

**NJIT TAB & USEPA  
RLF Workshop  
October 13 & 14, 2010**

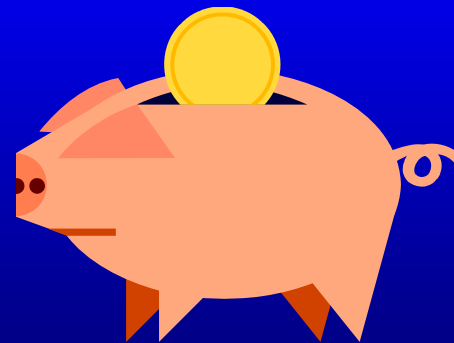


**RLF Procurement**



# Topics

- Procurement Overview
- Procurement Methods
- Solicitation Elements
- Professional Services vs. Construction Bids
- Single and EPA Audit
- Useful Links





# Procurement Overview

- ❑ Grantees are responsible for ensuring compliance with all contractual and administrative issues with grant funded contracts
- ❑ Local procurement systems can be used if meet EPA minimum standards for purchasing requirements
- ❑ Must ensure full and open competition
- ❑ Must take steps to involved disadvantaged businesses



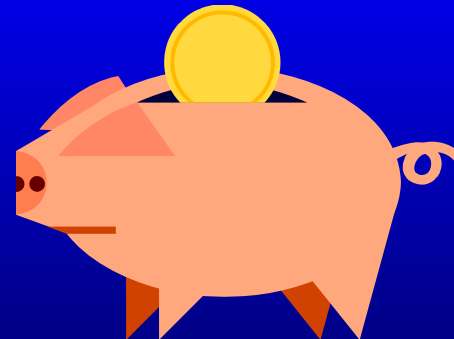
# Procurement Overview

- ❑ Must check disbarment list to make sure contractor is NOT on it: [www.epls.gov](http://www.epls.gov)
- ❑ Touch base with EPA PO to ensure that there aren't issues with moving forward. Will need EPA buy-in if Sole Source, deviations from bidding method, bid protest filed or other issues arise
- ❑ Must document rationale for selection and keep it on file
- ❑ If construction require bonds: bid, performance, payment and other surety



# Procurement Methods

- Large purchase (over \$100,000)
- Small purchases (under \$100,000)
- Non Competitive or Sole Source



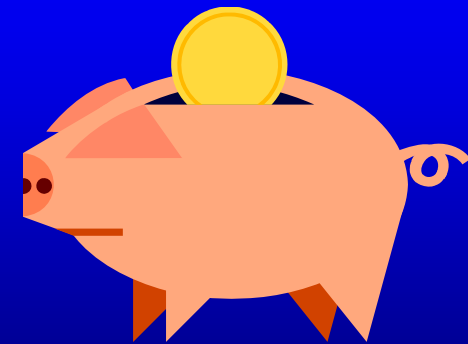


# Procurement Methods

## ❑ Large purchase (over \$100,000)

### 1. Sealed Bid Method if PRICE DRIVEN

- Specification is complete, known quantities which will enable a firm fixed price
- Services being rendered will be able to be offered by several responsible and qualified bidders
- Public Bid Opening
- Contract going to lowest responsive bidder



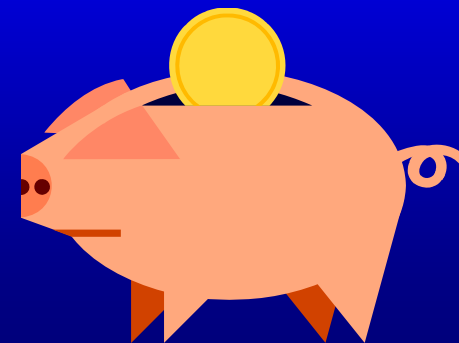


# Procurement Methods

## ❑ Large purchase (over \$100,000)

### 2. Competitive Proposal if QUALIFICATION DRIVEN

- Request for Proposals issued
- Offerors must submit technical qualifications and proposals separately from pricing
- Must conduct and document technical review of proposals
- Must conduct cost analysis if offerors are required to submit the elements of their proposed cost
- Contract going to most qualified bidder subject to negotiation of fair and reasonable pricing





# Procurement Methods

- ❑ Small purchases (under \$100,000)
  - ✓ Need minimum of three price quotes
  - ✓ Can't preclude someone from submitting a quote
  - ✓ Can develop a pre-qualified list
  - ✓ Can use vendors from Master Price Agreement







# Procurement Methods

## Non Competitive or Sole Source

- ✓ Item or service is available from only one source
- ✓ Public emergency precludes delay
- ✓ Only one bid received for solicitation issued





# Solicitation Elements

Generic for All Solicitations:

- Scope of Work
- Qualifications
- Project Budget – Maybe!
- Price Form
- Evaluation Criteria
- Federal Funds Disbarment Certification
- Federal DBE Goals





# Solicitation Elements

More Generic for All Solicitations:

- Insurance: EPA and Grantee listed as additional insured
- EPA has right of termination of contract
- Include copy of Cooperative Agreement T & Cs
- Give thought to having solicitation be an attachment to the awarded contract
- Have Region PO and others review solicitation





# Solicitation Elements

For Construction Solicitations:

- Davis Bacon Provisions
- Davis Bacon Wage Rates
- Vendor ARRA Invoices-hours worked by new or maintained employees to get at jobs created
- Vendor ARRA reporting info: zip code for corporate headquarters, DUNS number, etc.
- Buy American Provisions (ARRA only)





# Solicitation Elements

For ARRA Funded Solicitations:

- Vendor ARRA Invoices-hours worked by new or maintained employees to get at jobs created
- Vendor ARRA reporting info: zip code for corporate headquarters, DUNS number, etc.
- Buy American Provisions (ARRA construction only)
- Sufficient Progress Considerations (ARRA only)





# Professional Services vs. Construction

- Professional Services

- ✓ Fund Manager
- ✓ Grant Manager
- ✓ Environmental Professional (LSP, QEP)



- Construction Services

- ✓ Remediation Contractor
- ✓ Fence Installation Contractor
- ✓ Demolition Contractor



## Single and EPA Audit

- If Grantees spend more than \$500,000/FY for all Federal Grants, must obtain single or program-specific audit:
  - ✓ OMB Circular A-133
  - ✓ Will likely involve evaluation of grant purchases
- If EPA Office of Inspector General or the General Accounting Office conducts an audit:
  - ✓ Will likely review purchasing system AND grant purchases



## Procurement Useful Links

- 40 CFR 31.36
- For federal procurement regulations (search 40 CFR 31.36): [www.ecfr.gpoaccess.gov](http://www.ecfr.gpoaccess.gov)
- For guidance on purchasing supplies and services under EPA grants for local governments: <http://www.epa.gov/ogd/grants/nonprofit/supply.htm>





# Questions?

