

**City of Phoenix**  
**Public Transit Department | Compliance Section**  
[PTDcompliance@phoenix.gov](mailto:PTDcompliance@phoenix.gov)

**SUBRECIPIENT PRE-AWARD FORM**  
**OTHER THAN FULL AND OPEN COMPETITION**

This form applies to Other Than Full and Open Competition contract pre-awards, where there is: only one source available, an unusual and compelling urgency (public exigency/emergency after a solicitation) or inadequate competition (only one bid received in a competitive process). For either unusual and compelling urgency or inadequate competition, subrecipient should have already conducted a competitive solicitation and submitted pre-solicitation documentation for review and approval by PTD Compliance.

**FORM INSTRUCTIONS**

The City of Phoenix (“City”), acting by and through its Public Transit Department (“PTD”), is the designated recipient of Federal Transit Administration (“FTA”) funds. The City is obligated to ensure that third-party contracts comply with applicable federal, state, and local requirements. Because of these obligations, PTD reviews FTA third-party contracts before approving funding to ensure the costs of third-party procurements comply with federal laws/regulations and the terms of the City’s underlying grant or cooperative agreement.

The purpose of this form is to standardize the third party procurement review process across all subrecipients and procurement methods. Please complete the form, then email all of the required documentation to [PTDcompliance@phoenix.gov](mailto:PTDcompliance@phoenix.gov)

The standard processing time is ten business days to complete the initial review. Failure to complete the form in its entirety and provide all of the information required will result in delays for the City’s review.

Pre-Award Review Sequence	Responsible Party
1. Prior to contract award, send an email to <a href="mailto:PTDcompliance@phoenix.gov">PTDcompliance@phoenix.gov</a> and attach this completed form with all required documentation in one package. Do not copy PTD employees on this email.	Subrecipient
2. Within ten business days of receipt, PTD will conduct a review of the pre-award documentation and supporting documents and provide feedback.	PTD
3. PTD will issue FTA Clauses/Certifications and DBE Clauses/Forms for inclusion in the solicitation.	PTD
4. PTD will provide written approval to proceed with contract award.	PTD
5. Subrecipient will promptly send all required DBE forms received to PTD for review, if applicable.	Subrecipient
<p><b>Reminder:</b> Promptly after contract execution, Subrecipient will send an email to <a href="mailto:PTDcompliance@phoenix.gov">PTDcompliance@phoenix.gov</a> and attach the fully executed contract document.</p>	

## Subrecipient Pre-Award Form – Other Than Full and Open Competition

Subrecipient Name:	Primary Contact Name:
Primary Contact Phone:	Primary Contact Email:
Contract Number:	Contract Title:
Procurement Type:  Other Than Full and Open Competition	Initial Contract Term: _____ years  Option Term: _____ (if applicable)
Aggregate Contract Value: \$	
Procurement Description:	
FAIN Number:	Federal Funding Percentage:
Federal Grant Type:	Federal Grant Funding Amount:
Pre-Award Required Documentation	Check
1. Other Than Full and Open Competition Justification (attached)	<input type="checkbox"/>
2. Procurement Method, Contract Term, Contract Type (attached)	<input type="checkbox"/>
3. Cost or Price Analysis	<input type="checkbox"/>
4. Liquidated Damages Determination (if applicable)	<input type="checkbox"/>
5. Final Draft Contract Documents <ul style="list-style-type: none"> <li>▪ FTA Terms/Conditions and Certifications</li> <li>▪ Exhibits/Attachments</li> </ul>	<input type="checkbox"/>
6. Tracking Spreadsheet of Contract Milestone Dates	<input type="checkbox"/>

**“OTHER THAN FULL AND OPEN COMPETITION” JUSTIFICATION  
SUBRECIPIENT FORM**

Subrecipients normally must provide for full and open competition when soliciting offerors. Each subrecipient should routinely research, promote, and otherwise optimize competitive interest in all matters involving the expenditures of public funds for goods/services. FTA, however, acknowledges that under certain circumstances, a subrecipient may conduct procurements without providing for full and open competition. In those instances, there must be a justification as to why such competition was not obtained and a basis for determining that the price quoted is fair and reasonable.

Vendor Name:		Address:	
City, State, Zip Code:		Vendor Contact:	
Vendor Phone:	Vendor Fax:	Vendor Email:	
Cost of this Order: \$ (Estimated)	Annual Cost: \$ (Estimated)	Recurring Costs: \$ (Estimated)	

**RATIONALE FOR OTHER THAN FULL AND OPEN COMPETITION**

Identify the reason(s) that the goods/services must be acquired on a basis “other than full and open competition” by marking the applicable checkbox(es) below.

