|  |  |  |  |
| --- | --- | --- | --- |
| Guide for Review of CoC Procurement Requirements | | | |
| **Name of Recipients:** | | | |
| **Name of Subrecipient(s):** | | | |
| **Grant Number:** | | | |
| **Project Name:** | | | |
| **Staff Consulted:** | | | |
| **Name(s) of Reviewer(s)** |  | **Date** |  |

**NOTE:** All questions that address requirements contain the citation for the source of the requirement (statute and regulation). If the requirement is not met, HUD must select “NO” in response to the question and 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 participant'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 intended to evaluate a recipient’s or its subrecipient’s procurement transactions. A procurement transaction is when the recipient or subrecipient has entered into an agreement with another entity for the purpose of providing a particular good or service for the recipient or subrecipient, and which is not a subrecipient agreement. The questions in this Exhibit are designed only to monitor compliance with the Continuum of Care (CoC) Interim Rule and the procurement requirements under 24 CFR 85.36 (for governments) and 24 CFR 84.41 through 84.48 (for private nonprofit organizations), as in effect on December 25, 2014. In general, this Exhibit is only to be used for CoC Program funds awarded under the FY 2014 CoC Program Competition and prior CoC Program Competitions. However, to the extent the recipient or subrecipient meets the conditions under 2 CFR 200.110(a) for following the former procurement requirements for two additional fiscal years after December 26, 2014, this Exhibit is also to be used for CoC Program funds awarded under the FY 2015 CoC Program Competition or later CoC Program Competitions. Otherwise, for CoC Program funds awarded under the FY 2015 CoC Program Competition or later CoC Program Competitions, the HUD reviewer must complete Exhibit 34-3, *Guide for Review of Procurement.*  The HUD reviewer should randomly select a sample of the recipient’s procurement transactions, pull the procurement files related to the selected transactions, and use the files to verify responses to the Exhibit questions. The Exhibit is divided by questions that pertain to States and questions that pertain to entities other than States.

**Questions for States:**

1.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| When procuring goods or services with CoC funds, does the State follow the same policies and procedures that the State uses for procurements using the State’s funds?  [24 CFR 85.36(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

2.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the sample of the State’s procurement transactions show that the State ensures each purchase order and contract include any clauses required by Federal statutes and executive orders and their implementing regulations (such as the Federal statutes, executive orders, and implementing regulations mentioned in 24 CFR 85.36(i))?  [24 CFR 85.36(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

**Questions for Entities Other than States:**

3.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the nonprofit recipient and its subrecipients use established written procurement procedures?  [24 CFR 84.44(a)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

4.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the recipient and its subrecipients meet the requirement to have a written standard of conduct governing the performance of its employees engaged in the award and administration of contracts?  [24 CFR 84.42; 24 CFR 85.36(b)(3)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

5.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Did the recipient and its subrecipients meet the requirement that all procurement transactions are conducted in a manner to provide, to the maximum extent practical, open and free competition?  [24 CFR 84.43; 24 CFR 85.36] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

6.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Did the recipient and its subrecipients meet the requirement to establish and follow written procedures to avoid purchasing unnecessary items?  [24 CFR 84.44(a)(1); 24 CFR 85.36(b)(4)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

7.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For government entities only: Do the Requests for Proposals (RFPs) clearly and accurately state the technical requirements for the goods or services to be procured?  [24 CFR 85.36(c)(3)(i)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

8.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Did the recipient and its subrecipients meet the requirement to ensure that contractors that developed or drafted the specifications, requirements, statements of work, invitations for bids and/or request for proposals were excluded from competing for such procurements?  [24 CFR 84.43; 24 CFR 85.36(c)(1)(v)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

9.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Did the recipient and its subrecipients meet the requirement to perform and document a cost analysis in a procurement file in connection with every procurement action, including contract modifications?  [24 CFR 84.45; 24 CFR 85.36(f)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

10.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do contracts contain the provisions required under 24 CFR 85.36(i), or 24 CFR 84.48, as applicable?  [24 CFR 84.48; 24 CFR 85.36(i)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

11.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For government procurements using the competitive proposals method: Are the proposals solicited from an adequate number of qualified sources, consistent with the nature and requirements of the procurement?  **NOTE:** This requirement is not applicable to nonprofits.  [24 CFR 85.36(d)(3)(ii)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

12.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For procurements by competitive proposals: Did the recipient or its subrecipients publicize the RFPs and honor reasonable requests by parties to compete, to the maximum extent practicable?  [24 CFR 84.43; 24 CFR 85.36(d)(3)(i)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

13.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For government procurements using the competitive proposals method: Do the RFPs identify all significant evaluation factors, including prices or costs, where required, and their relative importance?  **NOTE:** This requirement is not applicable to nonprofits.  [24 CFR 85.36(d)(3)(i)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

14.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For government procurements using small purchase procedures: Do the recipient’s and its subrecipients’ records document receipt of an adequate number of price or rate quotations from qualified sources for procurements of $100,000 or less?  **NOTE:** This requirement is not applicable to nonprofits.  [24 CFR 85.36(d)(1)]4] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

15.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the records document that the recipient and its subrecipients meet the requirement to conduct technical evaluations of submitted proposals; determined responsible offers from such evaluations; as necessary and when authorized, conducted negotiations, written or oral, for final contract award; and made awards to the most responsive and responsible offers whose proposals will be most advantageous to the recipients after price and other factors are considered? | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

16.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For government procurements using the noncompetitive proposals method: Do the procurement records document that other methods of procurement (small purchase, sealed bids or competitive proposals) were infeasible AND one of the following applies: the items were available only from a single source; OR a public exigency or emergency was of such urgency to not permit a delay resulting from competitive solicitation; OR, after solicitation of a number of sources, competition is determined inadequate; OR approval was granted by HUD?  [24 CFR 85.36(d)(4)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

Sealed Bids

17.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For government procurements by sealed bids: Did the recipient and its subrecipients meet the requirement that bids were solicited from an adequate number of known suppliers and were those suppliers provided sufficient time prior to the date set for opening the bids?  **NOTE:** This requirement is not applicable to nonprofits.  [24 CFR 85.36(d)(2)(ii)(A)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

18.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For government procurements by sealed bids: Did the recipient and its subrecipients meet the requirement that Invitation for Bids (IFBs), including specifications and pertinent attachments, clearly defined the items or services required in order for the bidders to appropriately respond?  **NOTE:** This requirement is not applicable to nonprofits.  [24 CFR 85.36(d)(2)(ii)(B)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

Procurement by Sealed Bids Only

19.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For government procurements by sealed bids: Did the recipient and its subrecipients meet the requirement that bids were opened publicly at the times and places stated in the IFBs?  **NOTE:** This requirement is not applicable to nonprofits.  [24 CFR 85.36(d)(2)(ii)(C)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |

20.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For government procurements by sealed bids: Did the recipient and its subrecipients meet the requirement that contracts were awarded in writing to the lowest responsive and responsible bidders?  **NOTE:** This requirement is not applicable to nonprofits.  [24 CFR 85.36(d)(2)(ii)(D)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |
|  | |

21.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| For government procurements by sealed bids: If any bids were rejected, did the recipient meet the requirement to ensure there was a sound, documented reason?  **NOTE:** This requirement is not applicable to nonprofits.  [24 CFR 85.36(d)(2)(ii)(E)] | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| **Describe Basis for Conclusion:** | |