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| --- | --- | --- | --- |
| **Guide for Review of Procurement** | | | |
| **Name of Recipient:** | | | |
| **Name of Subrecipient (if applicable):** | | | |
| **Name of Program(s) Monitored:** | | | |
| **Staff Consulted:** | | | |
| **Name(s) of Reviewer(s)** |  | **Date** |  |

**NOTE:** All questions that address requirements contain the citation for the source of the requirement (statute, regulation, NOFA, or grant agreement). If the requirement is not met, HUD must make a finding of noncompliance. All other questions (questions that do not contain the citation for the requirement) do not address requirements, but are included to assist the reviewer in understanding the recipient's program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. Negative conclusions to these questions may result in a "concern" being raised, but not a **"finding.**"

**Instructions:** This Exhibit is designed to monitor procurement requirements for any CPD program subject to the procurement requirements found in §§200.317-200.326 of 2 CFR part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. It is designed to assist the HUD reviewer in evaluating a representative sample of procurement transactions undertaken by the non-Federal entity, either a recipient or subrecipient (e.g., based on size of last grant, amount of time allocated for monitoring, results of pre-monitoring preparation). The HUD reviewer should evaluate the documentation related to the selected transactions and use this information to verify non-Federal entity responses to the questions in this Exhibit. If the non-Federal entity’s accounting system includes information on contracts, purchase orders, etc., related to the grant program, it can be a convenient starting point for selecting a sample of procurement transactions to review.

When monitoring the procurement policies and transactions of non-Federal entities other than states, the monitor should complete all questions except question 1. However, when monitoring the District of Columbia, a U.S. territory, or their instrumentalities, the reviewer should note the clarification in question 1 of what “state” means in part 200 and this exhibit. When monitoring a state’s procurement policies and transactions for programs other than the State CDBG, the HUD reviewer should only complete questions 1, 2, 9, and 16.d.

To determine how to this exhibit is to be used with respect to policies or procedures used or obligations or expenditures made November 12, 2020, monitors should refer to the latest CPD guidance on the 2020 changes to 2 CFR part 200.

**Applicability**: This Exhibit applies to the CDBG Disaster Recovery Supplemental Grants (CDBG-DR). In addition, as of calendar year 2021, this Exhibit is to be used for the following programs:

* Community Development Block Grant (CDBG) Entitlement, Small Cities, Non-Entitlement CDBG Grants in Hawaii, and Insular Areas Programs;
* State CDBG Program: This Exhibit **does not apply** to the State CDBG Program **unless** a State CDBG grantee has chosen to apply this portion of 2 CFR part 200 to satisfy the requirement for procurement policies and procedures pursuant to **24 CFR 570.489(g)**.
* Section 108 Loan Guarantee Program (follows the CDBG program regulations);
* HOME Investment Partnerships Program (HOME);
* Housing Opportunities for Persons With AIDS (HOPWA):
* Emergency Solutions Grants (ESG) Program;
* Continuum of Care (CoC) Program (for grants awarded in the FY 2015 competition or later);
* Appalachia Economic Development Initiative (AEDI);
* Border Community Capital Initiative (BCCI);
* Delta Community Capital Initiative (DCCI);
* Self-Help Homeownership Opportunity Program (SHOP);
* Rural Capacity Building for Community Development and Affordable Housing (RCB);
* Capacity Building for Community Development and Affordable Housing (Section 4); and
* Community Compass Technical Assistance and Capacity Building Program (TA Program), including programs linked to its Catalog of Federal Domestic Assistance (CFDA) Number, 14.259.

**Effective Date**: To ensure that the requirements are correctly applied to awards made before January 6, 2016, HUD reviewers will need to review Notice CPD-16-04 at (<http://portal.hud.gov/hudportal/documents/huddoc?id=16-04cpdn.pdf>). It is possible that reviewers will need to use both this Exhibit and a program-specific Procurement Exhibit simultaneously if funds being monitored are covered under pre- and post-2 CFR part 200 requirements. Program-specific exceptions to the Uniform Requirements are not included in this Exhibit but are retained in each program Chapter; therefore, HUD reviewers will need to review program-specific Procurement Exhibits to determine if their use is needed to ensure a complete review. Questions in this Exhibit that don’t apply to the program listed above (pursuant to HUD’s conforming rule or NOFA) will have that exception noted above the question.

**Program Citations:** In addition to the citations for 2 CFR part 200, program-specific citations are included either on a question-by-question basis, or in a single reference, as noted below, depending on how the Uniform Requirements apply.

