



Thomas J. Ross
Executive Director

January 17, 2014

Ms. Ann Schneider
Secretary, Illinois Department of Transportation
Co-Chair, Northeastern Illinois Public Transit Task Force
2300 South Dirksen Parkway
Springfield, IL 62764

Mr. George Ranney
President & CEO, Metropolis Strategies
Co-Chair, Northeastern Illinois Public Transit Task Force
30 West Monroe Street
Chicago, Illinois 60603

RE: Pace, The Suburban Bus Division of the Regional Transit Authority, Answers to Clarification on
Prior Questions and Additional Information

Dear Secretary Schneider and Mr. Ranney:

Attached please find the information requested in your correspondence dated December 6, 2013.

Sincerely,

T.J. Ross
Pace, Executive Director

3. In connection with your response to question 3, please describe the process that is followed when a conflict of interest is identified and the actions that are or may be taken to resolve such conflict.

For the record, I am unaware of any conflicts of interest arising with candidates, appointees or Directors during my tenure as Executive Director. If a conflict of interest should arise, the Director would be excused from taking any action on said issue and/or item: such as, any discussions or votes on a particular issue. For example, if a board member is also an attorney and their firm has a case or business with another firm or entity dealing with Pace, that board member would identify the potential conflict and excuse themselves from discussion and/or any vote or relevant action item on that particular issue. Furthermore, Section 5.03 "Conflicts of Interest" in the Pace Regulations Governing Public Bidding Ordinance (Ordinance SBD #12-86, adopted August 8, 2012, See attached) sets forth the restrictions that board members and employees are prohibited from having or acquiring any direct pecuniary interest in any contract which will be wholly or partially performed by the payment of funds or the transfer of Pace property. Additionally, Article 4 of the Pace Ethics Ordinance entitled Conflict of Interest in Contract Procurement addresses real and apparent conflicts of interest in contract procurement for officers, employees, board members and families. (See attached Pace Ethics Ordinance).

5. In connection with your response to question 5, please provide your recommendation on whether term limits should be imposed on Directors and if so, what said term limit should be.

Pace, the Suburban Bus Division of the RTA, is a unit of local government created by statute. As such, Pace will abide by whatever dictates the General Assembly deems necessary. Currently, the term of office for each member of the Pace Board of Directors is four years and each member shall serve until his or her successor has been appointed and qualified. See *Regional Transit Authority Act, 70 ILCS 3615/3A.03*. (See attached). However, it is important to note that the Pace Board is comprised of current and former local mayors or village presidents who are not only committed to having access to safe and efficient mass transportation in their region; they also, understand the importance of a balanced budget along with the work that goes into the budget process from public hearings to line by line accounting. The Pace Board understands the importance of accountability and transparency in supporting a government agency. Furthermore, Pace employees work in collaboration with and have great confidence in the Board of Directors.

9. /10. /11. In connection with your response to questions 9, 10, and 11, please describe with specificity the internal controls and monitoring related to employment actions or discrimination based upon political reasons or factors, and indicate when this policy was first put in place. In so doing, we ask that you direct us to the precise policy and page addressing this matter. In addition, please direct us to the pamphlet or material that your agency uses to disseminate policy positions that inform directors and employees that there shall be no discrimination or preferential treatment based upon political reasons or factors, and indicate when it was first used.

In hiring and employment matters, Pace follows the appropriate state and federal laws. Accordingly, under the RTA Act, 70 ILCS 3615/2.14, the language sets forth:

No unlawful discrimination, as defined and prohibited in the Illinois Human Rights Act, shall be made in any term or aspect of employment nor shall there be discrimination based upon political reasons or factors. The Authority shall establish regulations to insure that its discharges shall not be arbitrary and that hiring and promotion are based on merit.

This language is repeated for emphasis under Article III-A of the Act, entitled Suburban Bus Division; specifically, 70 ILCS 3615/3A.05 which establishes the operating structure for Pace.

