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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, DOH 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 DOH reviewer in evaluating a representative sample of procurement transactions undertaken by the Subrecipient (e.g., based on size of last grant, amount of time allocated for monitoring, results of pre-monitoring preparation). The DOH reviewer should evaluate the documentation related to the selected transactions and use this information to verify Subrecipient responses to the questions in this Exhibit. If the Subrecipient’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.

**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:

* Subrecipient’s written policies and procedures that govern its procurement under the grant(s) reviewed
* Subrecipient’s written policies and procedures that govern procurements by Sub - subrecipients using funds under the grant(s) reviewed
* Sub-subrecipient’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

1.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the Subrecipient’s subawards require each Sub-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:** | |
|  | |

B. PROCUREMENT POLICIES AND PROCEDURES

2.

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| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the Subrecipient 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:** | |

3.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1. Does the Subrecipient 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 Subrecipient 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 Subrecipient may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, except where the Subrecipient 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 Subrecipient?   [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:** | |
|  | |

4.

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| --- | --- | --- | --- | --- | --- | --- | --- |
| If the Subrecipient has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, does the Subrecipient 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:** | |

5.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Are the Subrecipient’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:** | |

6.

|  |  |
| --- | --- |
| Does the Subrecipient 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:** | |
|  | |

7.

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| --- | --- | --- | --- | --- | --- | --- | --- |
| Do the Subrecipient’s written policies and procedures for selection, award, and administration of Sub-subrecipients conform to other applicable requirements in 2 CFR part 200?  For example: | |  |  |  | | --- | --- | --- | |  |  |  | | **Yes** | **No** | **N/A** | |
| 1. Does the Subrecipient 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 Subrecipient’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.

|  |
| --- |
| **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 Subrecipient, 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.

8.

|  |  |
| --- | --- |
| Is the Subrecipient’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:** | |
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9.

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| --- | --- |
| Do the procurement request and/or approval documents include the following information and approvals, if and as required by the Subrecipient’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:** | |

10.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Does the documented history of each transaction in the sample indicate the Subrecipient 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:** | |
|  | |

11.

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| --- | --- | --- | --- | --- | --- |
| a. Did the Subrecipient 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 Subrecipient 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 Subrecipient 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:** | |

12.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 1. Do the records show the procurement was administered by authorized personnel in accordance with the Subrecipient’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 Subrecipient’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** | |
| **Describe Basis for Conclusion:** | |
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13.

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| --- | --- | --- | --- | --- | --- | --- | --- |
| 1. Can the Subrecipient 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. COMPETITIVE PROPOSALS.

14.

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| --- | --- |
| For each sample transaction that followed the competitive proposals procurement method: | |
| a. Did the Subrecipient 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 Subrecipient 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:** | |

E. NONCOMPETITIVE PROPOSALS.

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

15.

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| --- | --- | --- | --- | --- | --- | --- | --- |
| For each sample transaction that consisted of solicitation of a proposal from only one source, do the Subrecipient’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 Subrecipient?   [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:** | |
|  | |

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

16.

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| --- | --- | --- | --- | --- | --- | --- | --- |
| For each of the sample transactions, do the Subrecipient’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 Subrecipient 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:** | |
|  | |

17.

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| --- | --- | --- | --- | --- | --- | --- | --- |
| For each of the sample transactions, do the Subrecipient’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:** | |
|  | |