* HOPWA: All questions apply pursuant to the HOPWA regulation at 24 CFR 574.605.
* Appalachia Economic Development Initiative (AEDI): All questions apply pursuant to the FY 2014 AEDI Notice of Funding Availability (NOFA) and Grant Agreement, Article I.G.
* Border Community Capital Initiative (BCCI): All questions apply pursuant to the FY 2013 NOFA and Grant Agreement, Article I.E.
* Delta Community Capital Initiative (DCCI): All questions apply pursuant to the FY DCCI 2014 NOFA and Grant Agreement, Article I.F.6.
* Self-Help Homeownership Opportunity Program (SHOP): All questions apply pursuant to the FY 2014 SHOP NOFA and SHOP Grant Agreement, Article XVIII, B, C.
* Rural Capacity Building for Community Development and Affordable Housing (RCB): All questions apply pursuant to the NOFA, Section VI.B.4.
* Capacity Building for Community Development and Affordable Housing (Section 4): All questions apply pursuant to the NOFA, Section VI.B.4.
* Community Compass Technical Assistance and Capacity Building Program (TA Program): All questions apply pursuant to the NOFA, and Cooperative Agreement.

**Three-Year Grace Period for Implementation of Procurement Requirements**: Reviewers need to note that OMB has provided a three-year grace period in implementing the procurement standards in 2 CFR §§200.317 - 200.326 (see Section 5 of Notice 16-04). If the non-Federal entity has chosen to follow the procurement standards in 24 CFR parts 84 or 85 (2013 edition), as applicable, for the three additional fiscal years before implementing the procurement standards in part 200, the non-Federal entity must document this decision in its internal procurement policies. (See question 2.)

A Note on Findings: HUD reviewers need to ensure that, if deficiencies are identified, the monitoring Finding cites to both the relevant provision in 2 CFR part 200 and the program regulation/NOFA/Grant Agreement citation that incorporates the requirements (e.g., 24 CFR 92.505, or 24 CFR 570.502). However, as described in Section 4.b of Notice CPD-16-04, HUD reviewers will not make findings of noncompliance with the Uniform Requirements (i.e., the part 200 requirements) if a grantee used CDBG-DR funds in accordance with comparable requirements under parts 84 or 85 (2013 edition) between December 26, 2014 and January 6, 2016.

**Terminology**: Note that the terminology used to reference the entities receiving the Federal awards mirrors the language in 2 CFR part 200 and uses “recipient” to mean the entity that directly received the Federal funds, e.g., program participant, or grantee, and “subrecipient” to mean the entity that receives funds through a pass-through entity (see §§200.74, 200.86, and 200.93). The definition of “subrecipient” for the CDBG program differs from the part 200 definitions. The reviewer must use the program definition. Where the question pertains to both a recipient and a subrecipient, the term “non-Federal entity” is used (see §200.69).

**Exhibit Structure:** This Exhibit is divided into 11sections: Threshold Questions; Procurement Policies and Procedures; Sample Selection; Micro-Purchases; Small Purchases; Sealed Bids; Competitive Proposals; Noncompetitive Proposals; Bonding Requirements; Contract Cost and Price; and Contract Provisions.

**Questions:**

A. THRESHOLD QUESTIONS

To answer the following questions, you will need:

* Recipient’s written policies and procedures that govern its procurement under the grant(s) reviewed
* Recipient’s written policies and procedures that govern procurements by subrecipients using funds under the grant(s) reviewed
* Recipient’s grant agreement, including conditions and amendments for each grant reviewed
* Recipient’s subaward documents (use the subaward document for the subrecipient, if reviewing its procurement policies and transactions) for the grant(s) reviewed
* Subrecipient’s procurement policies and procedures, if reviewing its procurement policies and transactions

1.

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| In this exhibit, the term “state” means “any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any agency or instrumentality thereof exclusive of local governments,” as defined in 2 CFR 200.90. Even if the program statute or rule uses a different definition of “state” for purposes of other program requirements, reviewers should apply the part 200 definition of “state” to the part 200 requirements in this exhibit, unless the applicable program rule, NOFA, or grant agreement incorporating 2 CFR part 200 says the “state” definition in part 200 does not apply. | |
| 1. If the recipient is a state, does it follow the same policies and procedures that it uses for procurements from non-Federal funds?   [2 CFR 200.317; CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
| 1. If the recipient is a state, does it ensure that every purchase order or contract includes any clauses required by §200.326, *Contract provisions*?   [2 CFR 200.317; CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

2.