Furthermore, Pace officers, appointees and employees are subject to the State Ethics Act; specifically, Section 5 ILCS 430/5-15(d) which states: *A State employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the State employee's participation in any prohibited political activity.*

14. In response to question 14, you wrote that a whistleblower may contact the "Pace Ethics Officer" amongst other entities. For your agency's Ethics Officer, please identify (a) the process for selection and hiring the individual to hold this office; (b) the performance and factors considered for any employment action taken in connection with this position, including, but not limited to a change in salary, promotion within the office, or termination from the position; (c) identify (i) the individual currently serving in this position and (ii) the individuals to have held this position for the last seven years; (d) the background and history for this office, including the creation of the position and its enabling resolution; and (e) any reports or findings issued by this office in the last seven years. This material can be provided in a manner to redact information considered "private" under Illinois FOIA and other related laws.

The person holding the Ethics officer position was selected in July of 2012 through the standard Pace open application employment process. Pace Board members participated in the application reviews and interviews. Performance evaluations are carried out by the Pace Executive Director through the standard performance evaluation method. All changes in pay and benefits are subject to consent by the Chairman of the Board. Jeanne Wrenn holds the position of Ethics Officer. Prior to July of 2012 a stand-alone Ethics Officer position did not exist. The responsibilities were carried out by Thomas Ciecko, (Pace General Counsel). The Pace Board of Directors approved the additional headcount in the 2012 Budget Ordinance. The Ethics Officer has not released or issued any reports or findings. Additionally, the Ethics Officer acts as the agencies' liaison with the Office of the Executive Inspector General (OEIG). To date, the OEIG has not issued any reports or findings regarding Pace.

15. In response to question 15, you provided a summary of all external audits. For the last seven years, please provide complete copies of: (a) all Procurement System Reviews and follow-up material; (b) the RTA 2011 Risk Assessment of RTA, Metra, CTA, and Pace; (c) the RTA 2011 Executive Compensation Audit; and (d) FTA – Financial Management Oversight.

Attached please find Pace's financial management oversight review final report and the 2012 procurement system review. (See attached Group Exhibit 15).

Below please find a direct link to the following documents including the RTA findings:

http://www.rtachicago.com/images/stories/RTA_Audit_Reports%20May%202012/RTA%20-%20Risk%20Assessment%20-%20Final%20Report%20with%20Program%20-%20082012.pdf

[http://www.rtachicago.com/images/stories/RTA_Audit_Reports%20May%202012/Executive%20Compensation%20Review%20\(RTA%20CTA%20Pace\).pdf](http://www.rtachicago.com/images/stories/RTA_Audit_Reports%20May%202012/Executive%20Compensation%20Review%20(RTA%20CTA%20Pace).pdf)

17. Within the material provided in response to question 17, please direct us to the document(s) and page(s) responsive to items 17(a) and (i).

- a) Hiring, promotion or firing decisions are never made based upon political considerations. Prospective employees are required to apply online or in person at one of our divisions for any available position. Once hired, nonbargained for employees undergo a six month probationary period; whereupon the completion of that period, employees are reviewed and considered for a potential salary increase. Additionally, employees are reviewed annually and when the budget and their individual performance warrant there is an opportunity for a merit increase. Regarding terminations, the General Counsel must sign off on any employee termination.

Bargained for employees are subject to the terms and rules established by their collective bargaining contract for promotion and/or firing decisions.

Regardless of an employee's status as union or nonunion, no decision regarding their career or course of employment is dictated and/or influenced by political factors.

Furthermore, Pace officers, appointees and employees are subject to the State Ethics Act; specifically, *Section 5 ILCS 430/5-15(d)* which states: *A State employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the State employee's participation in any prohibited political activity.* (Source: P.A. 96-1528, eff. 7-1-11.)

Under the *RTA Act, 70 ILCS 3615/2.14*, the language sets forth:

No unlawful discrimination, as defined and prohibited in the Illinois Human Rights Act, shall be made in any term or aspect of employment nor shall there be discrimination based upon political reasons or factors. The Authority shall establish regulations to insure that its discharges shall not be arbitrary and that hiring and promotion are based on merit.

This language is repeated for emphasis under Article III-A of the Act, entitled Suburban Bus Division; specifically, 70 ILCS 3615/3A.05 which establishes the operating structure for Pace.

