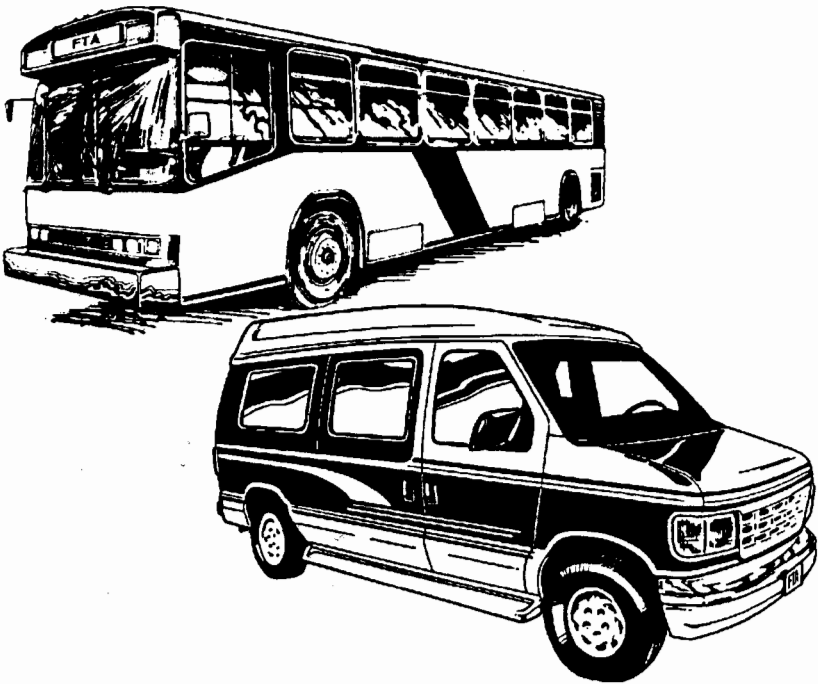




U.S. Department
of Transportation

Conducting Pre-Award and Post-Delivery Audits for Bus Procurements

November 15, 1993



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FEDERAL TRANSIT ADMINISTRATION

Conducting Pre-Award and Post-Delivery Audits for Bus Procurements

November 15, 1993

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The information contained in this manual is based on the Pre-Award and Post-Delivery Audits of Rolling Stock Purchases – Final Rule, the Buy America Requirements – Final Rule; and preamble to those rules. The guidance in this manual does not constitute a determination of compliance with the DOT standards and rules or with your rights or responsibilities under the rules and is not binding on DOT.



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DEFINITIONS

Altered vehicle manufacturer – A manufacturer who alters a previously certified vehicle in such a manner that its stated weight ratings or FMVSS certifications are no longer valid.

Analyst – A representative of the recipient (either working directly for the recipient or contracted by the recipient)—not an employee, or an agent, of the proposed bus manufacturer (in the case of the pre-award review) or the selected bus manufacturer (in the case of the post-delivery review).

Bus – A rubber-tired automotive vehicle used primarily for the purpose of providing mass transportation service.

Buy America Rule – The “Buy America Requirements” Regulation, Title 49 of the Code of Federal Regulations, Part 661.

Chassis-Cab – An incomplete vehicle (with a completed occupant compartment) that requires only the addition of cargo-carrying, work-performing, or load-bearing components to perform its intended function.

Completed vehicle – A vehicle that requires no further manufacturing operations to perform its intended function. This includes vehicles that are altered only by (1) the addition, substitution, or removal of readily attachable components (such as mirrors, or tire and rim assemblies) or (2) minor finishing operations (such as painting) in such a manner that the vehicle’s stated weight ratings are still valid.

Component – Any article, material, or supply, that is directly incorporated into an end product at the final assembly location.

DOT – The United States Department of Transportation.

End product – Any item to be acquired by a recipient, such as a bus.



Final assembly – The bringing together of a significant number of individual components, whether manufactured or unmanufactured, for the purpose of creating an end product.

Final-stage manufacturer – A manufacturer who performs manufacturing operations on an incomplete vehicle such that it becomes a completed vehicle.

FMVSS – Federal Motor Vehicle Safety Standards issued by the National Highway Traffic Safety Administration under Title 49 of the Code of Federal Regulations, Part 571.

FTA – Federal Transit Administration, an agency of DOT.

Incomplete vehicle – An assemblage of components consisting of, as a minimum, frame and chassis structure, power train, steering system, suspension system, and braking system — to the extent that those systems are to be part of a completed vehicle.

Intermediate vehicle manufacturer – A manufacturer, other than the incomplete vehicle manufacturer or the final-stage manufacturer, who performs manufacturing operations on an incomplete vehicle.

Manufacture – The transformation of a component or group of subcomponents for the purpose of adding value to, improving, or creating a functionally different component.

Post-delivery – The period during the procurement process beginning with the signing of a formal contract with the selected contractor. It includes the period of bus manufacturing, inspection, testing, and delivery. It ends with bus title transfer or the placement of the buses into revenue service, whichever is first.

Pre-award – The period during the procurement process before the recipient enters into a formal contract with the supplier.

Pre-Award and Post-Delivery Rule – The “Pre-Award and Post-Delivery Audits of Rolling Stock Purchases” Regulation, Title 49 of the Code of Federal Regulations, Part 663.



Purchaser – The recipient.

Recipient – A receiver of Federal financial assistance from the FTA.

Revenue service – The operation of vehicles for the transportation of passengers as anticipated by the recipient.

Review – An analysis conducted by the recipient that will result in a file containing the necessary certifications of compliance, including the Buy America certification, purchaser's requirements certification, and FMVSS certification.

Rolling stock – Transit vehicles, such as buses, vans, cars, railcars, locomotives, trolley cars and buses, ferry boats, and vehicles used on guideways and incline planes.

STAA – The Surface Transportation Assistance Act of 1982 (Public Law 97-424, January 6, 1983).

Subcomponent – Any article, material, or supply that is one step removed from a component.

Unmodified van – A primary manufacturer's standard production van that requires no further manufacturing operations to perform its intended function, other than the addition, substitution, or removal of readily available attachable components (such as mirrors, or tire and rim assemblies), or minor finishing operations (such as painting).

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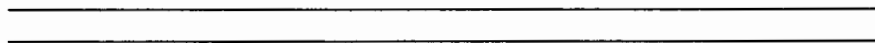
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U.S. Department of Transportation
Federal Transit Administration

INTRODUCTION





INTRODUCTION

The Federal Transit Act authorizes the Secretary of Transportation to provide assistance for the development of comprehensive and coordinated public and private mass transportation systems. The Act allows the Federal Transit Administration (FTA) to obligate Federal funds to mass transportation service providers for purchasing buses used to carry passengers in mass transit service. Recipients of these funds must comply with several Federal regulations, one of which is the Pre-Award and Post-Delivery Rule. If the FTA determines that the purchaser is not in compliance with the Rule, funding for the purchase may be jeopardized.

There are two parts to the Rule: the pre-award review and post-delivery review. The pre-award review is intended to help the recipient ensure that the proposed buses will meet (1) Buy America regulations, (2) the recipient's needs and specifications, and (3) the Federal Motor Vehicle Safety Standards (FMVSS) regulations. The post-delivery review is intended to help the recipient ensure that the delivered buses meet the above stipulations.

This manual provides guidance to recipients of Federal funds to help demonstrate compliance with (1) the pre-award review requirements **before** entering into a contract with a bus manufacturer and (2) the post-delivery review requirements **before** the title of the bus is transferred to the recipient.

Section One describes the requirements of the Pre-Award and Post-Delivery Rule. It details which certifications and documents are needed to support the procurement process — from issuance of the solicitation to title transfer. Sections Two and Three suggest procedures that the recipient may follow when conducting the pre-award and post-delivery reviews, respectively. The fourth section provides examples of Buy America calculations and suggests other activities to help the recipient conduct the reviews. Section Five provides responses to frequently asked questions concerning the Rule. The five appendices at the end of this manual provide samples of review certifications, lists of typical bus components, Buy America waivers, sample visual inspection and road test sheets, and a list of FTA offices, respectively.



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Exhibit I-1 on the following page summarizes the content of each review and the certifications required for the review. The exhibit also indicates where each topic can be found in this manual. Recipients may use this exhibit as a checklist to track the completion of each review.



BUS: _____
CONTRACT NO.: _____

| | |
|---|---|
| <p>Pre-Award Review</p> <p>(Before signing a contract with a supplier)</p> | <p>Buy America Certification (Page 2-1)</p> <p>A. <input type="checkbox"/> Reviewed and Verified 60 Percent Domestic Content; AND <input type="checkbox"/> Reviewed and Verified Proposed U.S. Final Assembly Location, Operations, and Total Cost</p> <p>OR</p> <p>B. <input type="checkbox"/> Requested and Received Buy America Waiver</p> <p>Purchaser's Requirements Certification (Page 2-5)</p> <p>A. <input type="checkbox"/> Checked Bid Specification Compliance With Solicitation Specifications; AND <input type="checkbox"/> Completed Manufacturer Capability Study</p> <p>FMVSS Certification (Page 2-7) Requested and Received Manufacturer's Letter Stating:</p> <p>A. <input type="checkbox"/> The Information to be Included on the FMVSS Stickers OR</p> <p>B. <input type="checkbox"/> The Buses Are Not Subject to FMVSS</p> |
| <p>Post-Delivery Review</p> <p>(Before using the buses in transit service)</p> | <p>Buy America Certification (Page 3-1)</p> <p>A. <input type="checkbox"/> Reviewed and Verified 60 Percent Domestic Content; AND <input type="checkbox"/> Reviewed and Verified Actual U.S. Final Assembly Location, Operations, and Total Cost</p> <p>OR</p> <p>B. <input type="checkbox"/> Requested and Received Buy America Waiver</p> <p>Purchaser's Requirements Certification (Page 3-6)</p> <p>A. For Procurements of More Than Ten Buses or Modified Vans <input type="checkbox"/> Completed Resident Inspector's Report; AND <input type="checkbox"/> Completed Visual Inspections and Road Tests OR</p> <p>B. For Procurements of Ten or Fewer Buses or Modified Vans, and any Number of Unmodified Vans <input type="checkbox"/> Completed Visual Inspections and Road Tests</p> <p>FMVSS Certification (Page 3-9)</p> <p>A. <input type="checkbox"/> Verified FMVSS Sticker is Affixed to Each Bus OR</p> <p>B. <input type="checkbox"/> Requested and Received Manufacturer's Letter Stating That the Buses Are Not Subject to FMVSS</p> |

Note: All certifications **must** be kept on file. Supporting documentation should accompany each certification.

