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FLEXIBILITY WITH STANDARDIZATION

Procurement methods have evolved
to allow for more flexibility




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PROCUREMENT CHECKLIST

Written Procurement Procedures include:

- ✓ Ensuring responsible contractors
- ✓ Oversight of contractor performance
- ✓ Avoiding unnecessary or duplicate purchases
- ✓ Economical and strategic sourcing
- ✓ Partnering with governments
- ✓ Use of federal excess and surplus property
- ✓ Inclusion of value engineering clauses



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BEAR PAW



- Documented procurement procedures
- The necessity of the purchase
- Open competition to the extent required
- Compliance with the organization's conflict of interest policy
- Sufficient and proper documentation of the purchase


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BEAR CLAWS


- Procurement to be dictated by purchase method and threshold
- Requirements vary by the aggregate dollar amount of the purchasing decision
- The level of competition required is dependent on the procurement method



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PROCUREMENT METHODS

Method	Aggregate Dollar Amt.	Notes 1:	Notes 2
Micro-Purchase (informal)	Not to exceed \$10,000	No quotations required if price is reasonable.	To extent practicable distribute equitably among qualified suppliers
Singlified Acquisition (informal)	Up to \$250,000	Rate quotations from an adequate number of qualified sources.	No cost or price analysis required
Sealed Bid (Formal)	>\$250,000	Firm fixed price contract – appropriate for construction, equipment	Price is a major factor-formal process for bidding
Competitive Proposal (formal)	>\$250,000	Fixed price or cost-reimbursement	RFP with evaluation methods for an adequate number of qualified sources.
Noncompetitive	Available for procurements of any dollar amount.	No competition	Single source (must pass audit scrutiny); public emergency or emergency; approval of Fed agency or PTE, inadequate competition.



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FLEXIBILITY

Increase the micro-purchase threshold up to \$50,000 through annual self-certification if:

- Low-risk auditee for the most recent audit
- Annual internal institutional risk assessment to identify, mitigate, and manage financial risks
- Or for public institutions, a higher threshold consistent with State law

Documentation made available to funder and auditors





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MICRO-PURCHASES

Annual self-certification up to \$50,000 micro-purchase must include:

- Justification for higher threshold
- Clear identification of the threshold

For micro-purchase thresholds higher than \$50,000

- Must be approved by the cognizant agency for indirect costs
- Valid until there is a change in status in which the justification was approved



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COMPETITION

§ 200.319 Competition.

- (d) The recipient or subrecipient must have written procedures for procurement transactions. These procedures must:
 - Incorporate a clear and accurate description of the technical requirements for the property, equipment, or service being procured.
 - Identify any additional requirements which the offerors must fulfill and all other factors that will be used in evaluating bids or proposals.



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INFORMAL DOCUMENTATION

Expected level of documentation:

Micro-purchase

- Document reasonableness based on:
- Documented research, experience, purchase history, or other information and documents
- Purchase cards OK if procedures are documented and approved by the recipient

Simple Acquisition

- Document rate quotations from an adequate number of qualified sources (the recipient or subrecipient can exercise judgement when determining what number is "adequate." Rule of thumb is two quotes).

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FORMAL DOCUMENTATION

Expected level of documentation:

Sealed Bid

- Document competition with two or more responsible bidders

Competitive Proposals

- Document competition by soliciting bids from an adequate number of qualified sources (document both the number of bidders and that they are responsible or qualified)

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NONCOMPETITIVE CHECKLIST

Noncompetitive procurements - i.e., "sole-source" procurements only allowed if one or more apply:


- The aggregate dollar amount does not exceed the micro-purchase threshold
- Only available from a single source
- Public exigency or emergency will not permit a delay
- Competition is deemed inadequate after solicitation
- When expressly authorized in response to a written request

Use a written sole-source justification when requesting approval

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PART 2: COMPETITION TOPICS

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COMPETITIVE PRACTICES

Bids may be rejected if:

- There is a sound, documented reason

Don't always have to accept the lowest bid

- consider best value:

- Price
- Service
- Warranty
- Reliability

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SAMPLE RFP TABLE OF CONTENTS

TABLE OF CONTENTS	
Request for Proposals	
(Name of project) (Type of service)	
Introduction	3
Background	4
Scope of Work	6
Appendix A - Proposal Requirements	10
Appendix B - Proposal Evaluation	13
Appendix C - Project Schedule	17
Attachment 1 - Vicinity & Location Maps/Existing & Proposed Conditions Map/Photos	
Attachment 2 - Sample Contract Agreement	
Attachment 3 - Required Local Assistance Procedures Manual Exhibits	