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| Do the recipient’s subawards require each subrecipient to comply with the procurement requirements in 2 CFR 200.318-200.326?  [2 CFR 200.317; 2 CFR 200.331(a)(2); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

3.

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| --- | --- | --- | --- | --- | --- | --- | --- |
| a. If the recipient is not a state, and the period of performance start date for the particular grant(s) or subaward(s) you are reviewing is before December 31, 2018, did the non-Federal entity choose to continue to comply with the procurement standards in previous OMB guidance (superseded as described in §200.104) for one to three additional fiscal years after the effective date of the Uniform Requirements, 12/26/2014? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |
| b. If yes, has the non-Federal entity documented its decision in its internal procurement policies?  [2 CFR 200.110(a); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
| c. If yes, list the date on which the authorized grace period ends. For example, if the documented decision states the non-Federal entity will follow the previous procurement standards for three additional fiscal years after 12/26/2014, and the non-Federal entity’s fiscal year is July 1-June 30, the date on which the authorized grace period ends is June 30, 2018. | |  |  |  | | --- | --- | --- | | \_\_\_\_/\_\_\_\_/\_\_\_\_\_\_ |  |  | | **Month/Day/Year** |  |  | |

B. PROCUREMENT POLICIES AND PROCEDURES

4.

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| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the non-Federal entity have its own written procurement procedures?  [2 CFR 200.318(a) and 2 CFR 200.319(c); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.504(a) and 24 CFR 92.505; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(a); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

5.

|  |  |  |  |  |  |  |  |
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| 1. Does the non-Federal entity have written standards of conduct covering conflicts of interest and governing the actions of its employees, officers, and agents engaged in the selection, award and administration of contracts supported by grant funds?   [2 CFR 200.318(c)(1); CDBG Entitlement: 24 CFR 570.502(a) and 24 CFR 570.611(a)(1); HOME: 24 CFR 92.356(a) and 24 CFR 92.505; ESG: 24 CFR 576.404(b) and 24 CFR 576.407(c); CoC: 24 CFR 578.95(a) and 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Do the written standards of conduct include or conform to the requirement that no employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract, except where the non-Federal entity has set standards for situations in which the financial interest is not substantial?   [2 CFR 200.318(a), (c)(1); CDBG Entitlement: 24 CFR 570.502(a) and 24 CFR 570.611(a)(1); HOME: 24 CFR 92.356(a) and 24 CFR 92.505; ESG: 24 CFR 576.404(b) and 24 CFR 576.407(c); CoC: 24 CFR 578.95(a) and 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Do the written standards of conduct include or conform to the requirement that officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, except where the non-Federal entity has set standards for situations in which the gift is an unsolicited item of nominal value?   [2 CFR 200.318(a), (c)(1); CDBG Entitlement: 24 CFR 570.502(a) and 24 CFR 570.611(a)(1); HOME: 24 CFR 92.356(a) and 24 CFR 92.505; ESG: 24 CFR 576.404(b) and 24 CFR 576.407(c); CoC: 24 CFR 578.95(a) and 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Do the written standards of conduct provide for disciplinary actions to be applied for violations by officers, employees, or agents of the non-Federal entity?   [2 CFR 200.318(c)(1); CDBG Entitlement: 24 CFR 570.502(a) and 24 CFR 570.611(a)(1); HOME: 24 CFR 92.356(a) and 24 CFR 92.505; ESG: 24 CFR 576.404(b) and 24 CFR 576.407(c); CoC: 24 CFR 578.95(a) and 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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6.

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| --- | --- | --- | --- | --- | --- | --- | --- |
| If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, does the non-Federal entity maintain written standards of conduct covering organizational conflicts of interest?  [2 CFR 200.318(c)(2) and 200.319(a)(5); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.404(a) and 576.407(c); CoC: 24 CFR 578.99(e) and 24 CFR 578.95(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

7.

|  |  |  |  |  |  |  |  |
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| Are the non-Federal entity’s procedures designed to avoid acquisition of unnecessary or duplicative items, e.g., consolidating or breaking out procurements to obtain a more economical purchase, analyzing lease vs. purchase alternatives?  [2 CFR 200.318(d); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.504(a) and 24 CFR 92.505; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(a); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

8.