Exhibit I-1. Pre-Award and Post-Delivery Review Requirements and Checklist



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Section One

THE PRE-AWARD AND POST-DELIVERY REVIEW REQUIREMENTS





THE PRE-AWARD AND POST-DELIVERY REVIEW REQUIREMENTS

The Pre-Award and Post-Delivery Rule requires recipients to certify that pre-award and post-delivery reviews will be conducted when using FTA-appropriated funds to purchase revenue service buses and vans.

This section details the pre-award and post-delivery review requirements for buses.

The Pre-Award Review

The pre-award review is required before a recipient may enter into a formal contract with a supplier. The review period begins after the recipient issues the solicitation and ends before the recipient signs a formal contract with the selected manufacturer.

The review requires the recipient to complete three certifications—the Buy America certification, the purchaser's requirements certification, and the Federal Motor Vehicle Safety Standards (FMVSS) certification. All three certifications must be kept in the recipient's files for future FTA reviews.

For the Buy America certification process, the recipient must:

either

- Verify that (1) the buses will contain a minimum of 60 percent domestic products, by cost, and (2) final assembly of the buses will take place in the United States

or

- Obtain, from the FTA, a copy of the waiver letter exempting the buses from the Buy America requirements.



For the purchaser's requirements certification, the recipient must verify that:

- The manufacturer's bid specifications are in compliance with the recipient's solicitation specifications

and

- The proposed manufacturer is responsible and capable of building the bus to the recipient's solicitation specifications.

For the FMVSS certification, the recipient must obtain:

either

- A letter from the bus manufacturer stating the information that will be provided on the FMVSS vehicle sticker

or

- A letter from the bus manufacturer stating that the buses are not subject to FMVSS.

The Post-Delivery Review

A post-delivery review must be completed before a bus title is transferred to the recipient, or before a bus is placed into revenue service, whichever is first. The review period begins when the recipient signs a formal contract with the selected manufacturer and ends before title transfer or use in service.

As with the pre-award review, the recipient must complete three certifications—the Buy America certification, the purchaser's requirements certification, and the FMVSS certification. Again, all three certifications must be kept in the recipient's files for future FTA reviews.

The Buy America and FMVSS certification processes are similar to those completed during the pre-award review, with the exception that the review now reflects information based on the actual buses versus the



proposed buses. The post-delivery purchaser's requirements certification process is different from the pre-award purchaser's requirements certification process.

For the purchaser's requirements certification, the recipient must:

- Complete visual inspections and road tests to demonstrate that the buses meet the contract specifications

and (if purchasing more than ten buses or modified vans)

- Send a resident inspector to the manufacturer's production facility during the final assembly period to (1) monitor the final assembly process and (2) complete a final report describing the construction activities and explaining how the construction and operation of the buses fulfill the contract specifications.

If the recipient is purchasing **ten or fewer buses, ten or fewer modified vans, or any number of primary manufacturer standard production unmodified vans**, the resident inspector is **not** required.



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Section Two

THE PRE-AWARD REVIEW REQUIREMENTS





THE PRE-AWARD REVIEW REQUIREMENTS

This section explains procedures that will help the recipient conduct the pre-award review in accordance with the Pre-Award and Post-Delivery Rule. It cites relevant portions of the Rule and describes the review process. Sample certifications that the recipient may use as models to demonstrate that the review has been conducted as required by the Rule are presented in Appendix A.

The Pre-Award Buy America Certification Requirement

This subsection discusses procedures that recipients may follow to demonstrate compliance with the pre-award Buy America certification requirement.

Buses to be purchased by a recipient must fall into one of two categories under this requirement: (1) buses that meet the Buy America domestic content and assembly requirement and (2) buses for which a Buy America waiver is available. The procedures for each category are described below.

Buy America-Compliant Buses

Most buses must meet the 60 percent minimum domestic content and U.S. final assembly requirements set forth in the Buy America Rule. Therefore, the recipient must be satisfied that the buses will meet the requirements.

"The recipient is satisfied that the [buses meet] ... the requirements ... after having reviewed ... documentation ... [listing component and subcomponent parts; ... location, ... activities, ... [and] cost of final assembly." ¹

In other words, the recipient must be satisfied that the manufacturer who is proposing to sell the buses can and will comply with the content and assembly requirements.

¹ Section 663.25(b), "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR, Part 663.



As a first step in the pre-award review process, the recipient, or a duly appointed analyst, must review the Buy America information that the proposed manufacturer must provide for the review.

The manufacturer's information must include:

- A listing of the bus components and subcomponents that will be used to calculate the percent domestic content (see Appendix B for a listing of typical bus components)

and

- The proposed final assembly location

and

- Activities that will take place during final assembly

and

- The proposed total cost of final assembly.

Each component and subcomponent on the list must be identified by manufacturer, country of origin, and cost (in either a dollar or percentage format). Final assembly costs are not to be included when calculating the percent domestic content of the bus. Likewise, component manufacturing costs are not to be used when calculating the percent domestic content of a component.

The manufacturer's list **must** identify the domestic subcomponents for major components used in the content calculation, such as engines, transmissions, and wheelchair lifts.

Section Four, "Examples of Complying With the Pre-Award and Post-Delivery Review Requirements," presents samples of domestic content calculations. Section Five, "Frequently Asked Questions About the Pre-Award and Post-Delivery Review," answers questions concerning the domestic content of components and subcomponents and the allowable cost used in the percent domestic content calculations of the bus.



To be assured that the manufacturer can comply with the requirements, the analyst must verify that the buses will contain a minimum of 60 percent domestic products, by cost. Therefore, the analyst must:

- Review the component and subcomponent listings to verify 60 percent domestic product content

and

- Review the final assembly cost.

The analyst should subtract the final assembly cost from the price of the buses to approximate the total component cost and thus the percentage base that the manufacturer used to calculate the domestic cost contribution for each item listed in the manufacturer's information.

To verify that the final assembly location will be within the United States, the analyst must:

- Check that the manufacturer has identified a final assembly location that is within the United States

and

- Review the list of final assembly activities, which should include activities, such as welding, subassembly activities, component installation, and painting, to ensure that activities at the cited final assembly location qualify as final assembly.

After the analyst has completed the steps described above, the recipient must:

- Complete a pre-award Buy America compliance certification (see sample in Appendix A, Exhibit A-1)

and

- Keep the Buy America certification on file for future FTA reviews.



If the manufacturer agrees, the recipient should, **but is not required to**, keep a copy of the manufacturer's Buy America information with the Buy America certification in the file.

Buy America-Exempt Buses

Although few buses are exempt from the Buy America domestic content and final assembly requirements, some manufacturers' buses may be eligible for an FTA waiver exempting the buses from the requirements. If a waiver does exist for the buses the recipient must:

"There is a letter from [FTA], which grants a waiver to the [buses] to be purchased ..."²

- Obtain a Buy America waiver letter from the FTA for the buses

and

- Complete a pre-award Buy America exemption certification (see sample in Appendix A, Exhibit A-2)

and

- Keep the Buy America certification on file for future FTA reviews.

The recipient should keep a copy of the FTA waiver letter with the Buy America certification in the files. Appendix C summarizes details of current Buy America waivers.

² Section 663.25(a), "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR, Part 663.



The Pre-Award Purchaser's Requirements Certification Requirement

This subsection discusses procedures that recipients may follow to demonstrate compliance with the pre-award purchaser's requirements certification requirement.

This requirement is intended to eliminate those manufacturers that appear irresponsible and/or incapable of complying with the recipients' solicitation specifications.

"The [buses are] ... the same ... [as] described in the ... specification ... and the proposed manufacturer is ... responsible ... [and has] the capability ..."³

To comply with the purchaser's requirements certification, the recipient, or a designated analyst, must check:

- That the manufacturer's bid specifications are in compliance with the recipient's solicitation specifications

and

- That the proposed manufacturer will be capable of meeting the specifications.

To ensure compliance, the analyst should review:

- The solicitation specifications, the bid specifications, and the recipient's approval of any approved equals

and

- The manufacturer's qualifications (such as quality control measures, previous customer's, and other qualification documents).

³ Section 663.27(a) & (b), "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR, Part 663.



After the review has been completed, the recipient must:

- Complete a pre-award purchaser's requirements certification (see sample in Appendix A, Exhibit A-3)

and

- File the purchaser's requirements certification for future FTA reviews.