Source: <https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/ae/files/rfp-example.docx>

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NONCOMPETITIVE PRACTICES

Recipients must avoid noncompetitive practices such as:

- Including a contractor that prepared the solicitation or application
- Arbitrary actions in the procurement process

Recipients MUST be alert to noncompetitive practices of contractors

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EXCLUDED CONTRACTORS

Prohibits contractors that developed the specifications for work from doing work:

- If contractor develops specifications, requirements, statement of work, etc. then EXCLUDED from receiving work on contract



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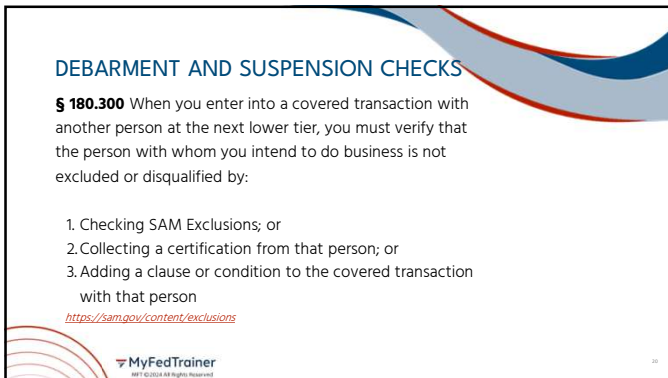
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DEBARMENT AND SUSPENSION CHECKS

§ 180.300 When you enter into a covered transaction with another person at the next lower tier, you must verify that the person with whom you intend to do business is not excluded or disqualified by:

1. Checking SAM Exclusions; or
2. Collecting a certification from that person; or
3. Adding a clause or condition to the covered transaction with that person

<https://sam.gov/content/exclusions>



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PARTNERING WITH GOVERNMENTS

§ 200.318 Procurement Standards:

(e) To foster greater economy and efficiency...encouraged to enter into state and local intergovernmental agreements, or inter-entity agreements where appropriate for procurement or use of common or shared goods and services

- Competition requirements will be met with documented actions supporting strategic sourcing, such as a state list



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**PROCUREMENT STANDARDS
ENCOURAGE CONTRACTING
WITH:**

- Small businesses
- Minority businesses
- Women's business enterprises
- Veteran-owned businesses
- Labor surplus area firms

This requirement may change

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**CONSIDER THESE TYPES OF
ORGANIZATIONS BY:**

- ✓ Putting qualified businesses on solicitation lists
- ✓ Soliciting these business types whenever they are deemed eligible as potential sources
- ✓ Dividing procurements to maximize participation, where possible
- ✓ Establishing delivery schedules that encourage participation
- ✓ Requiring contractors to consider these businesses for subcontracts
- ✓ Utilizing organizations such as the Small Business Administration

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**PART 3: CONTRACT
ISSUES**



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CONTRACT ISSUES

Contract administration requires evaluation of potential partners to ensure responsible and qualified contractors are used.

Signs of responsible contractors:

- Compliance with terms and conditions
- Contractor integrity
- Compliance with laws and regulations
- Past performance
- Technical and financial resources

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CONTRACT OVERSIGHT

Requirement: Award contracts only to responsible contractors possessing the ability to perform successfully.

Must provide oversight to ensure:

- Contractors are performing and conforming with the terms, conditions, and specifications
- Contractors are and remain off the Excluded Parties list on SAM.gov
- Includes adequate and timely follow-up of purchases

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PROCUREMENT HISTORY

Documentation of procurement history includes-at a minimum:

1. Procurement method rationale (5 methods)
2. Contract type selection (Firm fixed price vs. time and materials)
3. Basis for the contract price (As required by method)
4. Contractor selection or rejection

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APPENDIX II - CONTRACT PROVISIONS

1. Remedies for Breach	9. Suspension and Debarment
2. EEO (Equal Employment Opportunity)	10. Anti-Lobbying
3. Grantee Termination Clause	11. Recycling
4. Davis-Bacon Act	12. Domestic Preferences for Procurements
5. Contract Work Hours/Safety Standards	13. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment
6. Rights to Inventions	
7. Clean Air and Water Pollution	
8. Energy Efficiency	

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SESSION REVIEW

- Develop a written procurement policy that complies with all federal and award requirements. Maintain documentation related to the procurement process.
- Remember the bear claws and bear paw when it comes to procurement methods.
- The goal is to enable free and open competition to the extent practicable.
- There must be adequate oversight of contractors.

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