- i.) The requirements to report information to the OEIG are set forth in the State Officials and Employees Ethics Act (SOOEEA). The Pace Ethics Officer is the main point of contact with the OEIG. Under the SOOEEA, the jurisdiction of the Executive Inspector General is established.

The language of the statute sets forth:

The jurisdiction of each Executive Inspector General is to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of this Act or violations of other related laws and rules. (Source: P.A. 96-1528, eff. 7-1-11.)

Additionally, the SOOEEA provides the duties of the Ethics Officer for each agency under its authority. This language states:

(5 ILCS 430/20-23)

Sec. 20-23. Ethics Officers. Each officer and the head of each State agency under the jurisdiction of the Executive Ethics Commission shall designate an Ethics Officer for the office or State agency. The board of each Regional Transit Board shall designate an Ethics Officer. Ethics Officers shall:

- (1) act as liaisons between the State agency or Regional Transit Board and the appropriate Executive Inspector General and between the State agency or Regional Transit Board and the Executive Ethics Commission;
- (2) review statements of economic interest and disclosure forms of officers, senior employees, and contract monitors before they are filed with the Secretary of State; and
- (3) provide guidance to officers and employees in the interpretation and implementation of this Act, which the officer or employee may in good faith rely upon. Such guidance shall be based, wherever possible, upon legal precedent in court decisions, opinions of the Attorney General, and the findings and opinions of the Executive Ethics Commission.

(Source: P.A. 96-1528, eff. 7-1-11.)

19. In response to question 19, you wrote that “Pace employees are expected to direct all communications from elected officials to Pace’s Government Affairs Department.” Please indicate how Pace addresses contact between directors or officers and elected officials, or their representatives, concerning official business. Further, please provide copies of any correspondence or notes, records, or logs regarding communications, including, but not limited to phone calls, letters, and email, between the Government Affairs Department and elected officials, or their

representatives, regarding hiring, firing, or promotions of executives or employees, and purchasing and procurement, during the last three years. Further, please describe any known exceptions to this general practice, and provide any correspondence or notes, records, or logs regarding communications between Pace officers, employees, or directors and elected officials, or their representatives, regarding hiring, firing, or promotions of executives or employees, and purchasing and procurement, during the last three years. The responsive material can be provided in a manner to redact information considered "private" under Illinois FOIA and other related laws.

There is no policy addressing contact between Pace board members and elected officials or their representatives concerning official business. By statute, all Pace board members, with the exception of the Commissioner of the Mayor's Office for People with Disabilities, are either current or former elected officials (Mayors or Former Mayors). Pace has no correspondence, notes, records, or logs regarding communications between the Government Affairs Department and elected officials, or their representatives, regarding hiring, firing, or promotions of executives or employees, and purchasing and procurement. We also do not know of any exceptions to this general practice.

Additional Information

- 1. Please provide any documents reflecting any contacts by persons outside Pace regarding the hiring and/or promotion and/or granting of salary increases (or requests for hiring, promotion or salary increases) for Members of the Pace senior executive team during the last five years. The materials can be provided in a manner to redact information considered "private" under Illinois FOIA and other related laws. The materials should include, but are not limited to, letters of reference and notes or memoranda or emails involving references by outside persons, including but not limited to, elected or appointed officials.**

No such document exists.

- 2. Please provide a comprehensive list of all internal or external investigations, audits, analyses, or related reviews of Pace or its employees during the last seven years, including those conducted by the Pace Inspector General, the OEIG, RTA, Illinois Department of Transportation, and the U.S. Department of Transportation, and whether we may arrange to review these documents. This list and the subsequent materials can be provided in a manner to redact information considered "private" under Illinois FOIA and other related laws. Further, please describe the policy of Pace regarding whether reports of the Pace Inspector General are available for review by the general public.**

Please see attached letter from Ricardo Meza, Executive Inspector General for the Agencies of the Illinois Governor. Further, Pace does not employ an Inspector General. However, our Ethics Officer acts as a liaison between the two agencies. To date, the OEIG has not issued any reports or findings regarding Pace. Attached please find a comprehensive list of all

internal audits conducted from December 31, 2006 through 2012 and external audits from 2009 through 2012.