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| --- | --- |
| Does the non-Federal entity take all necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible, including: | |
| 1. Placing qualified small and minority businesses and women’s business enterprises on solicitation lists?   [2 CFR 200.321(a); 2 CFR 200.321(b)(1); 2 CFR 200.321(b)(1); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| b. Assuring that such businesses are solicited whenever they are potential sources?  [2 CFR 200.321(a); 2 CFR 200.321(b)(2); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| c. Dividing procurement requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such businesses?  [2 CFR 200.321(a); 2 CFR 200.321(b)(3); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises?  [2 CFR 200.321(a); 2 CFR 200.321(b)(4); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce?  [2 CFR 200.321(a); 2 CFR 200.321(b)(5); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| f. Requiring prime contractors, when subcontracts are let, to take the affirmative steps listed in 2 CFR 200.321(b)(1) through (5) to select small, minority-owned and women-owned businesses in grant-funded contracts?  [2 CFR 200.321(a); 2 CFR 200.321(b)(6); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
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9.

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| As provided at 2 CFR 200.322, a non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds $10,000 or the value of the quantity acquired during the preceding fiscal year exceeded $10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines. | |
| If the non-Federal entity is a state agency or an agency of a political subdivision of a state, do the non-Federal entity’s procurement procedures include a process for ensuring compliance with the requirements of this provision on recovered materials?  [2 CFR 200.322; CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.504(a) and 24 CFR 92.505; ESG: 24 CFR 576.407(c), 24 CFR 576.407(f) and 24 CFR 576.500(a); CoC: 24 CFR 578.99(b), 24 CFR 578.99(e) and 24 CFR 578.103(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

10.

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| Do the non-Federal entity’s written policies and procedures for selection, award, and administration of contracts conform to other applicable requirements in 2 CFR part 200?  For example: | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Does the non-Federal entity have a written policy or procedure to determine whether the agreement it makes for the disbursement of Federal program funds should be treated as a procurement or subaward in accordance with 2 CFR 200.330?   [2 CFR 200.303(a), 2 CFR 200.318(a), 2 CFR 200.330; CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.504(a) and 24 CFR 92.505; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(a); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Are authorized personnel levels designated for required approvals of procurement requests, selections, awards, invoice approvals, and closeouts?   [2 CFR 200.302(b)(4), 200.303(a); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.504(a) and 24 CFR 92.505; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(a); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Is a cost or price analysis required for each procurement action, including each contract modification, when the total amount of the contract and related modifications is greater than the Simplified Acquisition Threshold?     [2 CFR 200.318(a), 200.323(a); CDBG Entitlement: 24 CFR 570.502; HOME: 24 CFR 92.504(a) and 24 CFR 92.505; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(a); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Do the procedures include identifying and documenting the specific award(s), eligible activity type(s), and available budget amount(s) under which each procurement will be funded?   [2 CFR 200.302(b)(3); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.504(a) and 24 CFR 92.505; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(a); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Do the selection procedures include standards for evaluating contractor integrity, compliance with public policy, record of past performance, financial and technical resources, and ability to perform successfully under the terms and conditions of a proposed procurement?   [2 CFR 200.318(a), 200.303(a), 2 CFR 200.318(h); CDBG Entitlement: 24 CFR 570.502; HOME: 24 CFR 92.504(a) and 24 CFR 92.505; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(a); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Do the procedures specify the records required to document the history of each procurement, including documentation of the rationale for the method of procurement; selection of contract type; contractor selection or rejection; and the basis for the contract price?   [2 CFR 200.303(a), 200.318(a), 200.318(i); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.504(a) and 24 CFR 92.505; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(a); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a) and 24 CFR 578.103(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Are contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals prohibited from competing for those procurements?   [2 CFR 200.318(a), 200.319(a); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.504(a) and 24 CFR 92.505; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(a); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Are all solicitations required to incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured and, when necessary, set forth the minimum essential characteristics and standards to which that material, product or service must conform to satisfy its intended use?   [2 CFR 200.318(a), 200.319(c)(1); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.504(a) and 24 CFR 92.505; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(a); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Are all solicitations required to identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals?   [2 CFR 200.318(a), 200.319(c)(2); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.504(a) and 24 CFR 92.505; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(a); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Are statutorily or administratively imposed state, local, or tribal geographical preferences prohibited from being used in the evaluation of bids or proposals, except in cases where:  * state licensing law makes the preference necessary; * applicable Federal statutes expressly mandate or encourage geographic preference; or * application of geographic location as a selection criterion in contracting for architectural and engineering (A/E) services would still leave an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract?   [2 CFR 200.318(a), 200.319(b); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.504(a) and 24 CFR 92.505; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(a); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Are cost plus a percentage of cost and percentage of construction cost methods of contracting prohibited?   [2 CFR 200.318(a), 200.323(d); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.504(a) and 24 CFR 92.505; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(a); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

