

Guide for Review of Procurement			
Name of Participating Jurisdiction (PJ):			
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 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 designed to assess the PJ's compliance with applicable procurement requirements. It is divided into eight sections: Selected Sample; Small Purchases; Competitive Sealed Bids; Competitive Proposals; Noncompetitive Proposals; General Provisions/Procedures; Bonding and Insurance; and Contracting with Small and Minority Firms, Women's Business Enterprises and Labor Surplus Area Firms. Following the guidance in Section 7-4 of the introduction to this Chapter, the reviewer should randomly select a sample of procurement transactions undertaken by the PJ, pull the procurement files related to the selected transactions and use the files to determine PJ compliance with the Exhibit questions. If the PJ's accounting system includes information on contracts, purchase orders, etc., related to the HOME program, such a system can be a convenient starting point for selecting procurement transactions to review. The HOME regulatory citation for the uniform administrative requirements is located in 24 CFR 92.505.

Questions:

A. SELECTED SAMPLE

1.

Provide the following information for the selected sample of procurement transactions:				
Contractor	Amount Budgeted	Amount Obligated	Amount Expended	Procurement Method*
1.				
2.				
3.				
4.				
5.				

*Use the following numbers for these methods of procurement [see 24 CFR 85.36(d)]: (1) Small Purchase; (2) Sealed Bids; (3) Competitive Proposals; and (4) Noncompetitive Proposals.

B. SMALL PURCHASES

2.

a. Did the PJ document an adequate number of price or rate quotations from qualified sources for procurements of \$100,000 or less? [24 CFR 85.36(d)(1) and 24 CFR 92.505(a)]	<input type="checkbox"/> <input type="checkbox"/> Yes No
Describe Basis for Conclusion: 	

b. Describe types of purchases and price or rate quotes received.
Describe Basis for Conclusion:

C. COMPETITIVE SEALED BIDS

3.

Summarize the PJ's competitive bid process.
Describe Basis for Conclusion:

4.

Does the PJ receive at least two or more responsible bids for each procurement transaction? (NOTE: If the answer is "no," provide information in the "Basis for Conclusion" section below whether this is a systemic failure, i.e., the PJ's system failed to work properly, or an isolated failure in some cases.) [24 CFR 85.36(d)(2)(i)(B) and 24 CFR 92.505(a)]	<input type="checkbox"/> <input type="checkbox"/> Yes No
Describe Basis for Conclusion: 	

5.

Did the PJ's procurement lend itself to a firm, fixed price contract and was the selection of the successful bidder made principally on the basis of price? [24 CFR 85.36(d)(2)(i)(C) and 24 CFR 92.505(a)]	<input type="checkbox"/> <input type="checkbox"/> Yes No
Describe Basis for Conclusion:	

6.

Was the invitation for bids publicly advertised and were bids solicited from an adequate number of know suppliers, providing them sufficient time before the date set for opening the bids? [24 CFR 85.36(d)(2)(ii)(A) and 24 CFR 92.505(a)]	<input type="checkbox"/> <input type="checkbox"/> Yes No
Describe Basis for Conclusion:	

7.

Do the IFBs, including specifications and pertinent attachments, clearly define the items or services needed in order for the bidders to properly respond? [24 CFR 85.36(d)(2)(ii)(B) and 24CFR 92.505(a)]	<input type="checkbox"/> <input type="checkbox"/> Yes No
Describe Basis for Conclusion:	

8.

Are bids opened publicly at the time and place stated in the IFBs? [24 CFR 85.36(d)(2)(ii)(C) and 24 CFR 92.505(a)].	<input type="checkbox"/> <input type="checkbox"/> Yes No
Describe Basis for Conclusion:	

9.

Are contracts awarded to the lowest responsive and responsible bidders? [24 CFR 85.36(d)(2)(ii)(D) and 24 CFR 92.505(a)]	<input type="checkbox"/> <input type="checkbox"/> Yes No
Describe Basis for Conclusion: 	

D. COMPETITIVE PROPOSALS

10.

