Procurement Checklist

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**
	Is the solicitation (Request for Proposals [RFP] or Request for Qualifications [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)
	Were prospective respondents allowed sufficient time to respond?	44 CFR 13.36(d)(2)(ii)(A)	
	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)
	Specifications may not contain features that unduly restrict competition.	2 CFR 215.43; 44 CFR 13.36(c)(3)(i)	2 CFR 200.319(c)(1)
	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)
	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)
	Does the solicitation file evidence the following:		
	Positive efforts in hiring small-business, minority-owned business or women-owned business enterprises and labor surplus firms to the maximum extent practical?	2 CFR 215.44(b)(1); 44 CFR 13.36€	2 CFR 200.321
	If your prime contractor has decided to use a subcontractor, did they take the above affirmative steps?		2 CFR 200.321(b)(6)
	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)
	Is 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); Disaster Assistance Policy (DAP) 9580.212	2 CFR 200.320(c)(1)(ii); 2 CFR 200.300(d); 2 CFR 200.320(d)(2)

	Are copies of all proposals, including methodology of evaluation and selection process (e.g., bid summary, tabulation sheet, scoring sheet, cost analysis if needed and recommendation), included in your file?	2 CFR 215.44; 44 CFR 13.36(d)(3)	2 CFR 200.320(d)
	Are there any potential conflicts of interest?	2 CFR 215.42; 44 CFR 13.36(b)(3)	2 CFR 200.318(c)(1)
WHAT IS THE METHOD OF PROCUREMENT?		**PRE-DECEMBER 26, 2014**	**POST-DECEMBER 26, 2014**
	Procurement by micro-purchase. (less than $3,000)		2 CFR 200.320(a)
	Procurement of small purchase procedures. (less than or equal to $100,000/$150,000)	2 CFR 215.44(2); 44 CFR 13.36(d)(1)	2 CFR 200.320(b)
	Procurement by sealed bids (preferred method for construction contracts). Contract awarded to the lowest responsive and responsible bidder with a firm fixed price contract (lump sum or unit price).	44 CFR 13.36(d)(2)	2 CFR 200.320(c)
	Procurement by competitive proposals	44 CFR 13.36(d)(3)	2 CFR 200.320(d)
	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) required only for A/E
	If solicitation was for A/E services, is a cost estimate included in your file?	44 CFR 13.36(d)(3)(v)	2 CFR 200.323(a)
	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(c)(3)(ii)	2 CFR 200.320(d)(1)
	Procurement by noncompetitive proposals	44 CFR 13.36(d)(4)	2 CFR 200.320(f)
	Is there a justification for the use of this method of procurement include 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)
	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		**PRE-DECEMBER 26, 2014**	**POST-DECEMBER 26, 2014**
	Lump sum.	2 CFR 215.44(c); Public Assistance Guide – FEMA 322/June 2007, pages 52-53	2 CFR 200.320(c)
	Unit price.	2 CFR 215.44(c); Public Assistance Guide – FEMA 322/June 2007, pages 52-53	2 CFR 200.320(c)
	Cost plus a fixed fee.	2 CFR 215.44(c); Public Assistance Guide – FEMA 322/June 2007, pages 52-53	2 CFR 200.320(c)
	Time and materials (T+M) contracts: Does it meet all the requirements?	44 CFR 13.36(b)(10); Public Assistance Policy Digest –	2 CFR 200.318(j)

		FEMA 321/January 2008, page 23	
	Intergovernmental agreements	44 CFR 13.36(b)(5)	2 CFR 200.318€
PROHIBITED CONTRACTS		**PRE-DECEMBER 26, 2014**	**POST-DECEMBER 26, 2014**
	Piggyback (NOT RECOMMENDED, MAY BE INELIGIBLE).	DOLR, Version 2.0, page 5-128; Public Assistance Policy Digest – FEMA 322/January 2007, page 52-53	DOLR, Version 2.0, page 5-128; Public Assistance Policy Digest – FEMA 322/January 2007, page 52-53
	Cost-plus-a-percentage-of-cost (MUST NOT BE USED).	2 CFR 215.44(c); 44 CFR 13.36(f)(4)	2 CFR 200.323(d)
	Percentage-of-construction-cost (MUST NOT BE USED).	2 CFR 215.44(c); 44 CFR 13.36(f)(4)	2 CFR 200.323(d)
BONDING REQUIREMENTS		**PRE-DECEMBER 26, 2014**	**POST-DECEMBER 26, 2014**
	Is this a construction or facilities improvement contract that exceeds a small purchase threshold? If so:	2 CFR 215.48; 44 CFR 13.36(h)	2 CFR 200.325
	Did the bid response include a five percent bid bond?	2 CFR 215.48(c)(1); 44 CFR 13.36(h)(1)	2 CFR 200.325(a)
	Did the winning contractor execute a performance bond for one hundred percent of the contract?	2 CFR 215.48(c)(2); 44 CFR 13.36(h)(2)	2 CFR 200.325(b)
	Did the winning contractor execute a payment bond for one hundred percent of the contract?	2 CFR 215.48(c)(3); 44 CFR 13.36(h)(3)	2 CFR 200.325(c)
REQUIRED CONTRACT PROVISIONS		**PRE-DECEMBER 26, 2014**	**POST-DECEMBER 26, 2014**
	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
	Does the contract (greater than simplified acquisition threshold) 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)
	Does the contract (greater than $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)
	Does the contract contain a provision to comply with Executive Order (EO) 11246 and 11375, Equal Employment Opportunity (EEO)?	2 CFR 215 Appendix A(1); 44 CFR 13.36(i)(3)	2 CFR 200 Appendix II(C)
	Does the contract (applies to all construction or repair contracts greater than $10,000) contain a provision to comply with the Copeland Anti-Kickback Act?	2 CFR 215 Appendix A(2); 44 CFR 13.36(i)(4)	2 CFR 200 Appendix II (D)
	Compliance with the Davis-Bacon Act: There is NO REQUIREMENT for such compliance with	2 CFR 215 Appendix A (3); 44 CFR 13.36 (i)(5)	2 CFR 200 Appendix II(D)

	the FEMA Public Assistance (PA) or Hazard Mitigation (HM) programs.	Public Assistance Guide – FEMA 322/June 2007, page 44	
	Is the contract required to comply with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act?	2 CFR 215 Appendix A(4); 44 CFR 13.36(i)(6)	2 CFR 200 Appendix II€
	Does the contract (applies to contracts, subcontracts and grants greater than small purchase threshold) contain a provision to comply with Section 306 of the Clean Air Act and Section 508 of the Clean Water Act?	2 CFR 215 Appendix A(^); 44 CFR 13.36(i)(12)	2 CFR 200 Appendix II (G)
	Does the contract certify that the contractor has complied with the Byrd Anti-Lobbying Amendment?	2 CFR 215 Appendix A(7)	2 CFR 200 Appendix II(I)
	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
	Does the contract contain a provision that the contractor agrees to comply with mandatory energy efficiency standards and policies contained within the State Energy Conservation Plan?	2 CFR 215.44(1)(3)(vi); 44 CFR 13.36(i)(13)	
	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)
	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
	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
COST ANALYSIS REQUIRED		**PRE-DECEMBER 26, 2014**	**POST-DECEMBER 26, 2014**
	Is the contract a noncompetitive proposal?	2 CFR 215.45; 44 CFR 13.36(d)(4)(ii); 44 CFR 13.36(f)	2 CFR 200.323(a)
	Were additional services performed by the A/E firm?	2 CFR 215.45; 44 CFR 13.36(f)	2 CFR 200.323(a)
	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)