C. SAMPLE SELECTION

**Step One:** Using the non-Federal entity’s system of record and the recipient’s report data (including its public website, if applicable), determine the population (total number) of procurements under the grant(s) reviewed, excluding procurements for which the contract execution date or the first event in the documented history of the procurement is before the later of 12/26/2014 and the date listed in 3c above. Enter the total in the “Sample Method” table below.

Next, decide on an appropriate sample method and size, based on the monitoring strategy and time and resource constraints. If time and resource constraints permit and the monitoring strategy is to make a statistically confident judgment of compliance across all procurements in the review timeframe, either: a) review every procurement or b) choose your sample using random sample methodology including review of at least the number of instances shown in the table below.

|  |  |
| --- | --- |
| **Random Sample Methodology** | |
| **POPULATION SIZE** | **MINIMUM SAMPLE SIZE** |
| 1 | 1 |
| 2 - 4 | 2 |
| 5 - 12 | 3 |
| 13 - 52 | 10 |
| 53 - 250 | 30 |
| 250+ | 45 |

If time and resources are constraints, you may randomly select a lesser number of procurements as your sample and note this in in the “Sample Method” box below. You may also choose a non-random sample, as discussed in Chapter 2-7 C.1. Again, if you select a non-random sample, note this in the “Sample Method” box below.

**Your sample method affects the conclusions you may make. If you do not undertake a review of every procurement in the timeframe or do not randomly select a sufficiently large sample, any findings of noncompliance should apply only to the instances you actually reviewed. The presence of such a case-specific finding(s) may, however, form the basis for a concern(s) about the overall universe.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Sample Method** | | | |
| **Planned Review Method**  (check only one) | **Population**  (total # of procurements under grant(s) reviewed) | **Planned Sample Size/ Number to Review** | **Actual Number Reviewed** |
| Review ALL procurements in timeframe  Review random sample with sufficient sample size (see “Random Sample Methodology” table above)  Review random sample with smaller sample size  Review non-random sample (state reason or purpose in space below) |  |  |  |

**Step Two:** Select your sample from the population in accordance with your planned sample method. One way to randomly select a sample is by completing the following steps: The items in the population would be sequentially numbered. If the desired sample size is 30 and the population is 150, 30 random numbers between 1 and 150 would be generated. (The random numbers could be selected by using the random number function in Excel (randbetween(bottom,top)). The 30 random numbers would be used to select a sample consisting of the corresponding numbered items in the population.

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| **Describe how you made your selection:** |

**Step Three:** Use the following table to list the selected sample of procurements to be reviewed using the remaining questions in this exhibit. Do not include procurements for which the contract execution date or the first event in the documented history of the procurement is before the later of 12/26/2014 or the date listed in 3c above. Add more rows if needed.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Procurements Selected for Review** | | | | |
| **Contractor** | **Amount Budgeted** | **Amount Obligated** | **Amount Expended** | **Procurement Method\*** |
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\* Method of Procurement (2 CFR 200.320): (a) micro-purchases, (b) small purchases, (c) sealed bids, (d) competitive proposals, and (f) noncompetitive proposals.

**Step Four:** Obtain the following documentation from the non-Federal entity, in addition to its written procurement policies and procedures:

* Any pre-qualified lists of contractors/vendors, along with supporting documentation
* Documentation showing the history of each procurement in the sample, such as
  + Procurement request and approval documents
  + Invitations for bids, requests for proposals, or purchase orders
  + Evaluations of bids and potential contractors
  + Cost or price analysis
  + Award documents, including contract modifications
* For each transaction amounting to $25,000 or more, a list of contractor/vendor personnel that have a critical influence on or substantive control over the contract
* Copies of any relevant training certificates or completion forms

**Step Five:** Answer the following questions for each procurement selected for review. When finished answering these questions, note the number of procurements actually reviewed in the “Sample Method” table above.

11.

|  |  |
| --- | --- |
| Is the non-Federal entity’s documentation sufficient to detail the procurement history, including, but not limited to: | |
| a. The rationale for the method of procurement?  [2 CFR 200.318(i); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| b. The selection of contract type?  [2 CFR 200.318(i); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| c. Contractor selection or rejection?  [2 CFR 200.318(i); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| d. The basis for the cost or price of the contract?  [2 CFR 200.318(i); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |
|  | |
|  | |

12.