The recipient should keep copies of their solicitation specification, the manufacturer's bid specification, approvals of any approved equals, and manufacturer qualifications with the purchaser's requirements certification in the file.



The Pre-Award Federal Motor Vehicle Safety Standards (FMVSS) Certification Requirement

This subsection discusses procedures that recipients may follow to demonstrate compliance with the FMVSS certification requirement.

Most buses must comply with the FMVSS regulations, although these standards may not apply to all bus procurements.

FMVSS-Compliant Buses

As previously stated, most buses must comply with the FMVSS regulations. If this is the case, the recipient must:

"[the recipient has] received ... a copy of the manufacturer's self-certification information ..."⁴

- Obtain the FMVSS self-certification sticker information from the manufacturer (see Section Four, Exhibits 4-5 through 4-9, for samples of FMVSS stickers)

and

- Complete a pre-award FMVSS compliance certification (see sample in Appendix A, Exhibit A-4)

and

- File the FMVSS certification for future FTA reviews.

The recipient should keep the manufacturer's pre-award FMVSS sticker information with the FMVSS certification in the file.

⁴ Section 663.41, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR, Part 663.



FMVSS-Exempt Buses

Although nearly all buses are subject to the FMVSS regulations, some buses may not be subject to the FMVSS regulations. Details of exemptions are explained in Title 49 of the Code of Federal Regulations Part 555, "Temporary Exemption From Motor Vehicle Safety Standards." If the buses are not subject to the FMVSS regulations, the recipient must:

"[the recipient has] received a statement ... from the manufacturer."⁵

- Obtain the manufacturer's certified statement indicating that the contracted buses will not be subject to the FMVSS regulations

and

- Complete a pre-award FMVSS exemption certification (see sample in Appendix A, Exhibit A-5)

and

- File the FMVSS certification for future FTA reviews.

The recipient should keep the manufacturer's pre-award FMVSS statement with the FMVSS certification in the file.

⁵ Section 663.43, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR, Part 663.



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Section Three

THE POST-DELIVERY REVIEW REQUIREMENTS





THE POST-DELIVERY REVIEW REQUIREMENTS

In addition to the pre-award review requirements, recipients must comply with the post-delivery review requirements during and after bus manufacturing. This section explains procedures that will help the recipient conduct the post-delivery review in accordance with the Pre-Award and Post-Delivery Rule. It cites relevant portions of the Rule and describes the review process. Sample post-delivery certifications that the recipient may use as models to demonstrate that the review has been conducted as required by the Rule are presented in Appendix A.

The Post-Delivery Buy America Certification Requirement

This subsection discusses procedures that recipients may follow to demonstrate compliance with the post-delivery Buy America certification requirement.

The process for complying with the post-delivery Buy America certification requirement is similar to the pre-award requirement, except that the recipient is now certifying the actual buses rather than the proposed buses. As with the pre-award review, the buses received must fall into one of two categories under this requirement: (1) buses meeting the Buy America domestic content and assembly requirements and (2) buses for which a Buy America waiver is available. The procedures for each category are described below.

If the Buy America information has not changed since the pre-award review and the recipient is satisfied that this is the case, the recipient may use the pre-award review documentation for the post-delivery review. However, if there is some doubt, another review should be conducted.



Buy America-Compliant Buses

Most buses must meet the 60 percent minimum domestic content and U.S. final assembly requirements set forth in the Buy America Rule. Therefore the recipient must be satisfied that the buses comply with the requirements. Before certifying that the purchased buses meet the Buy America requirements, the recipient or a duly designated analyst must review the Buy America information, which must be provided by the manufacturer. This information must include:

*"The recipient is satisfied that the [buses meet] ... the requirements ... after having reviewed ... documentation ... [listing c]omponents and subcomponent parts; ... location, ... activities, ... [and] cost of the final assembly."*¹

- A listing of bus components and subcomponents used to calculate the percent domestic content (see Appendix B for a listing of typical bus components)

and

- The actual final assembly location

and

- The activities that took place during final assembly

and

- The actual total cost of final assembly.

Each component and subcomponent on the list must be identified by manufacturer, country of origin, and cost (in either a dollar or percentage format). Final assembly costs are not to be included when calculating the percent domestic content of the bus. Likewise, component manufacturing costs are not to be used when calculating the percent domestic content of a component.

¹ Section 663.35(b), "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR, Part 663.



The manufacturer's list **must** identify domestic subcomponents for major components used in the content calculation, such as engines, transmissions, and wheelchair lifts.

Section Four, "Examples of Complying With the Pre-Award and Post-Delivery Review Requirements," presents samples of domestic content calculations. Section Five, "Frequently Asked Questions About the Pre-Award and Post-Delivery Review," answers questions concerning the domestic content of components and subcomponents and the cost to be used in the domestic content calculations of the bus.

To be assured that the buses are in compliance with the requirements, the analyst must verify that the buses contain a minimum of 60 percent domestic products, by cost. Therefore, the analyst must:

- Review the component and subcomponent listings to verify 60 percent domestic product content

and

- Review the total final assembly cost.

The analyst should subtract the final assembly cost from the price of the buses to approximate the total component cost and thus the percentage base that the manufacturer used to calculate the domestic cost contribution for each item listed in the manufacturer's information. The manufacturer is not required to give the analyst or the recipient a copy of the cost information to retain in the recipient's files.



To verify that the final assembly location was within the United States, the analyst must:

- Check that the manufacturer's final assembly location is located within the United States

and

- Review the list of final assembly activities, which should include activities such as welding, subassembly activities, component installation, and painting, to ensure that the activities at the final assembly location qualify as final assembly.

After the analyst has completed the steps described above, the recipient must:

- Complete a post-delivery Buy America compliance certification (see sample in Appendix A, Exhibit A-6)

and

- Keep the Buy America certification on file for future FTA reviews.

If the manufacturer agrees, the recipient should, **but is not required to**, keep a copy of the manufacturer's Buy America information with the Buy America certification in the file.



Buy America-Exempt Buses

Although few buses are exempt from the Buy America domestic content and final assembly requirements, some manufacturers' buses may be eligible for an FTA waiver, exempting the buses from the requirements. If the buses are exempt, the recipient must:

"There is a letter from [FTA], which grants a waiver to the [buses] received ..."²

- Obtain a Buy America waiver letter from the FTA for the buses

and

- Complete a post-delivery Buy America exemption certification (see sample in Appendix A, Exhibit A-7)

and

- Keep the Buy America certification on file for future FTA reviews.

The recipient should keep a copy of the FTA waiver letter with the Buy America certification in the files. Appendix C summarizes details of current Buy America waivers.

² Section 663.35(a), "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR, Part 663.



The Post-Delivery Purchaser's Requirements Certification Requirement

This subsection discusses procedures that recipients may follow to demonstrate compliance with the post-delivery purchaser's requirements certification requirement.

The requirements for and process of complying with the post-delivery purchaser's requirement certification depend on the number of buses purchased. The recipient has more demanding responsibilities when procuring more than ten buses or modified vans than when procuring ten or fewer buses or modified vans, or any number of primary manufacturer standard production unmodified vans.

The purchaser's requirements certification is meant to help safeguard the recipient by ensuring that the buses are built to contract specifications.

More Than Ten Buses or Modified Vans

To demonstrate compliance with the purchaser's requirements certification requirement when procuring more than ten buses or more than ten modified vans, the recipient, or its duly appointed analyst, must:

"a resident inspector ... was at the manufacturing site After reviewing the [inspector's] report, and visually inspecting and road testing the [buses], the [buses] meet the contract specifications."³

- Send a resident inspector to the manufacturer's final assembly facility

and

- Visually inspect and road test the buses and/or vans.

³ Section 663.37(a)&(b), "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR, Part 663.



The resident inspector must complete a manufacturing report, which should include any information that supports or refutes claims made by the manufacturer concerning its capabilities or the bus specifications. This information will help support the recipient in any disputes that might arise with the manufacturer. For buses manufactured in multiple stages (such as body-on-chassis buses), the resident inspector is required to visit the final-stage manufacturer's final assembly location only.

The resident inspector's report must include, at a minimum:

- Accurate records of all bus construction activities (such as component manufacturing processes, final assembly activities, and quality control data collected)

and

- A description of how the construction and operation of the bus(es) fulfills the contract specifications (the report should reference the above cited manufacturing processes, final assembly activities, and quality control data).

After the resident inspector has completed the report, the recipient, or its analyst, must review the report and conduct the visual inspections and road tests. To assist the recipient and analyst, sample visual inspection and road test sheets are presented in Appendix D.

Once the steps described above have been completed, the recipient must:

- Complete a post-delivery purchaser's requirements certification (see sample in Appendix A, Exhibit A-8)

and

- File the purchaser's requirements certification for future FTA reviews.

The resident inspector's report, visual inspection sheets, and road test sheets should be included in the file with the purchaser's requirements certification.



**Ten or Fewer Buses or Modified Vans,
or any Number of Primary Manufacturer
Standard Production Unmodified Vans**

When procuring ten or fewer buses, ten or fewer modified vans, or any number of primary manufacturer standard production unmodified vans, the recipient is **not** required to send a resident inspector to the manufacturing site. However, to demonstrate compliance with the post-delivery purchaser's requirements certification requirement, the recipient, or its analyst, must:

"after visually inspecting and road testing the vehicles, the [buses] meet the contract specifications." ⁴

- Visually inspect and road test the buses before delivery

The visual inspections and road tests are required to verify that the buses meet the contract specifications. Once they have been concluded, the recipient must:

- Complete a post-delivery purchaser's requirements certification (see sample in Appendix A, Exhibit A-9)

and

- File the purchaser's requirements certification for future FTA reviews.