- 3. Please provide copies of any records of discussions by the Pace Board of Directors during the last seven years regarding patronage or any issues related thereto, including, but not limited to, those in Board minutes and presentations to the Board.**

There have been no discussions by the Pace Board of Directors during the last seven years regarding patronage or any issues related thereto, including, but not limited to, those in Board Minutes and presentations to the Board.

- 4. Please identify the reasons why people and/or entities lobby Pace. In addition, please provide any and all policies, procedures, and controls in place regarding the people and/or entities who lobby Pace.**

Pace abides by all federal, state and local laws regulating lobbying practices.

Pace includes the applicable prohibitory language in our formal contracts that exceed \$10,000. This language is referred to as the Byrd Anti- Lobbying Amendment, the language sets forth:

Byrd Anti Lobbying Amendment: Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352, as amended by the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, et seq.] - Contractors who apply or bid for an award of \$100,000 or more shall file the certification required by 49 CFR part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal Contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal Contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the recipient. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal Contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. The Standard Form-LLL shall be submitted to the Pace Legal Department, Attn: General Counsel who, pursuant to federal regulations, will submit the form(s) to the Federal Transit Administration.

Pace hosts and participates in numerous public hearing throughout the region we serve. At these types of events, members of the public provide comments and suggestions regarding

bus routes, schedules and shelters. To that end, we do not have formal procedures or policies relating to these comments or suggestions. However, we do take these comments to heart and when practicable we implement our customer's suggestions.

5. **Identify the agency's revolving door policies, procedures, and controls governing the relationship and interactions between the agency and current or departing board members or agency employees, specifically, but not limited to, procurement, lobbying, and other agency issues. Provide copies of any such policies, rules, regulations, or requirements and identify the date of implementation.**

On September 10, 2012, John Schomberg, General Counsel to Governor Pat Quinn, sent a letter to the Ethics Officers for each state agency, board or commission requesting that they submit a list of employees whose positions made them subject to the provisions of the revolving door restrictions. (See attached letter). At that time, Pace complied with the request and submitted their c-list of employees in a timely fashion.

The Pace Ethics Officer maintains the agencies' C-list and conducts training as necessary. Additionally, when a C-list employee is ready to depart the agency they contact the Pace Ethics Officer to discuss and work through the process, including but not limited to, filling out the requisite forms (RD 101, RD 102 and RD 103) to submit to the designated OEIG employee for review and consideration. The Ethics Officer works with the employee throughout this process while maintaining confidentiality at all times. All employees are subject to the Pace Ethics Ordinance which contains revolving door prohibitions. Furthermore, employees whose positions and or duties fall within the language of the SOOEEA, 5 ILCS 430/5-45(c) are officially C-list employees. The language establishes the following:

(c) Within 6 months after the effective date of this amendatory Act of the 96th General Assembly, each executive branch constitutional officer and legislative leader, the Auditor General, and the Joint Committee on Legislative Support Services shall adopt a policy delineating which State positions under his or her jurisdiction and control, by the nature of their duties, may have the authority to participate personally and substantially in the award of State contracts or in regulatory or licensing decisions. The Governor shall adopt such a policy for all State employees of the executive branch not under the jurisdiction and control of any other executive branch constitutional officer.

Every c-list employee is provided training within 30 days of their hire by the Pace Ethics Officer. Additionally, all Pace employees participate in annual ethics training as approved by the OEIG.

6. Identify Pace's revolving door policy regarding (a) current or departing board members of Pace and their service or business relationships with CTA, Metra, and RTA, and (b) Pace's relationship with current or departing board members of CTA, Metra, and RTA. Provide copies of any such policies, rules, regulations, or requirements and identify the date of implementation.

The Pace Board of Director's are subject to the State Ethics Act. As such, the restrictions set forth in 5 ILCS 430/5-45(h) apply. The language of the statute reads:

h) The following officers, members, or State employees shall not, within a period of one year immediately after termination of office or State employment, knowingly accept employment or receive compensation or fees for services from a person or entity if the person or entity or its parent or subsidiary, during the year immediately preceding termination of State employment, was a party to a State contract or contracts with a cumulative value of \$25,000 or more involving the officer, member, or State employee's State agency, or was the subject of a regulatory or licensing decision involving the officer, member, or State employee's State agency, regardless of whether he or she participated personally and substantially in the award of the State contract or contracts or the making of the regulatory or licensing decision in question:

- (1) members or officers;
- (2) members of a commission or board created by the Illinois Constitution;
- (3) persons whose appointment to office is subject to the advice and consent of the Senate;
- (4) the head of a department, commission, board, division, bureau, authority, or other administrative unit within the government of this State;
- (5) chief procurement officers, State purchasing officers, and their designees whose duties are directly related to State procurement; and
- (6) chiefs of staff, deputy chiefs of staff associate chiefs of staff, assistant chiefs of staff, and deputy governors.

Additionally, each board member participates in Ethics training that is prepared especially for board members by the OEIG. In 2013, every member Pace's Board of Directors was compliant

with their Ethics training. Once again, Pace board members are also subject to the Pace Ethics Ordinance and our Conflicts of Interest prohibitions during their service to the agency.

7. Identify the policies, procedures, and controls in place regarding your agency's (a) procurement process, including bidding and price tracking; and (b) communications between board members or employees and past, current, or potential vendors regarding agency business and procurement. Provide copies of any such policies, rules, regulations, or requirements and identify the date of implementation.

Pace abides by the mandates of the Federal Transit Administration as well as internal procurement policies and procedures. These policies dictate the procedures for micro purchases, small purchases, formal procurements, field changes, requisitions, asset disposal, sole source and noncompetitive procurements both federally and non-federally funded.

Pace's procurement policies are established to ensure that:

- A. All procurements are best suited to the needs of Pace and are obtained at the lowest possible price or for the best overall value in accordance with Pace's Ordinance SBD 12-86, Regulations Governing Public Bidding as amended.
- B. Pace allows for full and open competition as the preferred method of procurement.
- C. Pace only allows for sole source or non-competitive procurements when it is fully justified and allowable, in accordance with Pace's Ordinance SBD 12-86 as amended and FTA Circular 4220.1F or most recent version.
- D. All Pace staff shall abide by Pace's Ethics Ordinance No. SBD 04-61 and State of Illinois Public Act 93-617, which detail standards of conduct, specifically as they pertain to the procurement process.
- E. Pace treats all vendors fairly in the bidding process.
- F. All procurements funded with federal monies and/or grants from the federal government, State of Illinois, or Regional Transportation Authority (RTA) shall be handled in accordance with Federal Transit Administration (FTA) Circular 4220.1F or most recent version.
- G. Pace obtains all appropriate approvals before contracts are awarded, in accordance with Pace's administrative policy.

(Please see Pace's Primary Procurement Policies attached as Group Exhibit 7 and FTA Circular 4220.1F which can be accessed at

http://www.fta.dot.gov/documents/FTA_Circular_4220.1F.pdf).

8. In connection with procurement, identify the policies, procedures, and controls in place regarding your agency's (a) requirements and goals regarding the involvement of Disadvantaged Business Enterprises ("DBE"); (b) public reporting and disclosure regarding the success or progress of those requirements and goals; (c) agency procedure for validating an entity's DBE status; and (d) communications by and between the agency, or board members or employees thereof, and public officials on behalf of DBEs. Provide copies of any such policies, rules, regulations, or requirements and identify the date of implementation.

Pace's DBE Department is responsible for the administration of the Disadvantages Business Enterprise (DBE) program. All procurement packages are reviewed by the DBE Liaison Officer to determine whether a DBE subcontracting goal should be included. If a goal is required, you must include with your bid the subcontractor names, amounts of subcontracts and type of work for DBE firms you intend to use. Pace requires that all businesses seeking to participate as a DBE comply with the U.S. Department of Transportation certification standards. In order for a business to become certified in Pace's DBE program, that business must be owned and controlled in both form and substance by one or more minorities or women, and it must complete and return an application for certification. Contractors must use firms already listed in the Illinois Unified Certification Program (IL UCP) DBE directory at the time of bid opening. The IL UCP is comprised of the following five entities; Illinois Department of Transportation, City of Chicago, Chicago Transit Authority, Metra and Pace. Contractors are urged to contact Pace's DBE Liaison Officer prior to bid submittal at (847) 228-4257 to check their DBE compliance. A copy of the IL UCP DBE Directory, is on Pace's website, www.pacebus.com (select Business Opportunities, click on DBE Program, then click on Illinois Unified Certification Program and go to View the IL UCP DBE Directory).

- a) Requirements and goals regarding the involvement of Disadvantaged Business Enterprises ("DBE");

Pace requires all businesses seeking to participate in its DBE Program to successfully pass initial certification, submit annual No Change Affidavits and subsequently a Continued DBE Eligibility Affidavit on its fifth year of certification. These requirements are to ensure that only legitimate disadvantaged businesses are given the opportunity to participate in Pace's DBE Program. Pace complies with the U.S. Department of Transportation certification standards (49 CFR Part 26 Subpart D) and the certification procedures (49 CFR Part 26 Subpart E) to determine the eligibility criteria for evaluating DBE applicants.

Pace establishes a triennial DBE goal in accordance with 49 CFR Part 26 (§26.45(2)). Such goals provide a benchmark for achievement of Pace's DBE Program. Currently, Pace is undergoing a Disparity and Availability Study. A disparity study provides an agency with the

evidence, in accordance with current case law, to determine whether or not, and to what extent, remedial programs for racial or gender discrimination are appropriate. A disparity study will determine if an agency has up-to-date facts for existing and future efforts to increase the use of minority and women-owned businesses. One of the elements established during a disparity and availability study is the required overall triennial DBE goal. Contract-specific DBE goals are set as necessary to further ensure the success of meeting the overall triennial goal.

- b) Public reporting and disclosure regarding the success or progress of those requirements and goals;

Pace reports its DBE participation to DOT by transmitting the Uniform Report of DBE Awards or Commitments and Payments, semi-annually on the first of June and December of each year. These reports reflect actual payments made to DBEs on all DOT-assisted contracts.

- c) Agency procedure for validating an entity's DBE status;

Pace uses the certification standards of 49 CFR Part 26 Subpart D to determine the eligibility of firms to participate as DBEs on Pace's DOT-assisted contracts. For those DBE certified businesses that have not been certified by Pace, Pace utilizes the IL UCP Directory and on-site visits to validate and determine a business' DBE status. Pace is a participant in the Illinois Unified Certification Program (IL UCP) which includes the Illinois Department of Transportation, the City of Chicago, Chicago Transit Authority and Metra. Pace contributes to the IL UCP's DBE Directory.

- d) Communications by and between the agency, or board members or employees thereof, and public officials on behalf of DBEs.

Pace's DBE department regularly updates Pace's Executive Director and its Board Members of any changes to its DBE program and its semi-annual goals.

(Attached please find a copy of Pace's Disadvantaged Business Enterprise Program (DBE) for your review).

- 9. Identify the agency's policies, procedures, and controls in place regarding debarment and suspension of individuals or companies seeking to do business with your agency, including (a) what steps, if any, the agency takes to determine if a vendor or contractor has been debarred or suspended; (b) what practices the agency undertakes to notify the relevant authorities of conduct by vendors or contractors that could lead to debarment**

or suspension; and (c) what procedures, if any, are in place to share such information with CTA, Metra, and RTA.

In accordance with PC-02-C, Formal Procurements (page 5), Pace may only award contracts to “responsible” contractors possessing the ability, willingness, and integrity to perform successfully under the terms and conditions of the contract. Responsibility is a procurement issue that is determined by Pace under the standards of Title 49 of the United States Code by an affirmative demonstration of the prospective contractor and any proposed subcontractors. Therefore, Pace will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. Pace shall not award contracts to vendors who are on the List of Parties Excluded from Federal Procurement or Non-procurement contracts. This list can be accessed by going to www.sam.gov. Further, Pace shall not award contracts to vendors who are debarred by State or local government agencies. All bidders must complete a certification/affidavit that they are not debarred by any federal, state or local government agency. Pace has not debarred vendors but have deemed them not responsible based on the criteria established above and on FTA guidelines. The determination of responsibility is documented in the contract file.