

PROCUREMENT CHECKLIST

Project Title:		
FEMA Project Worksheet (PW) Number:		
Project Description:		
Document Your File or be Prepared to Demonstrate the Following:		
SOLICITATION		
<input type="checkbox"/>	Is the solicitation (Request for Proposals [RFP] or Request for Qualifications [RFQ]) included in your file?	2 Code of Federal Regulations (CFR) 215.44(e); 44 CFR 13.36 (c)(3)(i)(ii)
<input type="checkbox"/>	<ul style="list-style-type: none"> Were prospective respondents allowed a reasonable amount of time to respond? 	44 CFR 13.36(d)(2)(ii)(A)
<input type="checkbox"/>	<ul style="list-style-type: none"> Does solicitation contain a clear and accurate description of the technical requirements for the material, product or services, scope of work (SOW)? 	2 CFR 215.44(a)(3)(i); 44 CFR 13.36(c)(3)(i)
<input type="checkbox"/>	<ul style="list-style-type: none"> Specifications may not contain features that unduly restrict competition 	2 CFR 215.43; 44 CFR 13.36(c)(3)(i)
<input type="checkbox"/>	<ul style="list-style-type: none"> Are there unreasonable requirements or unnecessary experience or excessive bonding requirements? 	44 CFR 13.36(c)(1)(i-ii)
<input type="checkbox"/>	<ul style="list-style-type: none"> Are there any "brand name" products specified without also listing "or equal"? 	44 CFR 13.36(c)(3)(i)
	<ul style="list-style-type: none"> Does the solicitation file evidence the following: 	
<input type="checkbox"/>	<ul style="list-style-type: none"> Positive efforts in hiring small-business enterprises to the extent practical? 	2 CFR 215.44(b)(1); 44 CFR 13.36(e)
<input type="checkbox"/>	<ul style="list-style-type: none"> Positive efforts in hiring minority-owned business enterprises to the extent practical? 	2 CFR 215.44(b)(1); 44 CFR 13.36(e)
<input type="checkbox"/>	<ul style="list-style-type: none"> Positive efforts in hiring women-owned business enterprises to the extent practical? 	2 CFR 215.44(b)(1); 44 CFR 13.36(e)
<input type="checkbox"/>	<ul style="list-style-type: none"> Positive efforts in the utilization of labor surplus firms? 	44 CFR 13.36(e)
<input type="checkbox"/>	Is the publication (advertisement, invitation to bid, etc.) included in your file?	44 CFR 13.36(d)(2) et seq.
<input type="checkbox"/>	Is a record of respondents that were rejected as not responsible or not responsive and rejection reasoning included in your file?	2 CFR 215.44(d); 44 CFR 13.36(b)(8)(9)
<input type="checkbox"/>	Are there an adequate number of responses documented in the file (two [2] or more for large purchases and three [3] for small purchases)? Keep records of proposals in your file.	2 CFR 215.43; 44 CFR 13.36(d)(2)(i)(B) and (d)(3); 44 CFR 13.36(d)(3)(ii); <i>Disaster Assistance Policy (DAP)</i> 9580.212

SOLICITATION (CONTINUED)		
<input type="checkbox"/>	Are copies of all proposals, to include methodology of evaluation and selection process (e.g., bid summary, tabulation sheet, scoring sheet, cost analysis if needed [see COST ANALYSIS REQUIRED section on following pages] and recommendation) included in your file?	2 CFR 215.44; 44 CFR 13.36(d)(3)
<input type="checkbox"/>	Are there any potential conflicts of interest?	2 CFR 215.42; 44 CFR 13.36(b)(3)
WHAT IS THE METHOD OF PROCUREMENT?		
<input type="checkbox"/>	Procurement by small purchase (\leq \$150,000).	2 CFR 215.44(2); as amended by 75 FR 53129; 44 CFR 13.36(d)(2)(ii)(D)
<input type="checkbox"/>	Procurement by sealed bids (preferred method for construction contracts). Contract awarded to the lowest responsive, responsible bidder with a firm-fixed price contract (lump sum or unit price).	44 CFR 13.36(d)(2)(ii)(D)
<input type="checkbox"/>	Procurement by competitive proposals .	44 CFR 13.36(d)(3)
<input type="checkbox"/>	• If solicitation was for other than "Architectural and Engineering (A/E) professional services", was price included as a selection criteria?	44 CFR 13.36(d)(3)(v)
<input type="checkbox"/>	• If solicitation was for A/E services, is a cost analysis included in your file (see COST ANALYSIS REQUIRED section, next page)?	44 CFR 13.36(d)(3)(v)
<input type="checkbox"/>	• Does the solicitation clearly outline the scoring criteria and associated weights used for selection?	2 CFR 215.44 (a)(3)(ii); 44 CFR 13.36(d)(3)(i); 44 CFR 13.36(c)(3)(ii)
<input type="checkbox"/>	Procurement by noncompetitive proposals .	44 CFR 13.36(d)(4)
<input type="checkbox"/>	• Is there a justification for the use of this method of procurement included in your file?	2 CFR 215.46(b); 44 CFR 13.36(d)(4) (i)-(iii)
<input type="checkbox"/>	• Are intergovernmental agreements and Federal surplus property (if applicable) included in your file?	44 CFR 13.36(b)(5-6)
TYPES OF CONTRACTS FOR REIMBURSEMENT		
<input type="checkbox"/>	Lump sum	2 CFR 214.44(c); Public Assistance Guide - FEMA 322/June 2007, pages 52-53
<input type="checkbox"/>	Unit price	2 CFR 214.44(c); Public Assistance Guide - FEMA 322/June 2007, pages 52-53
<input type="checkbox"/>	Cost plus a fixed fee	2 CFR 214.44(c); Public Assistance Guide - FEMA 322/June 2007, pages 52-53
<input type="checkbox"/>	Time and materials contracts: Does it meet all the requirements (see citation)?	44 CFR 13.36(b)(10); Public Assistance Policy Digest - FEMA 321/January 2008, page 23
PROHIBITED CONTRACTS		
<input checked="" type="checkbox"/>	Cost plus a percentage of cost (NOT PERMITTED)	2 CFR 214.44(c); 44 CFR 13.36(f)(4)
<input checked="" type="checkbox"/>	Percentage of construction cost (NOT PERMITTED)	2 CFR 215.44 (c); 44 CFR 13.36(f)(4)
<input checked="" type="checkbox"/>	Piggyback (NOT PERMITTED)	DOLR, Version 2.0, page 5-128; Public Assistance Policy Digest - FEMA 321/ January 2008, page 23