	<b>REASON</b>	<b>REQUIRED JUSTIFICATION INFORMATION</b>
<input type="checkbox"/>	Only One Source Available	<p>When the subrecipient requires goods or services available from only one responsible source, and no other goods or services will satisfy its requirements, the subrecipient may make a sole source award. When the subrecipient requires an existing contractor to make a change to its contract that is beyond the scope of that contract, the subrecipient has made a sole source award that must be justified. The goods or services are available from one source if one of the conditions for unique capability or availability as described below is present:</p> <ul style="list-style-type: none"> <li>- The offeror demonstrates a unique or innovative concept or capability not available from another source. Unique or innovative concept means a new, novel, or changed concept, approach, or method that is the product of original thinking, the details of which are kept confidential or are patented or copyrighted, and is available to the subrecipient only from one source and has not in the past been available to the subrecipient from another source.</li> <li>- Patent or data rights restrictions preclude competition.</li> <li>- In the case of a follow-on contract for the continued development or production of highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in substantial duplication of costs that are not expected to be recovered through competition.</li> <li>- In the case of a follow-on contract for the continued development or production of a highly specialized equipment and major components thereof, when it is likely that award to another contractor would result in unacceptable delays in fulfilling the subrecipient’s needs.</li> </ul> <p>See FTA Circular 4220.1F ch. VI § 3(i)(1)(b); BPPM §§ 2.8, 3.4.10, 4.5; FAR § 6.302-1.</p>
	Unusual and Compelling Urgency	FTA permits the subrecipient to limit the number of sources from which it solicits offers when a subrecipient has such an unusual and urgent need

<input type="checkbox"/>	(Public Exigency/Emergency)	<p>for the property or services that the subrecipient would be seriously injured unless it were permitted to limit the solicitation. The subrecipient may also limit the solicitation when the public exigency or emergency will not permit a delay resulting from competitive solicitation for the goods or services.</p> <p>See FTA Circular 4220.1F ch. VI § 3(i)(1)(c); BPPM §§ 2.8, 4.5; FAR § 6.302-2.</p>
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<input type="checkbox"/>	Inadequate Competition	<p>After subrecipient solicits offers, FTA expects the subrecipient to review its specifications to determine if they are unduly restrictive or if changes can be made to encourage submission of more offers. After the subrecipient determines that the specifications are not unduly restrictive and changes cannot be made to encourage greater competition, the subrecipient may determine the solicitation was adequately competed. A cost analysis must be performed in lieu of a price analysis when this situation occurs.</p> <p>See FTA Circular 4220.1F ch. VI § 3(i)(1)(a); BPPM §§ 2.8, 3.4.10, 4.2.6.</p>
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**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION**

Explain the reason(s) that the goods/services must be acquired on a basis “other than full and open competition” by providing the information requested below and submitting any documentation necessary to support that basis. This justification must be completed in its entirety to obtain approval for use of FTA funds.

1. Solicitation/contract number:

2. Proposed aggregate contract amount:\$

3. Period of performance (contract term):

4. Supplier name, address, and contact information:

5. Brief description of goods/services requested and their purpose:

6. If no solicitation was issued, please explain your reasoning and attach documentation of your efforts in confirming whether the goods/services are only available from one source:

7. If a solicitation was issued, please explain your efforts to solicit the goods/services and the outcome of that solicitation:

8. If solicitation was issued, were E01 forms reviewed by City of Phoenix, Public Transit Department, DBE Compliance staff for responsiveness to solicitation requirements?  yes  no  not applicable

9. If a solicitation was issued, please answer the following:

- a. Date when solicitation issued:
- b. Number of potential offerors notified of solicitation:
- c. Number of potential offerors that received/downloaded solicitation:
- d. Date when solicitation closed:
- e. Number of offers received:
- f. Number of responsive offers from responsible offerors:
- g. Did you conduct a review of the solicitation for undue restrictiveness?  Yes  No
- h. Can changes to the solicitation be made to encourage greater competition?  Yes  No
- i. Did you survey potential offerors regarding the solicitation?  Yes  No
  - Did the survey confirm that specifications were not too restrictive or written for a single source?  Yes  No
  - Did unrelated factors beyond subrecipient's control cause potential offerors not to submit an offer?  Yes  No
  - Please list the factors contributing to potential offers not submitting an offer:

10. Did you determine the offered price to be fair and reasonable?  Yes  No  
 - Please explain how you came to that conclusion and attach documentation of price/cost analysis (including independent cost estimate):

**OTHER THAN FULL AND OPEN COMPETITION  
Procurement Method**

Reason	Method
Only One Source Available	<input type="checkbox"/> Direct Contract, with clear, complete and adequate specification or purchase description.