The data sheets for the visual inspection and the road tests should be kept in the file with the purchaser's requirements certification.

⁴ Section 663.37(c), "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR, Part 663.



The Post-Delivery Federal Motor Vehicle Safety Standards (FMVSS) Certification Requirement

This subsection discusses procedures that recipients may follow to demonstrate compliance with the post-delivery FMVSS certification requirement.

The process for complying with the post-delivery FMVSS certification requirement is similar to the process completed during the pre-award review for this requirement. The difference is that the recipient is now certifying the actual buses rather than the proposed buses.

As with the pre-award review, most buses must comply with the FMVSS regulations, although the standards may not apply to every bus procurement.

FMVSS-Compliant Buses

As indicated, most buses must comply with the FMVSS regulations. If the buses are subject to the FMVSS regulations, the recipient must:

***"[the recipient has] received ... a copy of the manufacturer's self-certification information ..."*⁵**

- Check that the manufacturer's FMVSS sticker is affixed to each bus (see Section Four, Exhibits 4-5 through 4-9, for samples of FMVSS stickers)

and

- Complete an FMVSS certification (see sample in Appendix A, Exhibit A-10)

and

- File the FMVSS certification for future FTA reviews.

⁵Section 663.41, "Pre-Award and Post-Delivery Audits of Rolling Stock Purchases," 49 CFR, Part 663.



FMVSS-Exempt Buses

Although most buses are subject to the FMVSS regulations, some buses may be exempt from the regulations. Details of FMVSS

“[the recipient has] received a statement ... from the manufacturer.”⁶

exemptions are explained in Title 49 of the Code of Federal Regulations Part 555, “Temporary Exemption From Motor Vehicle Safety Standards.” If the buses are not subject to the FMVSS regulations, the recipient must:

- Request and receive a manufacturer’s certified statement indicating that the buses are not subject to FMVSS

and

- Complete a post-delivery FMVSS exemption certification (see sample in Appendix A, Exhibit A-11)

and

- File the FMVSS certification for future FTA reviews.

The recipient should keep the manufacturer’s post-delivery statement with the FMVSS certification in the file.

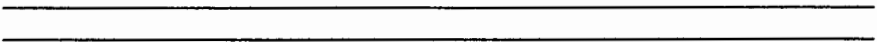
⁶Section 663.43, “Pre-Award and Post-Delivery Audits of Rolling Stock Purchases,” 49 CFR, Part 663.



U.S. Department of Transportation
Federal Transit Administration

Section Four

EXAMPLES OF COMPLIANCE WITH THE PRE-AWARD AND POST-DELIVERY REVIEW REQUIREMENTS





EXAMPLES OF COMPLIANCE WITH THE PRE-AWARD AND POST-DELIVERY REVIEW REQUIREMENTS

This section provides examples of Buy America certification calculations, purchaser's requirements certification information, and sample FMVSS self-certification stickers.

Buy America Certification

Exhibit 4-1 presents a sample table to be prepared by a manufacturer for the Buy America certification process.

| Component Subcomponent | Manufacturer | Origin | Component Cost | Bus Cost |
|--|--------------|-------------|-------------------|-------------|
| 1. Engine | | | | |
| Alternator | A Co | U.S.A. | 3% | |
| Starter | B Co | U.S.A. | 3 | |
| Fuel Injectors | D Co | U.S.A. | 6 | |
| Radiator | E Co | U.S.A. | 4 | |
| Engine Block | C Co | U.S.A. | 24 | |
| Cylinder Head | C Co | U.S.A. | 20 | |
| Total (engine) | C Co | U.S.A. | 60% | 12% |
| 2. Transmission | | | | |
| Gear Box | C Co | U.S.A. | 26% | |
| Clutch | F Co | U.S.A. | 14 | |
| Housing | C Co | U.S.A. | 28 | |
| Total (transmission) | C Co | U.S.A. | 68% | 5 |
| 3. Lift | | | | |
| Control Unit | G Co | U.S.A. | 30% | |
| Floor, Rails, & Barriers | H Co | U.S.A. | 32 | |
| Total (lift) | H Co | U.S.A. | 62% | 10 |
| 4. Passenger Seats | I Co | U.S.A. | | 9 |
| 5. Interior & Exterior Body Panels | J Co | U.S.A. | | 3 |
| 6. Air-Conditioning Unit | K Co | U.S.A. | | 5 |
| 7. Farebox | L Co | U.S.A. | | 1 |
| 8. Doors | M Co | U.S.A. | | 1 |
| 9. Windows | N Co | U.S.A. | | 3 |
| 10. Front Axle | O Co | U.S.A. | | 2 |
| 11. Rear Axle | O Co | U.S.A. | | 4 |
| 12. Destination Sign | P Co | U.S.A. | | 2 |
| 13. Electrical Harness | Q Co | U.S.A. | | 3 |
| Total (bus) | | | | <u>60%</u> |

Exhibit 4-1. Sample Manufacturer's Buy America Calculation



If a component is manufactured in the United States with less than 60 percent domestic subcomponents, then only its domestic cost (i.e., the cost of its **domestic** subcomponents **plus** the cost of manufacturing the component) may be used in the domestic content calculation of the bus.

Domestic subcomponents exported for inclusion in a foreign-manufactured component may also be included in the Buy America calculation, if the domestic subcomponents received a tariff exemption for importation back into the United States. However, **only** the cost of the **domestic** subcomponents, which is the cost at the time of export, may be used in the domestic content calculation of the bus.

The presentation of the costs for both of the above cases is different from that shown in Exhibit 4-1. Exhibit 4-2 presents the Buy America presentation for the cost of a transmission with at least 60 percent domestic subcomponents as was shown in Exhibit 4-1.

| Component Subcomponent | Manufacturer | Origin | Component Cost | Bus Cost |
|---------------------------|--------------|----------|----------------|----------|
| 2. Transmission | | | | |
| Gear Box | C Co..... | USA..... | 26% | |
| Clutch | F Co..... | USA..... | 14 | |
| Housing | C Co..... | USA..... | 28 | |
| Total (transmission)..... | C Co..... | USA..... | 68%..... | 5% |

Exhibit 4-2. Sample Content Calculation for a U.S.-Manufactured Component With at Least 60 Percent Domestic Subcomponents

The 5 percent "Total (transmission)" figure in Exhibit 4-2 indicates that the transmission cost equals 5 percent of the cost of all components used in the bus. In this case, the transmission cost includes direct labor costs, direct materials costs, freight-in costs, sales costs, general and administrative costs, and an allowance for profit attributable to manufacturing the transmission.

For example, if the total cost of all bus components is \$100,000, then, according to Exhibit 4-2, the cost of the transmission is \$5,000. Of that \$5,000, if \$4,000 were the total cost of all subcomponents, then



\$1,000 would be the cost of manufacturing. The cost of the gear box, clutch, and housing is \$1,040, \$560, and \$1,120, respectively.

Exhibit 4-3 presents a Buy America calculation for a transmission manufactured in the United States with less than 60 percent domestic subcomponents.

| Component Subcomponent | Manufacturer | Origin | Component Cost | Bus Cost |
|----------------------------|--------------|-----------|----------------|----------|
| 2. Transmission | | | | |
| Gear Box | C Co..... | USA | 26% | |
| Clutch | F Co..... | USA | <u>14</u> | |
| Total (transmission) | C Co..... | USA | 40%..... | 2.6% |

Exhibit 4-3. Sample Content Calculation for a U.S.-Manufactured Component With Less Than 60 Percent Domestic Subcomponents

In Exhibit 4-3, the 2.6 percent "Total (transmission)" figure means that the cost of the domestic subcomponents (or 40 percent of the total transmission subcomponent cost) **plus** the cost of manufacturing the transmission equals 2.6 percent of the cost of all components used in the bus. In this case, the cost of the transmission includes direct labor costs, **domestic** direct materials costs (or the domestic subcomponent costs), freight-in costs, an allowance for profit, and the sales, general and administrative costs attributable to manufacturing the transmission.

Using the earlier example, the 40 percent implies that the domestic subcomponents cost \$1,600. Since the \$1,000 manufacturing cost is allowed, the total is \$2,600, or 2.6 percent of \$100,000.



Exhibit 4-4 provides an example of a transmission from a foreign source with domestic subcomponents that received tariff exemptions.

| Component Subcomponent | Manufacturer | Origin | Component Cost | Bus Cost |
|---------------------------|--------------|--------------------|----------------|----------|
| 2. Transmission | | | | |
| Gear Box | C Co..... | USA..... | 26% | |
| Clutch | F Co..... | USA..... | 14 | |
| Total (transmission)..... | C Co..... | Foreign Country .. | 40%..... | 1.6% |

Exhibit 4-4. Sample Content Calculation for a Foreign-Manufactured Component With Domestic Subcomponents

In Exhibit 4-4, the 1.6 percent "Total (transmission)" figure means that the cost of the domestic subcomponents (**domestic** direct materials cost) used in the transmission is 1.6 percent of the cost of all components used in the bus.

Continuing with the previous example, the 1.6 percent indicates that the domestic components contribute \$1,600 toward the cost of the bus. Recall that the total cost of the subcomponents equals \$4,000. Note, however, that the \$1,000 manufacturing cost is **not** allowed for foreign components as is allowed in both previous examples.

