



Subject: Approval of a resolution adopting amendments to the ATP Procurement Policy and Procedures.

Fiscal Impact: None.

Executive Summary:

ATP's Procurement Policy and Procedures ("PPP") were last updated July 17, 2024. Since that update, various changes have occurred that require a review and update to the PPP. Notably, on January 16, 2025, an update to the Federal Transit Administration ("FTA") Circular for Third Party Contracting Guidance was issued. The FTA Circular 4220.1G is dated January 17, 2025, and is expected to take effect on March 20, 2025. The recommended changes to the PPP to reflect FTA Circular 4220.1G include: updating references to the FTA Circular, which currently refer to FTA Circular 4220.1F, and amending sections relating to certain requirements, procurement procedures, evaluation procedures, and responsibility determinations.

Similar to FTA Circular 4220.1G, Texas Government Code Chapter 2269, Section 2269.053(a), allows ATP to consider alternative methods to competitive bidding for construction projects where they provide the best value for ATP. These alternate methods include: competitive sealed proposals, construction manager-agent, construction manager-at-risk, design-build, and job order contracting.

Section 2269.056(a) of the Texas Government Code requires that when the ATP Board considers a construction contract using a method authorized by Chapter 2269 of the Texas Government Code other than competitive bidding it must determine which method provides the best value for ATP. As authorized by Section 2269.053 of the Texas Government Code and in accordance with Section 2(b) of the PPP, this resolution delegates the ATP Board's authority under Section 2269.056(a) of the Texas Government Code to the Executive Director in relation to construction projects associated with the Austin Light Rail Implementation Plan.

Procurement Summary: Does not apply.

Disadvantaged Business Enterprise Program Summary: Does not apply.



**RESOLUTION OF THE AUSTIN TRANSIT PARTNERSHIP
BOARD OF DIRECTORS**

STATE OF TEXAS
COUNTY OF TRAVIS

ATP-2025-007
Adoption of amendments to ATP
Procurement Policy and Procedures

WHEREAS, the Austin Transit Partnership (“ATP”) Board of Directors (the “Board”) recognizes the Federal Transit Administration’s (“FTA”) requirement that ATP adopt a written procurement policy that complies with federal, state, and local procurement regulations to be eligible for federal reimbursement of expenses related to contracts procured to assist with the implementation of Austin Light Rail; and

WHEREAS, the Board last updated ATP’s current Procurement Policy and Procedures (“PPP”) on July 17, 2024; and

WHEREAS, on January 16, 2025, the FTA issued Circular 4220.1G (Third Party Contracting Guidance) dated January 17, 2025, to take effect on March 20, 2025, and changes are needed to the PPP to reflect updates in FTA Circular 4220.1G; and

WHEREAS, similar to FTA Circular 4220.1G, Texas Government Code Section 2269.053(a) allows ATP to consider alternative methods to competitive bidding for construction projects where they provide the best value for ATP, including: competitive sealed proposals, construction manager-agent, construction manager-at-risk, design-build, and job order contracting; and

WHEREAS, Section 2269.056(a) of the Texas Government Code requires that when the ATP Board considers a construction contract using a method authorized by Chapter 2269 of the Texas Government Code other than competitive bidding it must determine which method provides the best value for ATP; and



**Austin Transit
Partnership**

WHEREAS, as authorized by Section 2269.053 of the Texas Government Code, this resolution delegates the ATP Board's authority under Section 2269.056(a) of the Texas Government Code to the Executive Director in relation to construction projects associated with the Austin Light Rail Implementation Plan; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of ATP that the amended Procurement Policy and Procedures, substantially in the form attached as Exhibit A to this resolution, are hereby adopted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of ATP that its authority under Section 2269.056(a) of the Texas Government Code is hereby delegated to the Executive Director of ATP in relation to the procurement of construction projects associated with the Austin Light Rail Implementation Plan.

Brandon Carr
Secretary of the Board

Date



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EXHIBIT A