

# VI. RESOURCES

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PROCUREMENT **TOOLBOX**



# PROCUREMENT CHECKLIST

This checklist addresses the *Uniform Administrative Requirements* (UAR) for FEMA grants.

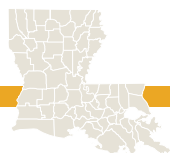
PROJECT TITLE:			
PROJECT NUMBER:			
PROJECT DESCRIPTION:			
Document Your FILE OR BE PREPARED to Demonstrate the Following:			
SOLICITATION		PRE-DECEMBER 26, 2014	POST-DECEMBER 26, 2014
<input type="checkbox"/>	Is the solicitation ( <i>Request for Proposals</i> [RFP] or <i>Request for Qualifications</i> [RFQ], (advertisement) properly DETAILED in your file?	2 Code of Federal Regulations (CFR) 215.44(e); 44 CFR 13.36(c)(3)(i)(ii)	2 CFR 200.318(h)(i)
<input type="checkbox"/>	• Were prospective respondents allowed SUFFICIENT TIME to respond?	44 CFR 13.36(d)(2)(ii)(A)	-
<input type="checkbox"/>	• Does solicitation contain a clear and accurate description of the TECHNICAL REQUIREMENTS for the material, product or services and <i>scope of work</i> (sow)?	2 CFR 215.44(a)(3)(i); 44 CFR 13.36(c)(3)(i)	2 CFR 200.319(c)(1)
<input type="checkbox"/>	• Specifications may not contain features that <b>unduly restrict competition</b> .	2 CFR 215.43; 44 CFR 13.36(c)(3)(i)	2 CFR 200.319(c)(1)
<input type="checkbox"/>	» Are there unreasonable requirements or unnecessary experience or excessive bonding requirements?	44 CFR 13.36(c)(1)(i-ii)	2 CFR 200.319(a)(1)-(2)
<input type="checkbox"/>	» Are there any "brand name" products specified without also listing "or equivalent"?	44 CFR 13.36(c)(3)(i)	2 CFR 200.319(c)(1)
<input type="checkbox"/>	» Does the solicitation file evidence the following:		
<input type="checkbox"/>	▪ Positive efforts in hiring <b>small-business, minority-owned business or women-owned business enterprises</b> and <b>labor surplus firms</b> to the maximum extent practical?	2 CFR 215.44(b)(1); 44 CFR 13.36(e)	2 CFR 200.321
<input type="checkbox"/>	▪ If your Prime Contractor has decided to use a subcontractor, did they take the above affirmative steps?	-	2 CFR 200.321(b)(6)
<input type="checkbox"/>	Do you have a record OF RESPONDENTS that were rejected as not responsible or not responsive and the reasons for rejection included in your file?	2 CFR 215.44(d); 44 CFR 13.36(b)(8)(9)	2 CFR 200.318(i)
<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); 44 CFR 13.36(d)(3); 44 CFR 13.36(d)(3)(ii); <i>Disaster Assistance Policy</i> (DAP) 9580.212	2 CFR 200.320(c)(1)(ii); 2 CFR 200.320(d)(2)
<input type="checkbox"/>	Are copies of all proposals, including METHODOLOGY OF EVALUATION and selection process (e.g., bid summary, tabulation sheet, scoring sheet, cost analysis if needed [see COST ANALYSIS REQUIRED section] and recommendation), included in your file?	2 CFR 215.44; 44 CFR 13.36(d)(3)	2 CFR 200.320(d)
<input type="checkbox"/>	Are there any potential CONFLICTS OF INTEREST?	2 CFR 215.42; 44 CFR 13.36(b)(3)	2 CFR 200.318(c)(1)