A component's manufacturing cost is never used when calculating the domestic content of that component; its domestic content is based on subcomponent cost only. However, the component's manufacturing cost should be used in the domestic content calculation of the bus, if the component was manufactured in the United States. Notice in the examples that the \$1,000 manufacturing cost never contributes toward the domestic content of the **component**, but it does contribute toward the domestic content of the **bus** in Exhibits 4-2 and 4-3.



Purchaser's Requirements Certification

The recipient should keep the following information in the certification file to support the purchaser's requirements certification review:

- A comparison of solicitation and bid specifications
- An analysis of manufacturing capability
- Copies of the visual inspection sheets
- Copies of the road test sheets
- A copy of the resident inspector's report describing manufacturing activities (if required)
- Records of quality control measurements.

Comparison of Solicitation and Bid Specifications

The recipient should keep on file copies of the solicitation specifications, the manufacturer's specifications, and the recipient's agreement to any deviations from the solicitation technical specifications as proposed by the manufacturer.

Analysis of Manufacturing Capability

The recipient should keep on file an analysis of a prospective manufacturer's information used to verify that the manufacturer is capable of building the bus to the specifications. This analysis may include statements, letters, and other information from the manufacturer describing the product, manufacturing and final assembly operations, and quality assurance program.

Visual Inspection Sheets

The visual inspection sheets should include a line for each item in the specification that can be verified and signed off. Appendix D contains a sample visual inspection sheet.



Road Test Sheets

Road test sheets should include all information cited in the contract that fairly represents the handling and operation of the bus(es). It might include items such as top speed, gradeability, fuel economy, noise, accessibility, maintainability, handling, and operation of all accessories. Appendix D contains a sample road test sheet.

Manufacturing Activities

The resident inspector's report must include a description of final assembly and manufacturing operations, including a description of machine and hand operations—such as welding, painting, and drilling.

Records of Quality Control Measurements

Typical records of quality control should include information of actual and specified dimensions, clearances, and machining and assembly tolerances. In addition, the operational characteristics of all accessories should be included with this information.



FMVSS Certification

Vehicle labels must be permanently affixed in such a manner that they cannot be removed without being destroyed or defaced. The color of the lettering shall be such that it stands out from the background of the label. The lettering shall be in block capitals not less than 3/32 of an inch high.

Buses subject to FMVSS must have a FMVSS sticker affixed to the bus. Exhibits 4-6 through 4-10 present samples of various FMVSS stickers.

| | | | |
|--|-------------------------------|---------------------------|-------------------------------|
| MANUFACTURED BY (NAME). | | | |
| DATE: (MONTH/YEAR) | | GVWR:(WEIGHT) | LB |
| FRONT GAWR: (WEIGHT) | LB | REAR GAWR:(WEIGHT) | LB |
| WITH (SIZE) | TIRES, | WITH (SIZE) | TIRES, |
| (SIZE/TYPE) | RIMS, | (SIZE/TYPE) | RIMS, |
| AT | PSI COLD (SINGLE/DUAL) | AT | PSI COLD (SINGLE/DUAL) |
| THIS VEHICLE CONFORMS TO ALL APPLICABLE U.S. FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE SHOWN ABOVE. | | | |
| VIN: (VEHICLE IDENTIFICATION NUMBER) | | | |
| TYPE: (VEHICLE TYPE) | | | |

Exhibit 4-6. Sample Completed Vehicle FMVSS Sticker



THIS VEHICLE WAS ALTERED BY (NAME) IN (MONTH/YEAR) AND AS ALTERED, IT CONFORMS TO ALL APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS AFFECTED BY THE ALTERATION AND IN EFFECT IN (MONTH/YEAR)

| | | | |
|-----------------------------|-------------------------------|---------------------------|-------------------------------|
| GVWR:(WEIGHT) | | LB | |
| FRONT GAWR: (WEIGHT) | LB | REAR GAWR:(WEIGHT) | LB |
| WITH (SIZE) | TIRES, | WITH (SIZE) | TIRES, |
| (SIZE/TYPE) | RIMS, | (SIZE/TYPE) | RIMS, |
| AT | PSI COLD (SINGLE/DUAL) | AT | PSI COLD (SINGLE/DUAL) |
| TYPE: (VEHICLE TYPE) | | | |

Exhibit 4-7. Sample Altered Vehicle Manufacturer's FMVSS Sticker

THIS CHASSIS-CAB CONFORMS TO FEDERAL MOTOR VEHICLE SAFETY STANDARD NOS. (APPLICABLE FMVSS NUMBERS). THIS VEHICLE WILL CONFORM TO STANDARD NOS. (APPLICABLE FMVSS NUMBERS) IF IT IS COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS CONTAINED IN THE INCOMPLETE VEHICLE DOCUMENT FURNISHED PURSUANT TO 49 CFR PART 568. CONFORMITY TO THE OTHER SAFETY STANDARDS APPLICABLE TO THIS VEHICLE WHEN COMPLETED IS NOT SUBSTANTIALLY AFFECTED BY THE DESIGN OF THE CHASSIS-CAB.

CHASSIS-CAB MANUFACTURED BY (NAME). (MONTH/YEAR)

Exhibit 4-8. Sample Incomplete Vehicle Manufacturer's FMVSS Sticker

WITH RESPECT TO STANDARD NOS. (APPLICABLE FMVSS NUMBERS), THE INSTRUCTIONS OF PRIOR MANUFACTURERS HAVE BEEN FOLLOWED SO THAT THE CHASSIS-CAB NOW CONFORMS TO THESE STANDARDS. THIS CHASSIS-CAB CONFORMS TO FEDERAL MOTOR VEHICLE SAFETY STANDARD NOS. (APPLICABLE FMVSS NUMBERS). WILL CONFORM TO STANDARD NOS. (APPLICABLE FMVSS NUMBERS) IF IT IS COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS CONTAINED IN THE AMENDED INCOMPLETE VEHICLE DOCUMENT FURNISHED PURSUANT TO 49 CFR PART 568. CONFORMITY TO STANDARD NOS. (APPLICABLE FMVSS NUMBERS) IS NO LONGER SUBSTANTIALLY AFFECTED BY THE DESIGN OF THIS CHASSIS-CAB.

INTERMEDIATE MANUFACTURE BY (NAME). (MONTH/YEAR)

Exhibit 4-9. Sample Intermediate Vehicle Manufacturer's FMVSS Sticker



| | | | |
|---|--|---|--|
| MANUFACTURED BY (NAME). | | | |
| DATE: (MONTH/YEAR) | | | |
| INCOMPLETE VEHICLE MANUFACTURED BY (NAME). | | | |
| DATE: (MONTH/YEAR) | | | |
| GVWR:(WEIGHT) | | LB | |
| FRONT GAWR: (WEIGHT) WITH (SIZE) (SIZE/TYPE) AT | LB TIRES, RIMS, PSI COLD (SINGLE/DUAL) | REAR GAWR:(WEIGHT) WITH (SIZE) (SIZE/TYPE) AT | LB TIRES, RIMS, PSI COLD (SINGLE/DUAL) |

CONFORMITY OF THE CHASSIS-CAB TO FEDERAL MOTOR VEHICLE SAFETY STANDARDS, WHICH HAVE BEEN PREVIOUSLY FULLY CERTIFIED BY THE INCOMPLETE VEHICLE MANUFACTURER OR INTERMEDIATE VEHICLE MANUFACTURER, HAS NOT BEEN AFFECTED BY FINAL-STAGE MANUFACTURE, THE VEHICLE HAS BEEN COMPLETED IN ACCORDANCE WITH THE PRIOR MANUFACTURER'S INSTRUCTIONS, WHERE APPLICABLE. THIS VEHICLE CONFORMS TO ALL OTHER APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN EFFECT IN (MONTH/YEAR).

VIN: (VEHICLE IDENTIFICATION NUMBER)
TYPE: (VEHICLE TYPE)

or

CONFORMITY OF THE CHASSIS-CAB TO FEDERAL MOTOR VEHICLE SAFETY STANDARD NOS. (APPLICABLE FMVSS NUMBERS) HAS NOT BEEN AFFECTED BY FINAL-STAGE MANUFACTURE. WITH RESPECT TO THE STANDARD NOS. (APPLICABLE FMVSS NUMBERS), THE VEHICLE HAS BEEN COMPLETED IN ACCORDANCE WITH THE PRIOR MANUFACTURER'S INSTRUCTIONS. THIS VEHICLE CONFORMS TO ALL OTHER APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN EFFECT IN (MONTH/YEAR).

VIN: (VEHICLE IDENTIFICATION NUMBER)
TYPE: (VEHICLE TYPE)

or

THIS VEHICLE CONFORMS TO ALL OTHER APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN EFFECT IN (MONTH/YEAR).

VIN: (VEHICLE IDENTIFICATION NUMBER)
TYPE: (VEHICLE TYPE)

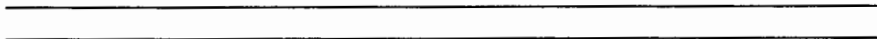
Exhibit 4-10. Samples of Final-Stage Vehicle Manufacturer's FMVSS Stickers



U.S. Department of Transportation
Federal Transit Administration

Section Five

FREQUENTLY ASKED QUESTIONS ABOUT THE PRE-AWARD AND POST-DELIVERY REVIEW





FREQUENTLY ASKED QUESTIONS ABOUT THE PRE-AWARD AND POST-DELIVERY REVIEW

This section presents some of the most frequently asked questions about pre-award and post-delivery review. This guidance is for information only. The responses do not constitute a determination of compliance with the Department of Transportation (DOT) standards and rules. Appendix E contains a list of FTA regional offices to contact if further clarification is needed.