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| --- | --- |
| Do the procurement request and/or approval documents include the following information and approvals, if and as required by the non-Federal entity’s written procurement policies and procedures?  [2 CFR 200.302(b)(3), (4), 200.318(i); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |
| 1. Description of the item or service requested? | |  |  | | --- | --- | |  |  | | **Yes** | **No** | |
| 1. A completed sub-award v. contractor determination form? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Alignment with program/award/project/activity type to confirm the requested item(s) or service is consistent with the purpose of the program/award/project/activity? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Confirmed amount of sufficient funds in the budget plan, in accordance with the established budget work breakdown structure, for the procurement estimate amount? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Signature of a budget official confirming the funding amount available for the request? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Signature of an authorized program/project official confirming the requested item(s) or service is consistent with the purpose of the program/award/project/activity? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Other required signatures? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Alignment of the proposed amount with an independent cost estimate? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

13.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the documented history of each transaction in the sample indicate the non-Federal entity conducted procurement transactions in a manner providing full and open competition?  **NOTE**: In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include, but are not limited to:  (1) Placing unreasonable requirements on firms in order for them to qualify to do business;  (2) Requiring unnecessary experience and excessive bonding;  (3) Noncompetitive pricing practices between firms or between affiliated companies;  (4) Noncompetitive contracts to consultants that are on retainer contracts;  (5) Organizational conflicts of interest;  (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and  (7) Any arbitrary action in the procurement process.  [2 CFR 200.318(i), 200.319(a); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

14.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| If a statutorily or administratively imposed state, local, or tribal geographical preference was used in selection process, did one of the following apply?   * State licensing law made the preference necessary * An applicable Federal statute expressly required or encouraged the geographic preference * The procurement was for architectural and engineering professional services and the application of geographic location as a selection factor left an appropriate number of qualified firms (given the nature and size of the project) to compete for the contract   [2 CFR 200.319(b); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

15.

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| --- | --- | --- | --- | --- | --- | --- | --- |
| 1. If the non-Federal entity uses prequalified lists, are the lists current and do they include an adequate number of qualified sources to ensure maximum open and free competition?   [2 CFR 200.319(d); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Does the documentation include current information to support the pre-qualification of each vendor, such as yearly certifications confirming the financial soundness and capacity of each vendor listed?   [2 CFR 200.319(d); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Are the prequalified lists used in a way that allows non-listed bidders to compete during the solicitation period?   [2 CFR 200.319(d); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

16.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| a. Did the non-Federal entity conduct a risk analysis of each potential contractor? | |  |  | | --- | --- | |  |  | | **Yes** | **No** | |
| b. If yes, did the risk analysis include the following criteria for each potential vendor?  i. Registered in SAM  ii. Not included on the Do Not Pay list  iii. Licensed and insured  iv. Financial soundness  v. Capacity | |  |  | | --- | --- | |  |  | | **Yes** | **No** | |
| c. Do the records for each sample transaction show that the non-Federal entity took adequate steps to ensure the award was made to a contractor that was responsible and able to perform successfully under the terms and conditions of the procurement, including considering such matters as the contractor’s integrity, compliance with public policy, record of past performance, and financial and technical resources?  [2 CFR 200.318(h), (i); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| d. For each contract that is a “covered transaction” and for each subaward, is there documentation showing the non-Federal entity took the required steps to determine that the contractor or subrecipient was not debarred, suspended, or otherwise excluded from, or ineligible for, participation in Federal programs or activities?  **NOTE:** A contract is a “covered transaction” if it   1. is expected to equal or exceed $25,000; 2. requires the consent of an official of a Federal agency; or 3. is for Federally-required audit services.   [2 CFR 200.213; 2 CFR 180.300; 2 CFR 2424.300; CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(u); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(15) (for grants awarded under the FY 2015 NOFA) or 578.103(a)(16) (for grants awarded under the FY 2016 NOFA or later)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