# PROCUREMENT TOOLBOX

WHAT IS THE METHOD OF PROCUREMENT?		PRE-DECEMBER 26, 2014	POST-DECEMBER 26, 2014
<input type="checkbox"/>	Procurement by <b>micro-purchase</b> . ( <i>less than \$3,000</i> )	-	2 CFR 200.320(a)
<input type="checkbox"/>	Procurement by <b>small purchase procedures</b> . ( <i>less than or equal to \$100,000 / \$150,000</i> )	2 CFR 215.44(2); 44 CFR 13.36(d)(1)	2 CFR 200.320(b)
<input type="checkbox"/>	Procurement by <b>sealed bids</b> (preferred method for construction contracts). Contract awarded to the <b>lowest responsive and responsible bidder</b> with a firm fixed price contract (lump sum or unit price).	44 CFR 13.36(d)(2)	2 CFR 200.320(c)
<input type="checkbox"/>	Procurement by <b>competitive proposals</b> .	44 CFR 13.36(d)(3)	2 CFR 200.320(d)
<input type="checkbox"/>	• If solicitation was for other than "Architectural and Engineering (A + E) professional services", was <b>price</b> included as a selection criteria?	44 CFR 13.36(d)(3)(v)	2 CFR 200.320(d)(4)
<input type="checkbox"/>	• If solicitation was for A + E services, is a <b>cost estimate</b> included in your file?	44 CFR 13.36(d)(3)(v)	2 CFR 200.323(b)
<input type="checkbox"/>	• Does the solicitation clearly outline the <b>scoring criteria</b> 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)	2 CFR 200.320(d)(1)
<input type="checkbox"/>	Procurement by <b>noncompetitive proposals</b> .	44 CFR 13.36(d)(4)	2 CFR 200.320(f)
<input type="checkbox"/>	• Is there a <b>justification</b> 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)	2 CFR 200.318(i); 2 CFR 200.320(f)
<input type="checkbox"/>	• Are <b>intergovernmental agreements</b> and Federal surplus property (if applicable) included in your file?	44 CFR 13.36(b)(5)-(6)	-

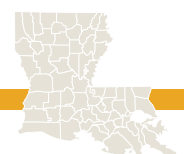
TYPES OF CONTRACTS FOR REIMBURSEMENT		PRE-DECEMBER 26, 2014	POST-DECEMBER 26, 2014
<input type="checkbox"/>	<b>Lump Sum.</b>	2 CFR 215.44(c); <i>Public Assistance Guide - FEMA 322 / June 2007, pages 52-53</i>	2 CFR 200.320(c)
<input type="checkbox"/>	<b>Unit Price.</b>	2 CFR 215.44(c); <i>Public Assistance Guide - FEMA 322 / June 2007, pages 52-53</i>	2 CFR 200.320(c)
<input type="checkbox"/>	<b>Cost Plus a Fixed Fee.</b>	2 CFR 215.44(c); <i>Public Assistance Guide - FEMA 322 / June 2007, pages 52-53</i>	2 CFR 200.320 (c)+(d)
<input type="checkbox"/>	<b>Time + Materials (T + M) Contracts:</b> Does it meet all the requirements (see citation)?	44 CFR 13.36(b)(10); <i>Public Assistance Policy Digest - FEMA 321 / January 2008, page 23</i>	2 CFR 200.318(j)
<input type="checkbox"/>	<b>Intergovernmental Agreements</b>	44 CFR 13.36 (b)(5)	2 CFR 200.318(e)



PROHIBITED CONTRACTS		PRE-DECEMBER 26, 2014	POST-DECEMBER 26, 2014
<input checked="" type="checkbox"/>	<b>Piggyback (NOT RECOMMENDED, MAY BE INELIGIBLE).</b>	DOLR, Version 2.0, page 5-128; <i>Public Assistance Policy Digest - FEMA 322 / January 2007</i> , page 52-53	DOLR, Version 2.0, page 5-128; <i>Public Assistance Policy Digest - FEMA 322 / January 2007</i> , page 52-53
<input checked="" type="checkbox"/>	<b>Cost-Plus-a-Percentage-of-Cost (MUST NOT BE USED).</b>	2 CFR 215.44(c); 44 CFR 13.36(f)(4)	2 CFR 200.323(d)
<input checked="" type="checkbox"/>	<b>Percentage-of-Construction-Cost (MUST NOT BE USED).</b>	2 CFR 215.44 (c); 44 CFR 13.36(f)(4)	2 CFR 200.323(d)
<input checked="" type="checkbox"/>	<b>Cost Plus (MUST NOT BE USED).</b>	-	LA RS Title 38:2221

BONDING REQUIREMENTS		PRE-DECEMBER 26, 2014	POST-DECEMBER 26, 2014
<input type="checkbox"/>	Is this a construction or facilities improvement Contract that exceeds <b>small purchase threshold</b> ? If so:	2 CFR 215.48; 44 CFR 13.36(h)	2 CFR 200.325
<input type="checkbox"/>	• Did the bid response include a <b>five percent (5%) bid bond</b> ?	2 CFR 215.48(c)(1); 44 CFR 13.36(h)(1); LA RS 38:2218	2 CFR 200.325(a); LA RS 38:2219
<input type="checkbox"/>	• Did the winning Contractor execute a <b>performance bond</b> for one hundred percent (100%) of the Contract?	2 CFR 215.48(c)(2); 44 CFR 13.36(h)(2); LA RS 38:2219	2 CFR 200.325(b); LA RS 38:2214
<input type="checkbox"/>	• Did the winning Contractor execute a <b>payment bond</b> for one hundred percent (100%) of the Contract?	2 CFR 215.48(c)(3); 44 CFR 13.36(h)(3); LA RS 38:2219	2 CFR 200.325(c); LA RS 38:2219

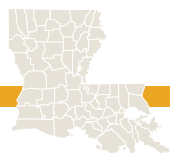
REQUIRED CONTRACT PROVISIONS		PRE-DECEMBER 26, 2014	POST-DECEMBER 26, 2014
<input type="checkbox"/>	If bonding is required, have copies of the bond(s) been provided with the Contract?	2 CFR 215.48(c); 44 CFR 13.36(h)	2 CFR 200.325
<input type="checkbox"/>	Does the Contract ( <i>greater than</i> <b>simplified acquisition threshold</b> ) 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)	2 CFR 200 Appendix II(A)
<input type="checkbox"/>	Does the Contract ( <i>greater than</i> \$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)	2 CFR 200 Appendix II(B)
<input type="checkbox"/>	Does the Contract contain a provision to COMPLY with <i>Executive Order (EO) 11246 and 11375, Equal Employment Opportunity (EEO)</i> ?	2 CFR 215 Appendix A(1); 44 CFR 13.36(i)(3)	2 CFR 200 Appendix II(C)
<input type="checkbox"/>	Does the Contract (applies to all construction or repair Contracts <i>greater than</i> <b>\$10,000</b> ) contain a provision to comply with the <i>Copeland Anti-Kickback Act</i> ?	2 CFR 215 Appendix A(2); 44 CFR 13.36(i)(4)	2 CFR 200 Appendix II(D)
<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 Appendix A(4); 44 CFR 13.36(i)(6)	2 CFR 200 Appendix II(E)
<input type="checkbox"/>	Does the Contract (applies to Contracts, subcontracts and grants <i>greater than</i> <b>small purchase threshold</b> ) contain a provision to comply with Section 306 of the <i>Clean Air Act</i> and Section 508 of the <i>Clean Water Act</i> ?	2 CFR 215 Appendix A(6); 44 CFR 13.36(i)(12)	2 CFR 200 Appendix II(G)
<input type="checkbox"/>	Does the Contract certify that the Contractor has complied with the <i>Byrd Anti-Lobbying Amendment</i> ?	2 CFR 215 Appendix A(7)	2 CFR 200 Appendix II(I)
<input type="checkbox"/>	Does the Contract contain a provision stating <b>record retention</b> and access requirements to all records?	2 CFR 215.53; 44 CFR 13.36(i)(10)-(11)	2 CFR 200.333; 200.336



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<input type="checkbox"/>	Does the Contract contain a provision that the Contractor agrees to comply with mandatory energy efficiency standards and policies contained within the <i>State Energy Conservation Plan</i> ?	2 CFR 215.44(a)(3)(vi); 44 CFR 13.36(i)(13)	
<input type="checkbox"/>	Does the Contract include a declaration by the Contractor stating that it, its principles or affiliates (subcontractors) are currently not disqualified as a result of debarment or suspension?	2 CFR 215 Appendix A(8); 44 CFR 13.35	2 CFR 200 Appendix II(H)
<input type="checkbox"/>	Does the Contract include a provision stating the Subrecipient (Applicant) has a responsibility to include required reports (i.e. program performance, financial and progress reports)?	2 CFR 215.51-52; 44 CFR 13.36(i)(7)	2 CFR 200.327-.329
<input type="checkbox"/>	Does the Contract include a provision stating the Subrecipient (Applicant), if a local or State government entity, has a responsibility to use recycled/recovered materials?	2 CFR 215.16; 44 CFR 13.36(i)(12)	2 CFR 200.322
<input checked="" type="checkbox"/>	Compliance with the <i>Davis-Bacon Act</i> : There is <b>NO REQUIREMENT</b> for such compliance with the FEMA Public Assistance (PA) or Hazard Mitigation (HM) programs.	2 CFR 215 Appenix A (3); 44 CFR 13.36 (i)(5); <i>Public Assistance Guide - FEMA 322 / June 2007</i> , page 44	2 CFR 200 Appendix II(D); FEMA 322 / June 2007 Page 44