General

1. *When must a recipient complete the "Certification of Compliance" as stipulated in Section 663.7 of the Rule?*

The Section 663.7 Certification of Compliance must be submitted as part of the grant application for any revenue service rolling stock grant. (See Exhibit 5-1 for a sample certification.) Once a recipient has submitted their first certification, the certification may be retained in the recipient's files and referenced in the "Statement of Continuing Validity" for any future rolling stock grants.

| | |
|---|--------------|
| <u>PRE-AWARD AND POST-DELIVERY AUDIT CERTIFICATION OF COMPLIANCE</u> | |
| As required by 49 CFR Part 663, Subpart A, _____ | |
| _____ (the recipient) certifies that it will | |
| conduct, or cause to be conducted, pre-award and post-delivery | |
| audits as prescribed in the "Pre-Award and Post-Delivery Audits of | |
| Rolling Stock Purchases; Final Rule." | |
| Date: _____ | |
| Signature: _____ | Title: _____ |

Exhibit 5-1. Sample Certification of Compliance



2. *Who must sign the Certification of Compliance?*

The certification must be signed by the recipient even if the funds will be passed on to another party. Further, if the funds are passed on, the initial recipient has the ultimate responsibility of ensuring that the final recipient of the funds carries out its duties and responsibilities as required by the Rule.

3. *Who must conduct the pre-award and post-delivery reviews?*

The recipient, or an analyst appointed by the recipient must conduct the review. The analyst may not be an employee of the manufacturer or its agent. In many instances a recipient may retain the services of a consultant to conduct the review. Although the Rule implies that this is an audit, it should not be misconstrued to imply that the recipient must hire an auditor to conduct the review.

Buy America Certification

1. *Must a Buy America certification be conducted for every procurement, even if identical buses are being purchased from the same contractor year after year?*

Yes. A manufacturer's past compliance with the Buy America Rule does not mean that the manufacturer's products will always be compliant. Changes in design, as well as technical developments, may make updated products noncompliant. If a pre-award and post-delivery Buy America review has been conducted for a given bus, then the same information may be used to demonstrate compliance at a later date if there has been no component or assembly changes to the bus since the last certification.



2. *Is the 60 percent domestic content calculated as a percentage of the total bus price?*

No. The 60 percent domestic content is calculated as a percentage of the total cost of all components, before final assembly. The cost of an individual component is the price a bus manufacturer pays a supplier for that component, plus freight-in costs and (if foreign) any applicable duties.

3. *How is the origin of a component determined?*

A component is considered to be of domestic origin, if at least 60 percent of its subcomponents, by cost, are of domestic origin and component manufacturing takes place in the United States. If the component meets these requirements, the entire cost of the component may be used in the Buy America calculation of the bus.

The cost of an individual subcomponent is the price a component manufacturer pays a supplier for that subcomponent, plus freight-in costs and (if foreign) any applicable duties.

If the component is manufactured at the final assembly location, then the manufacturing and final assembly activities must be separate and distinct activities.

4. *How is the origin of a subcomponent determined?*

Subcomponents manufactured in the United States are considered to be domestic.

Subcomponents manufactured in the United States and exported for inclusion in a component manufactured outside the United States are considered to be of domestic origin if they received a tariff exemption for importation back into the United States. If this is the case, then the cost of the subcomponent may be included in the Buy America calculation. The cost of the subcomponent at the time of export is the cost that should be used in the calculation. If the



subcomponent has not received a tariff exemption, then it may not be included in the Buy America calculation.

Raw materials exported for use in a component manufactured outside the United States may not be used in the Buy America calculation.

5. *Do the subcomponents have to be broken down into sub-subcomponents?*

No. The rule states that sub-subcomponents are not required to be identified in the Buy America calculations.

6. *If a bus uses a component from a foreign source and we wish to order it later as a spare part, do we need to conduct a domestic content certification for that spare part?*

No. The Pre-Award and Post-Delivery Rule applies to the purchase of buses, vans, cars, railcars, locomotives, trolley cars and buses, ferry boats, and vehicles used on guideways and incline planes. The Rule does not apply to the purchase of spare parts. Spare parts must, however, comply with the Buy America Rule.

7. *What cost is used in the Buy America calculation for domestic components?*

The entire cost of domestic components may be used in the content calculation. A component is considered domestic if it contains at least 60 percent domestic subcomponents, by cost, and is manufactured in the United States. The cost of a domestic component includes direct labor costs, direct material costs, sales costs, general and administrative costs, and overhead costs associated with manufacturing that component, plus freight-in costs. The total cost should be the actual cost of the component, **not** the bid price.



8. *Are only components of domestic origin allowed to be used in the Buy America calculations?*

No. Components manufactured in the United States with less than 60 percent domestic subcomponents, by cost, and foreign-manufactured components with domestic subcomponents, that received a tariff exemption for importation back into the United States, may be used in the Buy America content calculation.

9. *If a component contains less than 60 percent domestic subcomponents, how would it be used in the calculation?*

Components manufactured in the United States with less than 60 percent domestic subcomponents, by cost, may also be used in the domestic content calculation. However, the component's entire cost may not be used. The cost for such a component includes direct labor costs, **domestic** direct material costs (domestic subcomponent costs), sales costs, general and administrative costs, and overhead costs associated with manufacturing that component, plus freight-in costs.

10. *Can components from foreign sources with domestic subcomponents be used in the calculation?*

Yes. If the bus contains foreign-manufactured components with domestic subcomponents, which received a tariff exemption for importation back into the United States, then the cost of those domestic subcomponents may be used in the domestic content calculation. The cost of manufacturing the component may **not** be used, because it has been manufactured outside the United States.



11. *What if the manufacturer is concerned about releasing proprietary information?*

If the manufacturer is concerned about releasing proprietary information, the recipient may contract with an external consultant to conduct the manufacturer's Buy America certification review. After the consultant has reviewed the component and subcomponent documentation, the consultant will inform the recipient whether or not the Buy America requirements have been fulfilled. Once the recipient, or consultant, has reviewed the Buy America information, the manufacturer has fulfilled the requirements of the Buy America certification assuming that compliance has been established. The manufacturer is not required to provide the recipient with hard copies of the Buy America calculations. A manufacturer may require the external consultant to sign a proprietary information disclosure statement.

Purchaser's Requirements Certification

1. *Can two or more recipients purchasing more than ten buses from the same contractor combine the orders and use one resident inspector?*

Yes. The contract agreement between the inspector and the recipients should be carefully worded to cover the concerns of all parties.

2. *If required, what is the responsibility of the resident inspector?*

A resident inspector is required to visit the manufacturer's production facility during the assembly period if a recipient is purchasing more than ten buses or more than ten modified vans. The purpose of the requirement is to help the recipient ensure that buses will comply with the contract specifications. Therefore, the recipient is required to send an in-plant inspector to the manufacturer's final assembly facility to verify that the manufacturer is in compliance with the specifications.



The inspector must prepare a report (1) providing accurate records of all bus construction activities and (2) summarizing how the construction and operation of the buses meet (or do not meet) the terms of the contract.

The amount of time that an inspector must spend at a manufacturer's production facility will depend on the complexity and duration of manufacturing and assembly. Hence, the on-site inspection requirement for a complex bus may be more periodic than that for a less complex bus, although the resulting inspector's report should be equally comprehensive in both cases. In other words, a resident inspector would visit a production facility more periodically for a procurement of heavy-duty buses than for 15 passenger vans with a raised roof, but the resulting resident inspector's report would be just as comprehensive for both procurements. For buses produced by multiple manufacturers, the resident inspector is only required to visit the final-stage manufacturer's facility.

3. *Do any of the requirements of the Pre-Award and Post-Delivery Rule apply to the purchase of used rolling stock or public-to-public transfer of buses?*

No. However, any arrangement designed to avoid the regulations would be considered an illegal circumvention of the regulations, which would result in the withdrawal of Federal funding.

4. *Do the requirements apply to the remanufacture of buses?*

Yes. A recipient must follow the procedures required in the regulations as a condition of Federal financial assistance in the remanufacture of buses. A project for the "remanufacture" of buses shall be defined as the "structural restoration of a standard, heavy-duty bus in addition to installation of new or rebuilt major components to extend its service life at least eight years." (*FTA Circular C 9030.1A*, Office of Grants Management [U.S. Department of Transportation, Federal Transit Administration, September 18, 1987], IV-4).



5. *Where the contract provides for more than one delivery period, does the grantee conduct a post-delivery review for each delivery period?*

This question addresses the circumstances where a contract provides for multiple deliveries and the delivery periods are scheduled at substantially different time intervals, such as 6 months or 1 year apart. When a contract for buses provides for separately scheduled delivery periods, the recipient should complete a post-delivery review for each period. This does not mean that a separate review is necessary for each shipment within a delivery period.

6. *For procurements of body-on-chassis type buses or modified vans, what manufacturing sites and activities must be observed by a resident inspector?*

In general, for procurements of body-on-chassis type buses and modified vans, the purpose and intent of the resident inspector requirement will be satisfied if an inspector visits the facility of the final-stage manufacturer where the completed bus's final assembly occurs to ensure that the buses will be in compliance with the contract specifications. An inspector would not be required to visit the incomplete vehicle or intermediate vehicle manufacturer's production facility.

FMVSS Certification

1. *Must my ADA-compliant buses be FMVSS certified?*

Yes. All buses that are subject to the FMVSS regulations must meet the applicable standards.