BONDING REQUIREMENTS		
<input type="checkbox"/>	Is this a construction or facilities improvement contract that exceeds \$150,000? If so:	2 CFR 215.48; 44 CFR 13.36(h)
<input type="checkbox"/>	<ul style="list-style-type: none"> Did the bid response include a 5% bid bond? 	2 CFR 215.48(c)(1); 44 CFR 13.36(h)(1); LRS 38:2218
<input type="checkbox"/>	<ul style="list-style-type: none"> Did the winning contractor execute a performance bond for 100% of the contract? 	2 CFR 215.48(c)(2); 44 CFR 13.36(h)(2); LRS 38:2219
<input type="checkbox"/>	<ul style="list-style-type: none"> Did the winning contractor execute a payment bond for 100% of the contract? 	2 CFR 215.48(c)(3); 44 CFR 13.36(h)(3); LRS 38:2219
REQUIRED CONTRACT PROVISIONS		
<input type="checkbox"/>	Does the contract (>\$150,000) contain a provision for administrative and legal remedies for violation or breach of contract?	2 CFR 215.48(a); 44 CFR 13.36(i)(1)
<input type="checkbox"/>	Does the contract (>\$10,000) contain a provision for termination of contract for cause and for convenience?	2 CFR 215.48(b); 44 CFR 13.36(i)(2)
<input type="checkbox"/>	Does the contract (>\$10,000) contain a provision to comply with <i>Executive Order (EO) 11246, Equal Employment Opportunity (EEO)</i> ?	2 CFR 215 Appx. A(1); 44 CFR 13.36(i)(3)
<input type="checkbox"/>	Does the contract (applies to all construction or repair contracts or subcontracts) contain a provision to comply with the <i>Copeland Anti-Kickback Act</i> ?	2 CFR 215 Appx. A(2); 44 CFR 13.36(i)(4)
<input type="checkbox"/>	Compliance with the <i>Davis-Bacon Act</i> : There is NO REQUIREMENT for such compliance with the FEMA Public Assistance (PA) or Hazard Mitigation (HM) programs.	<i>Public Assistance Guide - FEMA 322/ June 2007, page 44</i>
<input type="checkbox"/>	Is the contract required to comply with Sections 103 and 107 of the <i>Contract Work Hours and Safety Standards Act</i> ?	2 CFR 215 Appx. A(4); 44 CFR 13.36(i)(6)
<input type="checkbox"/>	Does the contract (applies to contracts, subcontracts and grants >\$150,000) contain a provision to comply with Section 306 of the <i>Clean Air Act</i> , Section 508 of the <i>Clean Water Act</i> , <i>Executive Order 11738</i> and <i>Environmental Protection Act</i> (EPA) regulations, 40 CFR 15?	2 CFR 215 Appx. A(6); 44 CFR 13.36(i)(12)
<input type="checkbox"/>	Does the contract contain a provision stating record retention and access requirements to all records?	2 CFR 215.48 (d); 44 CFR 13.42
COST ANALYSIS REQUIRED		
<input type="checkbox"/>	Were A/E or other professional services procured?	2 CFR 215.45; 44 CFR 13.36(f)
<input type="checkbox"/>	Is the contract a noncompetitive proposal?	2 CFR 215.45; 44 CFR 13.36(d)(4)(ii) and (f)
<input type="checkbox"/>	Does the contract contain modifications and/or change orders?	2 CFR 215.45; 44 CFR 13.36(f)
<input checked="" type="checkbox"/>	Competitively procured contracts (small and large): Documentation demonstrating competitive procurement serves as a cost analysis.	2 CFR 215.45; 44 CFR 13.36(f)

