of 2022, adopted March 22, 2022;

WHEREAS, the Board additionally delegated budget-transfer authority to the General Manager in a Budget Transfer Policy, adopted February 26, 1985, and Resolution No. 19, Series of 2007, adopted November 20, 2007;

WHEREAS, the Board additionally delegated authority to the General Counsel to settle claims made against the District up to the limits provided in the Colorado Governmental Immunity Act in a Recommended Action, adopted April 21, 2015;

WHEREAS, the Board wishes to update the delegations of purchasing and contracting, budget-transfer, and settlement authority consistent with the Board’s Bylaws, the RTD Act, regulations published by the Federal Transit Administration, and the Board’s historical practices; and

WHEREAS, the Board wishes to update RTD’s competitive-selection requirements for procurements to be consistent with regulations published by the Federal Transit Administration.

NOW, THEREFORE, BE IT RESOLVED:

A. For purposes of this Resolution, "Contract" includes any legally binding agreement or purchase order between RTD and one or more other parties, including but not limited to contracts for goods and/or services; intergovernmental agreements; grant and subrecipient agreements for federal, state, or local funds; real property agreements; and revenue agreements including advertising, naming rights, and in-kind service exchanges. Contracts that are excluded from the delegation of authority in Section B below, regardless of dollar amount ("Exclusions"), are enumerated below to include those for the following services:

- (1) Transit security personnel and special enforcement services, but not including secondary employment police officer services;
- (2) Local, state, and federal lobbying, or legislative liaison services;
- (3) Consultant services for major studies and analyses, that may result in significant modification to the agency's current framework and where the product of the consultant's work will be presented to the Board for approval, adoption, or for consideration in connection with significant agency-wide Board policy decisions;
- (4) Internal or external audit services;
- (5) Any amendments, change orders, or exercise of options to renew or extend any such Exclusions exceeding \$200,000. This \$200,000 limit shall not apply to the exclusions contained in Section A. (2) regarding local, state, and federal lobbying or legislative liaison services; and
- (6) The Board shall approve the Scope of Work for all Exclusions listed in Sections A. (2) through (4) above prior to any solicitation.

B. Within the adopted RTD budget and consistent with the established policies and procedures of RTD, the Board delegates, subject to the Exclusions, to the General Manager the authority and responsibility to approve and execute:

- (1) All purchase requisitions;
- (2) Routine procurements, regardless of amount, for the following operational

needs: electricity; water; natural gas; snow removal; vehicle fuel; engine oil and lubricants; tire leasing and maintenance; parts for buses, rail, and facilities; maintenance and repairs for public, administrative, and maintenance facilities; maintenance and repairs for rail infrastructure; custodial services; bridge inspections; street improvements to move bus stops and improve sidewalk connectivity; printing; insurance premiums; and computer hardware, software, and related support services;

- (3) Contracts resulting from a formal invitation for bids, provided the lowest responsive and responsible bid does not exceed \$2,000,000 and is within the amount budgeted;
- (4) Contracts resulting from a formal request for proposals, provided the most responsive and responsible proposal does not exceed \$2,000,000 and is within the amount budgeted;
- (5) All other Contracts up to \$2,000,000;
- (6) Contract amendments and change orders, as may be necessary from time to time not to exceed a cumulative total of 25% of the original Contract amount, provided such amount does not exceed \$2,000,000. This provision does not apply to amendments, change orders or option exercises for contracts covered by Section A. (6), above; and
- (7) Settlements of claims against RTD up to the limits provided in the Colorado Governmental Immunity Act, C.R.S. § 24-10-114.

C. All Contracts, Contract amendments, and change orders in excess of the amounts set forth above and all Exclusions, shall be submitted to the Board for authorization. After such authorization, the Board delegates to the General Manager the authority and responsibility to execute such Contracts, Contract amendments, and change orders.

D. Consistent with the plans and programs of RTD, including the Small Business Enterprise Plan:

- (1) Purchase requisitions for goods and/or services cumulatively estimated to exceed \$250,000 shall be competitively procured and, where appropriate, formally advertised, with bids and proposals submitted in writing or electronically. Bids and proposals shall be opened, and proposals shall be evaluated, prior to the award of a Contract;
- (2) Purchase requisitions for goods and/or services cumulatively estimated to be less than or equal to \$250,000 may be competitively procured by contacting a minimum of two or more qualified vendors or suppliers, and documenting and evaluating their offers prior to the award of a Contract; and
- (3) Sole-source procurements of more than \$250,000 for goods and/or services other than those described in Section B. (2) shall be allowed only on an exceptional and fully documented basis, and all sole source procurements must meet the circumstances specified in RTD's Procurement Standards Manual.

E. The Board ratifies all Contracts, Contract amendments, and change orders that are negotiated and executed as authorized by this Resolution.

F. The General Manager shall provide a monthly report to the Board of the Contracts executed during the previous month pursuant to this Resolution and shall post the report for access by the public on the agency's website.

G. Transfers of Funds:

- (1) The Board must authorize the transfers of funds between operating expense line items that cumulatively exceed \$1,000,000; the General Manager must authorize any transfers of funds between operating expense line items that cumulatively are less than or equal to \$1,000,000;
- (2) The Board must authorize the transfers of funds between capital projects that cumulatively exceed \$1,000,000; the General Manager must

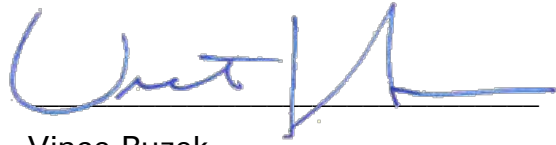
authorize any transfers of funds between capital projects that cumulatively are less than or equal to \$1,000,000; and

(3) The General Manager is authorized to approve transfers of funds among the line items of an individual capital project regardless of dollar amount.

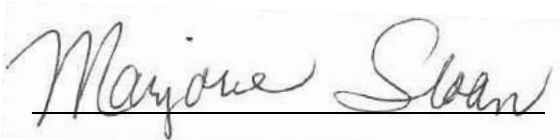
H. The Board authorizes the General Manager to re-delegate in writing any of the authorities granted under this Resolution; however, the General Manager shall retain overall responsibility for the control over all matters conducted under this Resolution.

I. The Board's powers not delegated to the General Manager and CEO are reserved to the Board.

Passed and adopted by the Board of Directors of the Regional Transportation District on the 25th day of October 2022.



Vince Buzek
Chair



Marjorie Sloan
Secretary