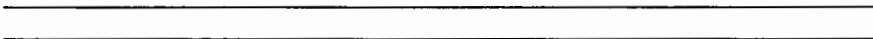
2. *Which FMVSS certifications are required?*

Title 49 of the Code of Federal Regulations, Part 571 covers the rulings concerning all Federal Motor Vehicle Safety Standards.



U.S. Department of Transportation
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Appendix A
SAMPLE REVIEW CERTIFICATIONS





SAMPLE REVIEW CERTIFICATIONS

PRE-AWARD BUY AMERICA COMPLIANCE CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart B, _____
_____ (the recipient) is satisfied that the buses
to be purchased, _____
(number and description of buses) from _____
_____ (the manufacturer), meet the require-
ments of Section 165(b)(3) of the Surface Transportation Assistance Act of
1982, as amended. The recipient , or its appointed analyst _____

_____ (the analyst – not the manufacturer or its agent), has reviewed documenta-
tion provided by the manufacturer, which lists (1) the proposed component
and subcomponent parts of the buses identified by manufacturer, country of
origin, and cost; and (2) the proposed location of the final assembly point for
the buses, including a description of the activities that will take place at the
final assembly point and the cost of final assembly.

Date: _____

Signature: _____ Title: _____

Exhibit A-1. Sample Pre-Award Buy America Compliance Certification

PRE-AWARD BUY AMERICA EXEMPTION CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart B, _____
_____ (the recipient) certifies that there is a
letter from FTA that grants a waiver to the buses to be purchased, _____

_____ (number and description of buses), from the Buy America requirements
under Section 165(b)(1), (b)(2), or (b)(4) of the Surface Transportation
Assistance Act of 1982, as amended.

Date: _____

Signature: _____ Title: _____

Exhibit A-2. Sample Pre-Award Buy America Exemption Certification



PRE-AWARD PURCHASER'S REQUIREMENTS CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart B, _____
_____ (the recipient) certifies that the buses to
be purchased, _____
(number and description of buses) from _____
_____ (the manufacturer), are the same product
described in the recipient's solicitation specification and that the proposed
manufacturer is a responsible manufacturer with the capability to produce a
bus that meets the specifications.

Date: _____

Signature: _____ Title: _____

Exhibit A-3. Sample Pre-Award Purchaser's Requirements Certification

PRE-AWARD FMVSS COMPLIANCE CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart D, _____
_____ (the recipient) certifies that it received, at
the pre-award stage, a copy of _____
_____ 's (the manufacturer) self-certification
information stating that the buses, _____
_____ (number and description of buses), will
comply with the relevant Federal Motor Vehicle Safety Standards issued by
the National Highway Traffic Safety Administration in Title 49 of the Code of
Federal Regulations, Part 571.

Date: _____

Signature: _____ Title: _____

Exhibit A-4. Sample Pre-Award FMVSS Compliance Certification



PRE-AWARD FMVSS EXEMPTION CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart D, _____
_____ (the recipient) certifies that it received at
the pre-award stage, a statement from _____
_____ 's (the manufacturer) indicating that the
buses, _____
(number and description of buses), will not be subject to the Federal Motor
Vehicle Safety Standards issued by the National Highway Traffic Safety
Administration in Title 49 Code of Federal Regulations, Part 571.

Date: _____

Signature: _____ Title: _____

Exhibit A-5. Sample Pre-Award FMVSS Exemption Certification

POST-DELIVERY BUY AMERICA COMPLIANCE CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart C, _____
_____ (the recipient) certifies that it is satisfied
that the buses received, _____
(number and description of buses) from _____
_____ (the manufacturer), meet the require-
ments of Section 165(b)(3) of the Surface Transportation Assistance Act of
1982, as amended. The recipient , or its appointed analyst _____

_____ (the analyst – not the manufacturer or its agent), has reviewed documen-
tation provided by the manufacturer, which lists (1) the actual component
and subcomponent parts of the buses identified by the manufacturer,
country of origin, and cost; and (2) the actual location of the final assembly
point for the buses, including a description of the activities that took place at
the final assembly point and the cost of final assembly.

Date: _____

Signature: _____ Title: _____

Exhibit A-6. Sample Post-Delivery Buy America Compliance Certification



POST-DELIVERY BUY AMERICA EXEMPTION CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart C, _____
_____ (the recipient) certifies that there is a
letter from FTA, which grants a waiver to the buses received, _____

(manufacturer, number and description of buses), from the Buy America
requirements under Section 165(b)(1), (b)(2), or (b)(4) of the Surface
Transportation Assistance Act of 1982, as amended.

Date: _____

Signature: _____ Title: _____

Exhibit A-7. Sample Post-Delivery Buy America Exemption Certification

POST-DELIVERY PURCHASER'S REQUIREMENTS CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart C, _____
_____ (the recipient) certifies that a resident
inspector, _____

(the resident inspector – not an agent or employee of the manufacturer),
was at _____ 's
(the manufacturer) manufacturing site during the period of manufacture of
the buses, _____

(number and description of buses). The inspector monitored manufacturing
and completed a report on the manufacture of the buses providing accurate
records of all bus construction activities. The report addresses how the
construction and operation of the buses fulfill the contract specifications.
After reviewing the report, visually inspecting the buses, and road testing the
buses, the recipient certifies that the buses meet the contract specifications.

Date: _____

Signature: _____ Title: _____

Exhibit A-8. Sample Post-Delivery Purchaser's Requirements
Certification (More Than Ten Buses or Modified Vans)



POST-DELIVERY PURCHASER'S REQUIREMENTS CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart C, after visually inspecting and road testing the contract buses, _____
_____ (the recipient) certifies that the buses,

(number and description of buses) from _____
_____ (the manufacturer), meet the contract
specifications.

Date: _____

Signature: _____ Title: _____

**Exhibit A-9. Sample Post-Delivery Purchaser's Requirements
Certification (Ten or Fewer Buses or Modified Vans,
or any Number of Unmodified Vans)**

POST-DELIVERY FMVSS COMPLIANCE CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart D, _____
_____ (the recipient) certifies that it received, at
the post-delivery stage, a copy of _____
_____ 's (the manufacturer) self-certification
information stating that the buses, _____
_____ (number and description of buses),
comply with the relevant Federal Motor Vehicle Safety Standards issued by
the National Highway Traffic Safety Administration in Title 49 Code of
Federal Regulations, Part 571.

Date: _____

Signature: _____ Title: _____

Exhibit A-10. Sample Post-Delivery FMVSS Compliance Certification



POST-DELIVERY FMVSS EXEMPTION CERTIFICATION

As required by Title 49 of the CFR, Part 663 – Subpart D, _____
_____ (the recipient) certifies that it received, at
the post-delivery stage, a statement from _____
_____ 's (the manufacturer) indicating that the
buses, _____
(number and description of buses), are not subject to the Federal Motor
Vehicle Safety Standards issued by the National Highway Traffic Safety
Administration in Title 49 Code of Federal Regulations, Part 571.

Date: _____

Signature: _____ Title: _____

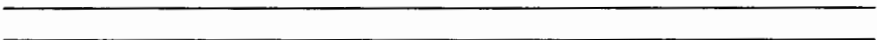
Exhibit A-11. Sample Post-Delivery FMVSS Exemption Certification



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Appendix B

TYPICAL BUS COMPONENTS





TYPICAL BUS COMPONENTS

The components listed below are examples of typical bus components. These lists are not meant to be exhaustive. Other components may be included in the Buy America calculation depending on the configuration of the buses.

Typical Components of Large Buses for the Buy America Content Calculation

- Air compressor and pneumatic systems
- Air conditioning compressor assemblies
- Air conditioning evaporator/condenser assemblies
- Aluminum extrusions
- Aluminum, steel, or fiberglass exterior panels and interior trim
- Designation sign assemblies
- Door control systems
- Drive shaft assemblies
- Driver's seat assemblies
- Engines
- Entrance and exit door assemblies
- Farebox
- Floor coverings
- Flooring
- Front and rear air brake assemblies
- Front and rear bumper assemblies
- Front and rear end cap assemblies
- Front axle assemblies
- Front suspension assemblies
- Generator/alternator and electrical systems
- Heating systems
- Interior lighting assemblies
- Passenger seats
- Radio
- Rear axle assemblies
- Rear suspension assemblies



- Specialty steel (structural steel tubing, etc.)
- Steering system assemblies
- Transmissions
- Wheelchair lifts and ramps
- Wheelchair securement and tie-down devices
- Window assemblies

Typical Components of Small Buses for the Buy America Content Calculation

- Air conditioning compressor assemblies
- Air conditioning evaporator/condenser assemblies
- Aluminum extrusions
- Aluminum, steel, or fiberglass exterior panels and interior trim
- Designation sign assemblies
- Door control systems
- Drive shaft assemblies
- Driver's seat assemblies
- Engines
- Entrance and exit door assemblies
- Farebox
- Floor coverings
- Flooring
- Front and rear air brake assemblies
- Front and rear bumper assemblies
- Front and rear end cap assemblies
- Front axle assemblies
- Front suspension assemblies
- Generator/alternator and electrical systems
- Heating systems
- Interior lighting assemblies
- Passenger seats
- Pneumatic systems
- Radio
- Rear axle assemblies
- Rear suspension assemblies
- Specialty steel (structural steel tubing, etc.)