Is the competitive proposal procurement method used only when conditions are not appropriate for the use of sealed bids? [24 CFR 92.505(a); 24 CFR 85.36(d)(3)]	<input type="checkbox"/> <input type="checkbox"/> Yes No
Describe Basis for Conclusion: 	

11.

Do Requests For Proposal (RFPs) clearly and accurately state the technical requirements for the goods or services to be procured? [24 CFR 85.36(c)(3)(i) and 24 CFR 92.505(a)]	<input type="checkbox"/> <input type="checkbox"/> Yes No
Describe Basis for Conclusion: 	

12.

Are the proposals solicited from an adequate number of qualified sources, consistent with the nature and requirements of the procurement? [24 CFR 85.36(d)(3)(ii) and 24 CFR 92.505(a)]	<input type="checkbox"/> <input type="checkbox"/> Yes No
Describe Basis for Conclusion: 	

13.

Does the PJ publicize RFPs and honor reasonable requests by parties to compete to the maximum extent practicable? [24 CFR 85.36(d)(3)(i) and 24 CFR 92.505(a)]	<input type="checkbox"/> <input type="checkbox"/> Yes No
Describe Basis for Conclusion: 	

14.

Do the RFPs identify all evaluation factors, including price or cost where required, and their relative importance? [24 CFR 85.36(d)(3)(i) and 24 CFR 92.505(a)]	<input type="checkbox"/> <input type="checkbox"/> Yes No
Describe Basis for Conclusion: 	

15.

Does the PJ:	
a. conduct technical evaluations of submitted proposals? [24 CFR 85.36(d)(3)(iii) and 24 CFR 92.505(a)]	<input type="checkbox"/> <input type="checkbox"/> Yes No
b. determine responsible offerors from such evaluations?	<input type="checkbox"/> <input type="checkbox"/> Yes No

<p>c. make awards to the most responsive and responsible offerors whose proposals will be most advantageous to the PJ after price and other factors are considered? [24 CFR 85.36(b)(8); 24 CFR 85.36(d)(3)(iv) and 24 CFR 92.505(a)]</p>	<input type="checkbox"/> <input type="checkbox"/> Yes No
<p>Describe Basis for Conclusion:</p>	

16.

<p>If proposals involving architectural/engineering professional services are evaluated with respect to factors other than price, can the PJ document the basis for negotiations of fair and reasonable compensation? [24 CFR 85.36(d)(3)(v) and 24 CFR 92.505(a)]</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
<p>Describe Basis for Conclusion:</p>	

17.

<p>For procurement of architectural and engineering professional services, does the PJ maintain a list of qualified offerors who can respond to its RFPs?</p>	<input type="checkbox"/> <input type="checkbox"/> Yes No
<p>Describe Basis for Conclusion:</p>	

E. NONCOMPETITIVE PROPOSALS

18.

<p>If the PJ procured goods or services noncompetitively, do the procurement records document that other methods of procurement (small purchases, sealed bids or competitive proposals) were infeasible because the items were available 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) and 24 CFR 92.505(a)]</p>	<table border="1"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
<p>Describe Basis for Conclusion:</p>							

F. GENERAL PROVISIONS/PROCEDURES

19.

<p>Is the PJ ensuring that its awards are not made to any party excluded, disqualified, or otherwise ineligible (e.g., suspension, debarment, or limited denial of participation) for Federal Procurement or Non-Procurement Programs? [24 CFR 92.350(a)]</p>	<table border="1"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No
<input type="checkbox"/>	<input type="checkbox"/>				
Yes	No				
<p>Describe Basis for Conclusion:</p>					

20.

<p>For the sample files reviewed, is there a rationale in the file for: [24 CFR 85.36(b)(9) and 24 CFR 92.505(a)]</p>					
<p>a. the selection of the method of procurement?</p>	<table border="1"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No
<input type="checkbox"/>	<input type="checkbox"/>				
Yes	No				
<p>b. the selection of contract type?</p>	<table border="1"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No
<input type="checkbox"/>	<input type="checkbox"/>				
Yes	No				
<p>c. contractor selection or rejection?</p>	<table border="1"> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No
<input type="checkbox"/>	<input type="checkbox"/>				
Yes	No				

d. the basis for the cost or price of the contract?	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
Describe Basis for Conclusion:		

21.