17.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 1. Do the records show the procurement was administered by authorized personnel in accordance with the non-Federal entity’s written policies for reviewing, approving, and signing procurement solicitations, purchase orders, contracts, and contract modifications?   [2 CFR 200.302(b)(4), 200.318(i); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |  |  | | --- | --- | |  |  | | **Yes** | **No** | |
| 1. Do the contractual terms and conditions include risk management practices to prevent fraud, detect and mitigate improper payments, and remediation efforts and procedures to recapture such payments? | |  |  | | --- | --- | |  |  | | **Yes** | **No** | |
| 1. Were required standard and special contractual terms and conditions in place at onset of the contract, as specified in Appendix II to Part 200 and the non-Federal entity’s written procurement policies and procedures?   [2 CFR 200.326; CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  | | --- | --- | |  |  | | **Yes** | **No** | |
| 1. Do the records show review and approval of the contract terms and conditions by designated counsel, program/project official, financial management/budget official and/or other officials, if and as required by the non-Federal entity’s written procurement policies and procedures?   [2 CFR 200.302(b)(3), (4), 200.318(i); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

18.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1. Can the non-Federal entity demonstrate that it maintains oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders?   [2 CFR 200.318(b); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
| 1. Does the documentation show items delivered and paid for were consistent with the items contained in the corresponding purchase order and/or contract?   [2 CFR 200.302(b)(3), 2 CFR 200.302(b)(4), 2 CFR 200.318(b), 2 CFR 200.318(i); 2 CFR 200.403(g); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

D. MICRO-PURCHASES.

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. Micro-purchases may be awarded without soliciting quotations if the non-Federal entity considers the price to be reasonable. [See 2 CFR 200.320(a); 2 CFR 200.67, *Micro-purchase;* 48 CFR Subpart 2.1.]

19.

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| --- | --- | --- | --- | --- | --- | --- | --- |
| For each sample transaction that followed the micro-purchase procurement method, was the purchase within the micro-purchase threshold in effect at the time?  [2 CFR 200.320(a); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

E. SMALL PURCHASES.

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources. [See 2 CFR 200.320(b); and 2 CFR 200.88, *Simplified acquisition threshold*.]

20.

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| --- | --- | --- | --- | --- | --- | --- | --- |
| For each sample transaction that followed the small purchase procurement method, did the non-Federal entity document that it obtained price or rate quotations from an adequate number of qualified sources and the purchase did not exceed the Simplified Acquisition Threshold in effect at the time? (Describe types of purchases and price or rate quotes received.)  [2 CFR 200.318(i), 200.320(b); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

F. SEALED BIDS. (Sometimes referred to as “formal advertising.”)

Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all of the material terms and conditions of the invitation for bids, is the lowest in price. In order for sealed bidding to be feasible, the following conditions should be met: (1) A complete, adequate, and realistic specification or purchase description is available; (2) Two or more responsible bidders are willing and able to compete effectively for the business; (3) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price. [See 2 CFR 200.320(c)(1).]

21.

|  |  |
| --- | --- |
| For each sample transaction that followed the sealed bids procurement method: | |
| 1. Were bids solicited from an adequate number of known suppliers, providing them sufficient response time before the date set for opening the bids and, if the non-Federal entity is a local or tribal government, was the Invitation for Bids (IFB) publicly advertised?   [2 CFR 200.320(c)(2)(i); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |
| b. Does the IFB, including specifications and pertinent attachments, clearly define the items or services needed in order for the bidders to properly respond to the IFB?  [2 CFR 200.320(c)(2)(ii); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |
| c. Were all bids opened at the time and place stated in the IFB and, for local and tribal governments, were the bids opened publicly?  [2 CFR 200.320(c)(2)(iii); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |
| d. Was a firm, fixed-price contract awarded to the lowest responsive and responsible bidder, considering factors such as discounts, transportation cost, and life cycle costs?  [2 CFR 200.320(c)(2)(iv); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

G. COMPETITIVE PROPOSALS.

This procurement method is generally used when conditions are not appropriate for the use of sealed bids. Under this method, more than one source submits and either a fixed price or cost-reimbursement type contract is awarded. [See 2 CFR 200.320(d)]

22.

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| --- | --- |
| For each sample transaction that followed the competitive proposals procurement method: | |
| a. Did the non-Federal entity identify all evaluation factors and their relevant importance in the Request for Proposals (RFP), publicize the RFP and, to the maximum extent practicable, consider all responses to the RFP?  [2 CFR 200.320(d)(1); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  |  | | --- | --- | --- | --- | |  |  | |  | | **Yes** | **No** | **N/A** | | |
| b. Were proposals solicited from an adequate number of qualified sources?  [2 CFR 200.320(d)(2); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| c. Did the non-Federal entity have a written method for conducting technical evaluations of the proposals received and for selecting recipients?  [2 CFR 200.320(d)(3); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| d. Was the contract awarded to the responsible firm whose proposal was most advantageous to the program, with price and other factors considered?  [CFR 200.320(d)(4); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| e. If price was not used as a selection factor, did the procurement: (1) consist of a qualification-based procurement of architectural/engineering professional services, (2) focus on evaluation of competitors’ qualifications and selection of the most qualified competitor, and (3) include negotiation of fair and reasonable compensation?  [2 CFR 200.320(d)(5); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

H. NONCOMPETITIVE PROPOSALS.

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source. [See 2 CFR 200.320(f).]

23.

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| For each sample transaction that consisted of solicitation of a proposal from only one source, do the non-Federal entity’s records show one or more of the following circumstances applied:   * the item was only available from a single source, * a public exigency or emergency for the requirement did not permit a delay resulting from competitive solicitation, * after solicitation of a number of sources, competition was determined inadequate, or * HUD or the pass-through entity expressly authorized noncompetitive proposals in response to a written request from the non-Federal entity?   [2 CFR 200.318(i), 200.320(f); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

I. CONTRACT COST AND PRICE. [See 2 CFR 200.323.]

24.

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| For the sample transactions reviewed, is there documentation showing that: | |
| a. An independent cost or price analysis was performed in connection with each procurement action, including each contract modification, where the cumulative amount of the original contract and contract modifications exceeded the Simplified Acquisition Threshold?  [2 CFR 200.318(i), 200.323(a); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| b. Profit was negotiated as a separate element of price for each contract in which there is no price competition and, in all cases, where a cost analysis is performed?  [2 CFR 200.318(i), 200.323(b); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| c. The non-Federal entity agreed to pay costs or prices based on estimated costs only to the extent the costs incurred or cost estimates included in negotiated prices would have been allowable for the non-Federal entity under the cost principles in Subpart E of 2 CFR Part 200?  [2 CFR 200.318(i), 200.323(c); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| d. Contract pricing was based on a method other than cost plus a percentage of cost or percentage of construction cost?  [2 CFR 200.318(i), 200.323(d); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

J. BONDING REQUIREMENTS. [See 2 CFR 200.325.]

25.

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| If contracts have been awarded for construction or facility improvements that exceed the Simplified Acquisition Threshold, does the non-Federal entity meet the minimum Federal requirements for bid guarantees, performance bonds and payment bonds in 2 CFR 200.325 (or, alternatively, the bonding requirements of the recipient or subrecipient) if HUD or the pass-through entity has determined the Federal interest is adequately protected)?  [2 CFR 200.325; CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505; ESG: 24 CFR 576.407(c); CoC: 24 CFR 578.99(e)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

K. CONTRACT PROVISIONS. [See 2 CFR 200.326.]

26.

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| For each of the sample transactions, do the non-Federal entity’s records show that an authorized official, employee or agent reviewed the applicability of the provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards (and noted briefly below) and made sure the applicable provisions were included in the contract?   1. Remedies for violation or breach of contract terms 2. Termination for cause and termination for convenience provisions 3. Equal Employment Opportunity 4. Davis-Bacon Act and Copeland “Anti-Kickback” Act 5. Contract Work Hours and Safety Standards Act 6. Rights to Inventions Made Under a Contract or Agreement 7. Clean Air Act and Federal Water Pollution Control Act 8. Debarment and Suspension 9. Byrd Anti-Lobbying Amendment 10. Procurement of Recovered Materials   [2 CFR 200.303(a), 200.318(i), 200.326; CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

27.

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| --- | --- | --- | --- | --- | --- | --- | --- |
| For each of the sample transactions, do the non-Federal entity’s records show that an appropriate, authorized official, employee or agent verified that standard and special contractual terms and conditions were included as appropriate and applicable at the onset of each contract to adequately safeguard all assets and assure that they are used solely for authorized purposes and in accordance with applicable Federal, State, local, and tribal laws and regulations?  [2 CFR 200.302(b)(4), 200.303(a), 200.318(a), (i); CDBG Entitlement: 24 CFR 570.502(a); HOME: 24 CFR 92.505 and 24 CFR 92.508; ESG: 24 CFR 576.407(c) and 24 CFR 576.500(v)(2); CoC: 24 CFR 578.99(e) and 24 CFR 578.103(a)(16)(iii) (for grants awarded under the FY 2015 CoC Program Competition) or 578.103(a)(17)(iii) (for grants awarded under the FY2016 CoC Program Competition or later)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |