

# PROCUREMENT CHECKLIST

<b>Project Title:</b>		
<b>Project Number:</b>		
<b>Project Description:</b>		
<b>Document Your File or be Prepared to Demonstrate the Following:</b>		
<b>SOLICITATION</b>	<b>PRE-DECEMBER 26, 2014</b>	<b>POST-DECEMBER 26, 2014</b>
<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)	2 CFR §200.319(c)(1)-(2)
<input type="checkbox"/> • Were prospective respondents allowed sufficient time to respond?	44 CFR §13.36(d)(2)(ii)(A)	2 CFR §200.320(c)(2)(i)
<input type="checkbox"/> • Does solicitation contain a clear and accurate description of the technical requirements for the material, product or services and scope of work (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</b> or <b>women-owned business</b> enterprises to the extent practical?	2 CFR §215.44(b)(1); 44 CFR §13.36(e)	2 CFR §200.321
<input type="checkbox"/> • Positive efforts in the utilization of <b>labor surplus</b> firms?	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"/> Is the publication (advertisement, invitation to bid, etc.) included in your file?	44 CFR §13.36(d)(2)	2 CFR §200.320(c)
<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)	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)? <b>Keep records of proposals in your file.</b>	2 CFR §215.43; 44 CFR §13.36(d)(2)(i)(B) and §13.36(d)(3); 44 CFR §13.36(d)(3)(ii); <i>Disaster Assistance Policy (DAP)</i> 9580.212	2 CFR §200.320(c)(1)(ii) 2 CFR §200.300(d) 2 CFR §200.320(d)(2)
<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] 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)

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<b>WHAT IS THE METHOD OF PROCUREMENT?</b>		<b>PRE-DECEMBER 26, 2014</b>	<b>POST-DECEMBER 26, 2014</b>
<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</b> . ( <i>less than or equal to \$100,000/\$150,000</i> )	2 CFR §215.44(2); as amended by 75 CFR 53129; 44 CFR §13.36(d)(2)(ii)(D)	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, responsible bidder</b> with a firm-fixed price contract (lump sum or unit price).	44 CFR §13.36(d)(2)(ii)(D)	2 CFR §200.320(c)(2)(iv)
<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 price included as a selection criteria?	44 CFR §13.36(d)(3)(v)	2 CFR §200.320(d)(5) req only for A/E
<input type="checkbox"/>	• If solicitation was for A/E services, is a cost analysis included in your file (see COST ANALYSIS REQUIRED section)?	44 CFR §13.36(d)(3)(v)	2 CFR §200.320(d)(5)
<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)	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 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)	2 CFR §200.318(i) 2 CFR §200.320(f)
<input type="checkbox"/>	• Are intergovernmental agreements and Federal surplus property (if applicable) included in your file?	44 CFR §13.36(b)(5)-(6)	2 CFR §200.318(e)-(f)
<b>TYPES OF CONTRACTS FOR REIMBURSEMENT</b>		<b>PRE-DECEMBER 26, 2014</b>	<b>POST-DECEMBER 26, 2014</b>
<input type="checkbox"/>	Lump sum.	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"/>	Unit price.	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"/>	Cost plus a fixed fee.	2 CFR §215.44(c); <i>Public Assistance Guide - FEMA 322/ June 2007, pages 52-53</i>	<i>Public Assistance Guide - FEMA 322/June 2007, pages 32-53</i>
<input type="checkbox"/>	Time and materials contracts: 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)
<b>PROHIBITED CONTRACTS</b>		<b>PRE-DECEMBER 26, 2014</b>	<b>POST-DECEMBER 26, 2014</b>
<input checked="" type="checkbox"/>	Cost plus a percentage of cost ( <b>NOT PERMITTED</b> ).	2 CFR §214.44(c); 44 CFR §13.36(f)(4)	2 CFR §200.323(d)
<input checked="" type="checkbox"/>	Percentage of construction cost ( <b>NOT PERMITTED</b> ).	2 CFR §215.44 (c); 44 CFR §13.36(f)(4)	2 CFR §200.323(d)
<input checked="" type="checkbox"/>	Piggyback ( <b>NOT RECOMMENDED, MAY BE INELIGIBLE</b> ).	DOLR, Version 2.0, page 5-128; <i>Public Assistance Policy Digest - FEMA 322/January 2007, page 52-53</i>	DOLR, Version 2.0, page 5-128; <i>Public Assistance Policy Digest - FEMA 322/January 2007, page 52-53</i>

<b>BONDING REQUIREMENTS</b>		<b>PRE-DECEMBER 26, 2014</b>	<b>POST-DECEMBER 26, 2014</b>
<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>5% bid bond</b> ?	2 CFR §215.48(c)(1); 44 CFR §13.36(h)(1); LRS 38:2218	2 CFR §200.325(a); LRS 38:2219
<input type="checkbox"/>	• Did the winning contractor execute a <b>performance bond</b> for 100% of the contract?	2 CFR §215.48(c)(2); 44 CFR §13.36(h)(2); LRS 38:2219	2 CFR §200.325(b); LRS 38:2214
<input type="checkbox"/>	• Did the winning contractor execute a <b>payment bond</b> for 100% of the contract?	2 CFR §215.48(c)(3); 44 CFR §13.36(h)(3); LRS 38:2219	2 CFR §200.325(c); LRS 38:2219
<b>REQUIRED CONTRACT PROVISIONS</b>		<b>PRE-DECEMBER 26, 2014</b>	<b>POST-DECEMBER 26, 2014</b>
<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 §200.235
<input type="checkbox"/>	Does the contract ( <i>greater than small purchase threshold</i> ) 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 \$10,000</i> ) 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, 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 \$10,000</i> ) 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"/>	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.	<i>Public Assistance Guide - FEMA 322/June 2007, page 44</i>	2 CFR §200 Appendix II(d); FEMA 322/June 2007 Page 44
<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 include a provision stating the Subrecipient (Applicant) has a responsibility to include required reports (i.e. program performance, financial and progress reports)?	2 CFR §215.50; 44 CFR §13.36(i)(7)	2 CFR §200.327-329
<input type="checkbox"/>	Does the contract (applies to contracts, subcontracts and grants <i>greater than small purchase threshold</i> ) 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 (EPA)</i> regulations, 40 CFR 15?	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(j)
<input type="checkbox"/>	Does the contract contain a provision stating record retention and access requirements to all records?	2 CFR §215.53; 44 CFR §13.36(i)(10)-(11)	2 CFR §200.333
<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> ?	44 CFR §13.36(i)(13)	2 CFR §200 Appendix II(h)
<input type="checkbox"/>	Does the contract include a declaration by the contractor stating that it, its principles or affiliates ( <i>subcontractors</i> ) 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(i)

<b>COST ANALYSIS REQUIRED</b>		<b>PRE-DECEMBER 26, 2014</b>	<b>POST-DECEMBER 26, 2014</b>
<input type="checkbox"/>	Were A/E or other professional services procured?	2 CFR §215.45; 44 CFR §13.36(f)	2 CFR §200.323(a)
<input type="checkbox"/>	Is the contract a noncompetitive proposal?	2 CFR §215.45; 44 CFR §13.36(d)(4)(ii) and (f)	2 CFR §200.323(a)
<input type="checkbox"/>	Did the contract statement of work change? Are there change orders?	2 CFR §215.45; 44 CFR §13.36(f)	2 CFR §200.323(a)

### PURPOSE

This **PROCUREMENT CHECKLIST** is a companion job aid to *The NEW PROCUREMENT GUIDE: Getting and KEEPING your FEMA grant dollars!* and the Procurement Desk Reference: *DHS-OIG Audit Findings + FEMA Policy + Comments + Tips + MORE!*. It is designed as a resource for attorneys, procurement officers, purchasing agents and grants management professionals who contract using FEMA grant funds.

### DISCLAIMER

This document provides guidance on Federal procurement regulations. It does not and is not designed to address all procurement issues that an Subrecipient (Applicant) may experience and may be subject to other interpretation. It is the Subrecipient's (Applicant's) responsibility to assure all Federal regulations are followed in all circumstances involving Federal funding.

### OVERVIEW

This checklist addresses the *Uniform Administration Requirements (UAR)* for FEMA grants. For those disasters declared or grant awards **prior to December 26, 2014**, 2 CFR Part 215 (applies to institutions of higher education, hospitals and other nonprofit organizations) and 44 CFR Part 13 (applies to State and local governments) apply. For all disasters declared or grant awards **on or after December 26, 2014**, 2 CFR 200 applies.

## Notes

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