Is contract pricing always based on a method other than the "cost-plus-a-percentage-of-cost" method? [24 CFR 85.36(f)(4) and 24 CFR 92.505(a)]	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
Describe Basis for Conclusion:		

22.

Are procurement procedures in place to ensure that:		
a. purchase orders and contracts are signed by an authorized program official? [24 CFR 85.36(f)(1) and 24 CFR 92.505(a)]	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
b. items delivered and paid for are consistent with the items contained in the corresponding purchase order and/or contract? [24 CFR 85.36(b)(2) and 24 CFR 92.505(a)]	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
c. timely payment of vendors occurs, once requested and once orders have been delivered, inspected, accepted and payment of the vendor has been approved?	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
d. a cost or price analysis is performed in connection with every procurement action, including contract modifications? [24 CFR 85.36(f)(1) and 24 CFR 92.505(a)]	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
e. profit is negotiated as a separate element of price where price competition is lacking or a cost analysis is performed? [24 CFR 85.36(f)(2) and 24CFR 92.505(a)]	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
Describe Basis for Conclusion:		

23.

Are the contract provisions listed in 24 CFR 85.36(i) appropriately included in the HOME-assisted contracts? [24 CFR 85.36(i)]	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
Describe Basis for Conclusion:		

24.

Does the PJ have a written code of conduct governing employees, officers or agents engaged in the award and administration of contracts supported by grant funds? [24 CFR 85.36(b)(3) and 24 CFR 92.505(a)]	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
Describe Basis for Conclusion:		

25.

Does the PJ maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders? [24 CFR 85.36(b)(2) and 24 CFR 92.505(a)]	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
Describe Basis for Conclusion:		

26.

Does the written agreement between the PJ's and the State recipient and subrecipients include a provision to follow applicable procurement policies and procedures in the administration of their contracts and purchase orders? [24 CFR 92.504(c)(2)(iii)]	<input type="checkbox"/> <input type="checkbox"/> Yes No
Describe Basis for Conclusion:	

27.

If the PJ uses prequalified lists of persons, firms, or products which are used in acquiring goods and services, are the lists current and include enough qualified sources to ensure maximum open and free competition, and does the PJ permit potential persons and firms to qualify during the solicitation period? [24 CFR 85.36(c)(4) and 24 CFR 92.505(a)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

G. BONDING AND INSURANCE

28.

If contracts have been awarded for construction under the grant program(s), does the PJ:	
a. follow its own requirements relating to bid guarantees, performance bonds and payment bonds for construction contracts or subcontracts valued at or below \$100,000? [24 CFR 85.36(h) and 24 CFR 92.505(a)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
b. meet the minimum Federal requirements for bid guarantees, performance bonds and payment bonds for construction contracts or subcontracts valued above \$100,000? [24 CFR 85.36(h)]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Yes No N/A
Describe Basis for Conclusion:	

H. CONTRACTING WITH SMALL AND MINORITY FIRMS, WOMEN'S BUSINESS ENTERPRISES AND LABOR SURPLUS AREA FIRMS

29.

Is the PJ taking affirmative steps to assure small, minority-owned and women-owned businesses are used when possible in grant funded contracts such as: [24 CFR 85.36(e)(iv) & (v) and 24 CFR 92.505(a)]		
a. including such businesses on solicitation lists whenever they are potential sources?	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
b. ensuring that such businesses, when identified, are solicited whenever they are potential sources?	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
c. dividing procurement requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such businesses?	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
d. requiring prime contractors when subcontracts are let, to take affirmative steps to select small, minority-owned and women-owned businesses in grant funded contracts?	<input type="checkbox"/>	<input type="checkbox"/>
	Yes	No
Describe Basis for Conclusion:		

30.

If the PJ is not taking the steps identified in Question 29 above, list the actions the PJ is taking to take affirmative steps to assure the use of small, minority-owned and women-owned businesses when possible. [24 CFR 85.36(e) and 24 CFR 92.505(a)]
Describe Basis for Conclusion: