



## SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT INDEPENDENT OFFICE OF THE INSPECTOR GENERAL

# BART RESPONSIVE TO UPDATING PROCUREMENT MANUAL

### INVESTIGATION RESULTS



The BART Office of the Inspector General (OIG) received allegations that BART officials circumvented the District's procurement policies to avoid the competitive process in favor of particular vendors. The complainant also alleged that BART paid more for those vendors' services than necessary, thus misusing public funds in the process.

We confirmed that the officials in question had used a BART approved procurement option, the California Multiple Award Schedule (CMAS), to select the specific vendors named in the complaint. We also verified that the BART officials used an appropriate contractor selection process to choose the vendors. Because the evidence did not show favoritism, we did not substantiate the allegations.

Although no violation of the BART procurement policy was evident, we did notice that the CMAS procurement option was not included in BART's Consolidated Procurement Manual at the time the concerns were raised with the OIG, which could have given the impression that it was not an approved procurement method.

We brought this issue to the attention of procurement staff who promptly began the process to update the Procurement Manual to incorporate the alternative procurement vehicle. The Procurement Manual was updated in April 2025 and now includes the CMAS procurement option.

### WHY THIS INVESTIGATION MATTERS



A well-structured procurement policy ultimately enhances public trust, service delivery, and government efficiency, making it a fundamental aspect of good governance. Gaps in procedures create the risk that the District will fail to comply with applicable laws and could create opportunities for financial loss.

### RELEVANT LAW & DISTRICT POLICY



California's Public Contract Code (PCC) governs public procurement activities and emphasizes competitive bidding requirements to ensure the public receives the best service or product for the best value while preventing favoritism, fraud, and corruption in the awarding of public contracts. BART's Procurement Policy and Instruction Manual was developed in conformance with the standards and limitations established by the PCC.

### RECOMMENDATIONS

There are no recommendations associated with this report.

For additional information on CMAS, please visit the [California Department of General Services CMAS website](#)

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## CALIFORNIA PUBLIC CONTRACT CODE AND BART'S ASSOCIATED POLICIES

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California has established a robust Public Contract Code (PCC) intended to centralize California's public contract laws in one location while making the law clearer and easier to find. The PCC encourages competition for public contracts and seeks to aid public officials in the efficient administration of public contracting, to the maximum extent possible, for similar work performed for similar agencies.

BART's Consolidated Procurement Manual (Manual) was recently updated in April 2025 and developed in conformance with the standards and limitations established by the PCC, other state and federal law, and District rules and policies. According to Chapter I Section 2.0 of the Manual, with limited exceptions, full and open competition is required for all procurement actions over \$2,500.

One of BART's exceptions to the requirement for a full open competitive process is to utilize the California Multiple Award Schedule (CMAS). According to BART's Executive Decision Document (EDD) dated January 2018, CMAS contracts offer services at competitive prices based on an existing Federal General Services Administration (GSA) multiple award schedule and are made available to any agency that expends public funds. These types of agreements establish a pre-qualified list of vendors simplifying the purchasing process for agencies. The BART Board of Directors authorized participation in the CMAS program in January 2018.

Before using CMAS as a contracting vehicle, BART requires that approval be granted from the Office of the Chief Information Officer (OCIO), Procurement, Risk Management (RM), and Office of Civil Rights (OCR). The OCR's Agreement Compliance Unit (ACU) in conjunction with Procurement and the OCIO, developed and implemented a review process for procurement of Information Technology consulting services under CMAS. The purpose of this review process is to ensure transparency and accountability in the issuance of agreements under CMAS. Therefore, ACU reviews all agreements under CMAS. BART Revised its procedure for the preparation, review, and award of CMAS agreements in September 2024.

Although the procedure for CMAS contracts was updated in September 2024, a concurrent update to the Manual was not performed. We brought this issue to the attention of procurement staff who promptly began the process to update the Procurement Manual to incorporate the alternative procurement vehicle. The Procurement Manual was updated in April 2025 and now includes the CMAS procurement option.

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## OIG REPORTING REQUIREMENT & DISCLOSURE PRACTICES

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We are providing this summary report to remain compliant with California Public Utilities Code 28841, which requires that we keep BART administration, the Board of Directors, and the public fully informed of our findings and recommendations.

We identify those involved in our investigations in only limited circumstances. This avoids violating privacy and confidentiality rights granted by law and creating unwarranted actions against those involved with our investigation. The decision to provide names is made on a case-by-case basis and considers all elements of an investigation. This practice does not prevent individuals from requesting documents under the California Public Records Act (CPRA). However, such disclosures may be restricted or limited by law. The case described in this report is associated with case number 236-2024.

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## Providing Independent Oversight of the District's Use of Revenue

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Stop Fraud, Waste, & Abuse  
Report What You See  
to the OIG



24/7 Fraud, Waste, & Abuse  
Whistleblower Hotline



[www.bart.gov/oighotline](http://www.bart.gov/oighotline)



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