Unusual and Compelling Urgency (Public Exigency/Emergency)	<input type="checkbox"/> Micro-Purchase (Mini-Purchase): Amount is less than \$10,000, or entity procurement code threshold amount, whichever is less. <input type="checkbox"/> Small Purchase (Request for Quote): Amount is less than \$250,000, or entity procurement code threshold amount, whichever is less. <input type="checkbox"/> Invitation for Bid: Amount is \$250,000 or greater, or entity procurement code threshold amount, whichever is less. <input type="checkbox"/> Request for Proposals: Amount is \$250,000 or greater, or entity procurement code threshold amount, whichever is less. <input type="checkbox"/> Request for Qualifications: Amount is \$250,000 or greater, or entity procurement code threshold amount, whichever is less.
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Inadequate Competition	<input type="checkbox"/> Micro-Purchase (Mini-Purchase): Amount is less than \$10,000, or entity procurement code threshold amount, whichever is less. <input type="checkbox"/> Small Purchase (Request for Quote): Amount is less than \$250,000, or entity procurement code threshold amount, whichever is less. <input type="checkbox"/> Invitation for Bid: Amount is \$250,000 or greater, or entity procurement code threshold amount, whichever is less. <input type="checkbox"/> Request for Proposals: Amount is \$250,000 or greater, or entity procurement code threshold amount, whichever is less. <input type="checkbox"/> Request for Qualifications: Amount is \$250,000 or greater, or entity procurement code threshold amount, whichever is less.
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**OTHER THAN FULL AND OPEN COMPETITION**  
**Contract Term**

<b>Contract Term</b>	<b>Justification</b>
<input type="checkbox"/> 5 year term and no options to extend	This contract term is most advantageous because a five year base contract term provides stability to meet the needs of the Subrecipient.
<input type="checkbox"/> [redacted] year initial term and [redacted] optional extension(s) for [redacted] years per option	This contract term is most advantageous because a base contract with the identified renewals provides flexibility to meet the needs of the Subrecipient.
If term is beyond five years, how is the contract term no longer than minimally necessary to accomplish the purpose of the contract?	

**OTHER THAN FULL AND OPEN COMPETITION  
Contract Type**

<b>Contract Type</b>	<b>Selection</b>
<input type="checkbox"/> Firm Fixed Price	This contract type is most advantageous because it includes a price that remains fixed irrespective of the contractor's cost experience in performing the contract.
<input type="checkbox"/> Firm Fixed Price w/ Economic Adjustment	This contract type is most advantageous because it includes a price that remains fixed irrespective of the contractor's cost experience in performing the contract but allows for necessary economic adjustments.
<input type="checkbox"/> Cost Reimbursement	This contract type is most advantageous because it is preferable to permit a contractor to be reimbursed for costs which are allowed and allocated in accordance with the terms provided in the contract.
<input type="checkbox"/> Indefinite Delivery or Quantity	This contract type is most advantageous because the Subrecipient does not know the total amount of goods or services that will be needed during the contract term but needs a vendor under contract that can provide the good or service as needed.
<input type="checkbox"/> Incentive Contract	This contract type is most advantageous because it is in the best interest of the Subrecipient to provide incentives for performance or delivery as defined in contract terms.
<input type="checkbox"/> Time and Materials (Restricted)	This contract type is advantageous when no other type of contract is suitable and the contract will identify a total contract amount that the contractor cannot exceed.
<input type="checkbox"/> Other Contract Type: <div style="background-color: yellow; width: 100px; height: 15px; margin-top: 5px;"></div>	This contract type is most advantageous because [provide explanation for other contract type]:

**TASK ORDERS AND ON-CALL CONSULTING**

**For IDIQ awards, complete the following:**

1. Which of the following applies for this IDIQ award:
  - Firm Fixed Price
  - Cost-Plus-Fixed-Fee (CPFF)
  - Cost-Reimbursement Basis
2. Task Orders to be used by Subrecipient?      Yes       No
3. On-Call Consulting to be used by Subrecipient?    Yes       No

**If "Yes" for On-Call Consulting, complete the following:**

- a. A breakdown of consultant rates provided in the Price or Cost Analysis?      Yes     No
- b. Subrecipient understands that if additional labor categories are required for a specific task, the rate quoted shall be subject to review and approval by PTD Compliance. Yes     No

**SUBRECIPIENT ACKNOWLEDGEMENTS AND AUTHORIZED SIGNATURES**

**I hereby certify that, to the best of my knowledge, the statements above are true and accurate, and request that the justification for “other than full and open competition” be approved for procurement of the described goods/services.**

\_\_\_\_\_  
Procurement Officer  
PRINTED NAME

\_\_\_\_\_  
Procurement Officer  
SIGNATURE

\_\_\_\_\_  
Date

\_\_\_\_\_  
Procurement Director  
PRINTED NAME

\_\_\_\_\_  
Procurement Director  
SIGNATURE

\_\_\_\_\_  
Date