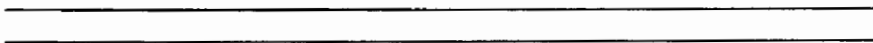
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- **Steering system assemblies**
- **Transmissions**
- **Wheelchair lifts and ramps**
- **Wheelchair securement and tie-down devices**
- **Window assemblies**



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Appendix C
BUY AMERICA WAIVERS





BUY AMERICA WAIVERS

Inconsistency With the Public Interest

[STAA, §165 (b)(1) and 49 CFR Part 661, §661.7(b)]

The Administrator may waive the Buy America requirements if the Administrator finds that compliance with the requirements would be inconsistent with the public interest. This includes waivers for prototype vehicles and first time items being produced by foreign firms relocating facilities to the United States.

This waiver may be granted for end products, as well as for components and subcomponents. If a component or subcomponent is granted this waiver, the component or subcomponent is considered to be of domestic origin and its entire cost may be used for the purposes of calculating the domestic content requirement.

Nonavailability of Materials

[STAA, §165 (b)(2) and 49 CFR Part 661, §661.7(c)]

The Administrator may waive the Buy America requirements if the Administrator finds that the item for which a waiver is being requested is not produced in the United States in sufficient and reasonably available quantities and of satisfactory quality.

This waiver will be granted if no responsive and responsible bids are received offering the item in the United States. It will also be granted in the case of sole source procurements.

If a component or subcomponent is granted this waiver, the component or subcomponent is considered to be of domestic origin and its entire cost may be used for the purposes of calculating the domestic content requirement.



Price-Differential

[STAA, §165 (b)(4) and 49 CFR Part 661, §661.7(d)]

The Administrator may waive the Buy America requirements if the Administrator finds that a domestic product will cost more than 25 percent of an equivalent foreign product.

The 25 percent applies to the cost of an end product, **not** the cost of the contract. The preamble to the Rule states, "the price differential is not to be applied to the overall contract between the grantee and its supplier, but to the comparative costs of each individual item (end product) being supplied." Therefore, if the inclusion of a domestic component increases the cost of a bus by more than 25 percent over that if a foreign-manufactured component were used, then a waiver may be given.

Excepted Articles, Materials, and Supplies

[49 CFR Part 661, §661.7 (App. A)(a)]

Title 48 of the CFR, Part 25, Section 108 (Federal Acquisition Regulation; Foreign Acquisition, "Excepted Articles, Materials, and Supplies") establishes articles, materials, and supplies exempt from the Buy America requirements and may be amended from time to time. This waiver falls under the waivers set forth in STAA, §165 (b)(1) and (b)(2) .

Fifteen Passenger Chrysler Vans and Wagons

[49 CFR Part 661, §661.7 (App. A)(b) and (c)]

Fifteen passenger vans and wagons produced by the Chrysler Corporation are exempt from the Buy America final assembly requirement only; the domestic content requirement is not waived. This waiver falls under the waiver set forth in STAA, §165 (b)(1).



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Microcomputer Equipment
[49 CFR Part 661, §661.7 (App. A)(d)]

Microcomputer equipment, including software, from a foreign source is exempt from the Buy America requirements. This waiver falls under the waiver set forth in STAA, §165 (b)(1) and (b)(2).

Foreign Spare Parts
[49 CFR Part 661, §661.11 (App. A)(a)]

The Buy America requirements are waived for spare parts from a foreign source, if the total cost of the foreign spare parts being procured is 10 percent or less of the contract value. This exception applies only if the spare parts are being procured with the end products in which they will be installed.



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Appendix D

SAMPLE VISUAL INSPECTION AND ROAD TEST SHEETS





SAMPLE VISUAL INSPECTION SHEET

Guide for Inspection:
The Following Items Should Be Inspected
on Every Coach of Each Order

Coach Manufacturer _____
Coach Number _____
Test Location _____

| Item | Requirement | Inspection Instruction | Result | Inspector/Date | Remarks /Notes |
|--------------------------|--|--|--------------|----------------|----------------|
| Curb Weight | Maximum curb weight of ____ lb. | Measure on certified scale | Weight _____ | | |
| FMVSS Stickers | Affixed to vehicle | Locate sticker | Pass/Fail | | |
| Finish and Color | Smooth body surfaces and paint | Visually inspect all surfaces for flaws | Pass/Fail | | |
| Interior Panel Fastening | Absence of rough edges or surfaces | Visually inspect for proper installation | Pass/Fail | | |
| Towing Devices | Provision of towing eyes (front/rear) | Verify presence of towing eyes | Pass/Fail | | |
| Door Control | Opening time of ____ sec. | Verify door opening time frame | Pass/Fail | | |
| Interior Lighting | Lighting operable without engine | Switch on all interior lights | Pass/Fail | | |
| Exterior Lighting | All vehicle lights operable | Switch on and verify lamps are on | Pass/Fail | | |
| Fuel Tank | Fill rate and filler location | Inspect filler for easy access and check fill rate | Pass/Fail | | |
| Chassis | Welds, axles, suspension, steering, wheels, and brakes | Inspect for leaks, and interference. Check fluid levels, welds, undercoating, air lines, brake slack, and lug nuts | Pass/Fail | | |
| Electrical | Wiring and junction boxes | Inspect for loose or stretched wires | Pass/Fail | | |
| Batteries | Secured and polarized wiring access for jump start | Inspect compartment and jumper cable access | Pass/Fail | | |
| HVAC | Capacity and performance | Operate AC, check compressor, condenser, flow, and temperature | Pass/Fail | | |
| Wheelchair Access | Clear lift or ramp access, and securement area | Operate lift or ramp, inspect operation, measure areas | Pass/Fail | | |
| Power Plant | Mounting and arrangement | Check for loose lines, leaks, and noises. Check fluid levels, belt alignment, and cap fit | Pass/Fail | | |



SAMPLE ROAD TEST SHEET

Guide for Inspection:
The Following Items Should Be Inspected
on Every Coach of Each Order

Coach Manufacturer _____
Coach Number _____
Test Location _____

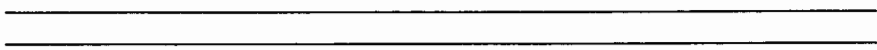
| Item | Requirement | Inspection Instruction | Result | Inspector/Date | Remarks/Notes |
|-------------------|--|--|------------------------------------|----------------|---------------|
| Engine | N/A | Record low idle, fast idle, and high idle speeds | Low ____ Fast ____ High ____ | | |
| Service Brakes | Stopping distance | Verify function and indicator, check for pulling to either side | Pass/Fail | | |
| Parking Brake | N/A | Verify indicator, and no movement | Pass/Fail | | |
| Turning Effort | Steering wheel torque | Check effort with coach stopped | Pass/Fail | | |
| Turning Radius | Not to exceed ____ at corner of body | Verify turning radius in both directions | Pass/Fail | | |
| Acceleration | ____ rate from 0 to ____ mph | Verify acceleration on smooth road | Pass/Fail | | |
| Resonance | Absence of audible and/or visible vibrations | Operate coach at various speeds, check for vibrations and rattles | Pass/Fail | | |
| Windshield Wipers | Evenly deposited wash fluid | Operate coach at safe speed over 40 mph, check coverage, parking position, and wiper frequency | Pass/Fail | | |
| Power Plant | N/A | Check for leaks under coach and in engine compartment, check for abnormal noises | Pass/Fail | | |
| HVAC | Interior temperature | Operate system, check internal and ambient temp. | Int. ____ Amb. ____ | | |
| Door Control | Accelerator and brake interlocks | At speeds less than 10 mph, verify accelerator and brake interlocks with door open | Pass/Fail | | |
| General | N/A | During testing, observe any abnormalities in ride and handling of coach | Pass/Fail | | |



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Appendix E

LIST OF FTA OFFICES





LIST OF FTA OFFICES

Please address your correspondence to the:

Federal Transit Administration

at the following locations:

A. Regional Offices

1. Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont)

Transportation Systems Center
55 Broadway, Suite 920
Kendall Square
Cambridge, Massachusetts 02142-0193
(617) 494-2055

2. Region II (New Jersey, New York, and Virgin Islands)

26 Federal Plaza, Suite 2940
New York, New York 10278-0194
(212) 264-8162

3. Region III (Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia)

1760 Market Street, Suite 500
Philadelphia, Pennsylvania 19103-4124
(215) 656-6900

4. Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, and Tennessee)

1720 Peachtree Road, N.W., Suite 400
Atlanta, Georgia 30309-2439
(404) 347-3948



5. Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin)

55 East Monroe Street, Suite 1415
Chicago, Illinois 60603-2439
(312) 353-2789

6. Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas)

524 East Lamar Boulevard, Suite 175
Arlington, Texas 76011-3900
(817) 860-9663

7. Region VII (Iowa, Kansas, Missouri, and Nebraska)

6301 Rockhill Road, Suite 303
Kansas City, Missouri 64131-1117
(816) 523-0204

8. Region VIII (Arizona, Colorado, Montana, Nevada, North Dakota, South Dakota, Utah, and Wyoming)

216 Sixteenth Street, Suite 650
Columbine Place
Denver, Colorado 80202-5120
(303) 844-3242

9. Region IX (American Samoa, California, Guam, and Hawaii)

211 Main Street, Suite 1160
San Francisco, California 94105-1926
(415) 744-3133

10. Region X (Alaska, Idaho, Oregon, and Washington)

915 Second Avenue, Suite 3142
Jackson Federal Building
Seattle, Washington 98174-1002
(206) 220-7954



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B. Department Of Transportation

1. Office of Grants Management
400 Seventh Street, S.W.
Washington, D.C. 20590
(202) 366-4043