<b>COST ANALYSIS REQUIRED</b>		<b>Pre-December 26, 2014</b>	<b>POST-December 26, 2014</b>
<input type="checkbox"/>	Is the Contract a <b>noncompetitive</b> proposal?	2 CFR 215.45; 44 CFR 13.36(d)(4)(ii); 44 CFR 13.36(f)	2 CFR 200.323(a)
<input type="checkbox"/>	Were <b>additional services</b> performed by the A/E firm?	2 CFR 215.45; 44 CFR 13.36(f)	2 CFR 200.323(a)
<input type="checkbox"/>	Did the Contract <i>Statement of Work</i> change? Are there <i>Change Orders</i> ?	2 CFR 215.45; 44 CFR 13.36(f)	2 CFR 200.323(a)





## **REPORT FRAUD, SCAMS, and ABUSE**

### **Department of Homeland Security Office of the Inspector**

#### **General:**

<https://oig.hhs.gov/fraud/report-fraud/>

1-800-HHS-TIPS (1-800-447-8477)

#### **Louisiana Office of the Inspector General:**

1-866-801-2549

<http://oig.louisiana.gov/index.cfm?md=complaint&tmp=complaintform>

#### **Louisiana Legislative Auditor:**

<https://www.la.la.gov/hotline/>

1-844-50-FRAUD

#### **Attorney General Office: Consumer Protection Division**

<https://www.ag.state.la.us/ConsumerDisputes>

1-800-351-4889

#### **Louisiana State Licensing Board for Contractors**

1-800-256-1392

<https://www.lslbc.louisiana.gov/consumers/complaints/>

Or file online [complaints@lslbc.louisiana.gov](mailto:complaints@lslbc.louisiana.gov)

#### **National Center for Disaster Fraud**

<https://www.justice.gov/criminal-oilspill/national-center-disaster-fraud-ncdf>

1-866-720-5721

**And your local law enforcement**

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## PROCUREMENT + CONTRACTING – MORE RESOURCES

There are many procurement resources available to Subrecipients (Applicants). We have listed direct links to Best Practice job aids, materials and policies below:

### Job Aids + Materials

GOHSEP Procurement Videos

[gohsep.la.gov/RESOURCES/DATraining](http://gohsep.la.gov/RESOURCES/DATraining)

GOHSEP Job Aids

[gohsep.la.gov/RESOURCES/OVERVIEW/PUBLICATIONS](http://gohsep.la.gov/RESOURCES/OVERVIEW/PUBLICATIONS)

FEMA Procurement Disaster Assistance Team (PDAT) Materials

[fema.gov/procurement-disaster-assistance-team](http://fema.gov/procurement-disaster-assistance-team)

*Louisiana Legislative Auditor State Procurement Guidance* (Public Bid Law, Public Assistance Grant Program and Louisiana Procurement Code)

[lla.la.gov/legal-faqs/all-faqs/](http://lla.la.gov/legal-faqs/all-faqs/)

### FEMA Policies

Public Assistance (PA)

[fema.gov/public-assistance-policy-and-guidance](http://fema.gov/public-assistance-policy-and-guidance)

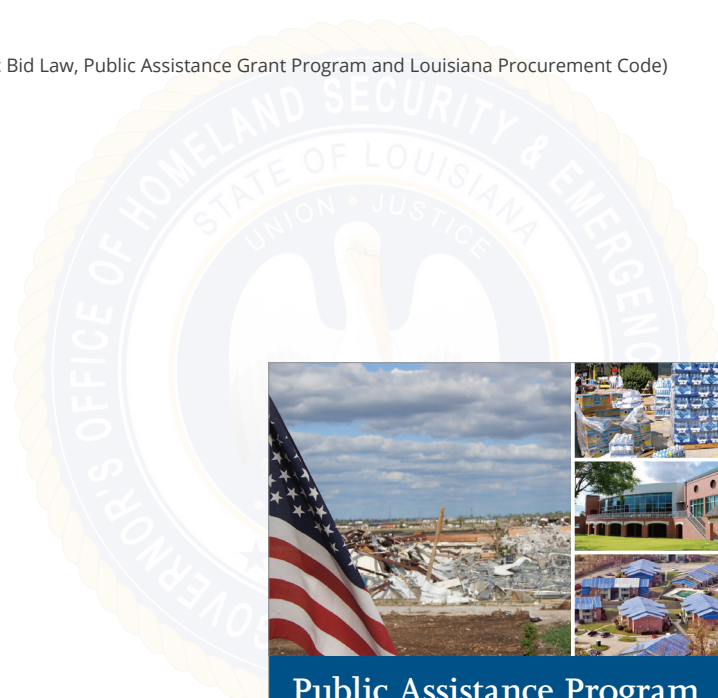
Hazard Mitigation Assistance (HMA)

[fema.gov/hazard-mitigation-assistance-grants-policy](http://fema.gov/hazard-mitigation-assistance-grants-policy)

### Contractor Search Engines

[lslbc.louisiana.gov/contractor-search/](http://lslbc.louisiana.gov/contractor-search/)

[sam.gov](http://sam.gov)



#### Public Assistance Program and Policy Guide

FP 104-009-2 / April 2017



[fema.gov/media-library/assets/documents/111781](http://fema.gov/media-library/assets/documents/111781)



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## FEMA PA GUIDES LISTED BY DISASTER\*

The policy guide in effect at the time of the disaster is the FEMA policy guide that applies to the grant dollars for the entirety of the grant, regardless of whether FEMA publishes a new guide. Make sure you are looking at the correct policy when working your particular grant.

DISASTER NAME	DISASTER NUMBER	DATE DECLARED
<b>PUBLIC ASSISTANCE (PA) PROGRAM + POLICY GUIDE (APRIL 1, 2017)</b> (Effective for ALL disasters declared on or after April 1, 2017)		
<ul style="list-style-type: none"> <li>Tropical Storm Harvey</li> <li>Tropical Storm Nate</li> </ul>	<p>DR-4345</p> <p>EM-3392</p>	<p>10/16/17</p> <p>10/6/17</p>
<b>PA PROGRAM + POLICY GUIDE (JANUARY 1, 2016)</b> (Effective for all disasters declared between January 1, 2016 and March 31, 2017)		
<ul style="list-style-type: none"> <li>Severe Storms + Tornadoes, + Straight-line Winds</li> <li>Severe Storms + Flooding</li> <li>Severe Storms + Flooding</li> <li>Severe Storms + Flooding</li> </ul>	<p>DR-4300</p> <p>DR-4277</p> <p>DR-4263</p> <p>EM-3376</p>	<p>2/11/17</p> <p>8/14/16</p> <p>3/13/16</p> <p>2/5/16</p>
<b>FEMA PA POLICY GUIDE – FEMA 322 + PUBLIC ASSISTANCE 9500 SERIES</b> (Effective for all disasters declared between January 1, 1998 and December 31, 2015)		
<ul style="list-style-type: none"> <li>Severe Storms + Flooding</li> <li>Severe Storms + Flooding</li> <li>Hurricane Isaac</li> <li>Tropical Storm Lee</li> <li>Mississippi River Flooding</li> <li>Mississippi River Flooding</li> <li>Severe Storms + Tornadoes + Flooding</li> <li>Hurricane Ike</li> <li>Hurricane Gustav</li> <li>Severe Storms + Flooding</li> <li>Hurricane Rita</li> <li>Hurricane Katrina</li> </ul>	<p>DR-4228</p> <p>DR-4102</p> <p>DR-4080</p> <p>DR-4041</p> <p>DR-4015</p> <p>EM-3322</p> <p>DR-1863</p> <p>DR-1792</p> <p>DR-1786</p> <p>DR-1668</p> <p>DR-1607</p> <p>DR-1603</p>	<p>7/13/15</p> <p>2/22/13</p> <p>8/29/12</p> <p>10/28/11</p> <p>8/18/11</p> <p>5/6/11</p> <p>12/10/09</p> <p>9/13/08</p> <p>9/2/08</p> <p>11/2/06</p> <p>9/24/05</p> <p>8/29/05</p>

\*Open disasters as of November 2017.

[SOURCES: [louisiana.com/site/opengrants.cfm](http://louisiana.com/site/opengrants.cfm) + [fema.gov/disasters](http://fema.gov/disasters)]



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