



# Roadmap to Procurement Compliance

Procurement Disaster Assistance Team  
(PDAT)

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FEMA

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## Table of Contents

<b>BACKGROUND AND OVERVIEW .....</b>	<b>5</b>
Navigating the Roadmap .....	6
<b>STATE ENTITY CHECKLIST .....</b>	<b>9</b>
<b>PROCUREMENT POLICY CHECKLIST .....</b>	<b>13</b>
<b>NONCOMPETITIVE PROCUREMENT CHECKLIST .....</b>	<b>16</b>
<b>MICRO-PURCHASE PROCUREMENT CHECKLIST .....</b>	<b>21</b>
<b>SMALL PURCHASE CHECKLIST .....</b>	<b>24</b>
<b>SEALED BIDS CHECKLIST .....</b>	<b>30</b>
<b>PROPOSALS CHECKLIST .....</b>	<b>36</b>

## Roadmap to Procurement Compliance: Non-Federal Entity Checklist

# Background and Overview

The Federal Emergency Management Agency (FEMA) provides financial assistance to eligible recipients and subrecipients through grant programs designed to reduce the loss of life and property, and protect the nation from all hazards, including natural disasters and acts of terrorism. Each FEMA grant program is governed by the enabling laws, implementing regulations, and program policies as well as a range of cross-cutting laws, executive orders, and other regulations.

FEMA award recipients and subrecipients will often use contracts to help them carry out work under their grant program awards. As a requirement of receiving FEMA grant funding, all purchases must comply with the federal procurement under grant standards found at [2 C.F.R. §§ 200.317 – 200.327](#). The Roadmap to Procurement Compliance (“Roadmap”) is designed to introduce FEMA award recipients and subrecipients to the methods of procurement outlined at [2 C.F.R. § 200.320](#) and provide a checklist recipients and subrecipients may use to ensure compliance as they conduct purchases under a FEMA award. Please Note this Roadmap is applicable to all FEMA award recipients and subrecipients for grants awarded on or after Nov. 12, 2020.<sup>1</sup> For FEMA awards made prior to Nov. 12, 2020 please reference the [2019 version of the PDAT Field Manual](#) and [Contract Provisions Template](#) to assist with the review of contracts for compliancy.

The Roadmap guides FEMA award recipients and subrecipients through the federal procurement rules applicable to their situation, which is based on their entity type, procurement dollar amount, type of work, as well as other factors. Users of the Roadmap will first respond to a series of questions to help understand the circumstances surrounding their procurement. Once the user has responded to the questions, they will be directed to specific checklists to help determine compliance with the applicable federal procurement rules.

The Roadmap provides:

- A path to determining which rules are applicable based on various procurement circumstances; and
- Checklists for FEMA award recipients and subrecipients to use to ensure compliance as they conduct their procurements.

The Roadmap *does not* provide:

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<sup>1</sup> The “[Public Assistance Applicant Procurement Compliance Checklist](#)” is applicable to Public Assistance applicants purchasing in support of disasters declared from December 26, 2014 through November 11, 2020. See [Purchasing Under a FEMA Award: Office of Management and Budget \(OMB\) Revisions Fact Sheet](#).

## Roadmap to Procurement Compliance: Non-Federal Entity Checklist

- An exhaustive list of all applicable requirements when purchasing under a FEMA grant program; and
- Program specific guidance when purchasing under a FEMA award. Please refer to the applicable program representative for clarification on program specific requirements.

**Note:** The non-federal entity (NFE) alone is responsible for ensuring compliance with all applicable federal regulations when procuring under a FEMA award. Use of this document does not guarantee the legal sufficiency of any procurement, nor does it ensure an award or subaward will not be audited or investigated. It is not intended to be, nor does it provide or constitute legal advice for FEMA award recipients and subrecipients. All legal questions concerning the sufficiency of a procurement in terms of federal procurement should be referred to the recipients and subrecipients' legal counsel.

## Navigating the Roadmap

The Roadmap includes seven checklists that should be used based on certain factors including, but not limited to, entity type and the procurement dollar amount. The questions below are meant to guide recipients and subrecipients when determining which checklist to use.

1.) Is your organization a “state entity”?	
A <a href="#">state entity</a> 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. See <a href="#">2 CFR 200.1 “State”</a> .	
Yes <input type="checkbox"/>  If yes, proceed to the <a href="#">State Entity Checklist</a> . This is the <b>only</b> checklist that state entities need to complete.	No <input type="checkbox"/>  If no, your organization is considered a non-state entity, which includes local governments, Tribes, and nonprofit organizations. All non-state entities should proceed to <b>Question #2</b> .
<b>Note: Only non-state entities (including local governments, tribes, and nonprofits) beyond this point</b>	
2.) Have you already reviewed your organization’s procurement policies and procedures for compliance with the federal procurement rules?	
There are federal procurement rules that are applicable to an organization’s procurement policies and procedures as well as when conducting the procurement process (including in the solicitation phase and contract documents). A non-state entity should first review its policies and procedures for compliance with the <a href="#">general procurement standards</a> .	

Roadmap to Procurement Compliance: Non-Federal Entity Checklist

<p>Yes <input type="checkbox"/></p> <p>If yes, you may proceed to <b>Question #3</b>.</p>	<p>No <input type="checkbox"/></p> <p>If no, you should first complete the <a href="#">Procurement Policy Checklist</a> and then proceed to <b>Question #3</b>.</p>
<p><b>3.) Is your organization intending to award a noncompetitive procurement (“sole sourced award”)?</b></p>	
<p>A <a href="#">noncompetitive procurement</a> (or sole-source) is the solicitation of a proposal from one source or a limited number of sources. A non-state entity may award a noncompetitive procurement only if certain circumstances in <a href="#">2 C.F.R. § 200.320(c)</a> exist. The circumstances include <a href="#">single source</a>, <a href="#">exigency or emergency</a>, <a href="#">awarding agency approval</a>, and <a href="#">inadequate competition</a>.</p>	
<p>Yes <input type="checkbox"/></p> <p>If yes, proceed to the <a href="#">Noncompetitive Procurement Checklist</a>. This will be the final checklist for non-state entities using an allowable sole source exception.</p>	<p>No <input type="checkbox"/></p> <p>If no, proceed to <b>Question #4</b> to use the dollar amount of the contract to determine the next applicable checklist.</p>
<p><b>4.) Is the aggregate dollar amount of the procurement under the federal micro-purchase threshold (currently \$10,000) or under your organization’s more restrictive threshold?</b></p>	
<p>A non-state entity wishing to purchase supplies or services by <a href="#">micro-purchase procedures</a> should not exceed the federal micro-purchase threshold, or the applicable state/local/tribal threshold, whichever is lowest.</p>	
<p>Yes <input type="checkbox"/></p> <p>If yes, proceed to the <a href="#">Micro-Purchases Checklist</a></p>	<p>No <input type="checkbox"/></p> <p>If no, proceed to <b>Question #5</b>.</p>
<p><b>5.) Is the aggregate dollar amount of the procurement under the federal simplified acquisition threshold (currently \$250,000) or under your organization’s more restrictive threshold?</b></p>	
<p>A non-state entity wishing to purchase supplies or services by <a href="#">small purchase procedures</a> should not exceed the simplified acquisition threshold, or the comparable state/local/tribal threshold, whichever is lowest.</p>	
<p>Yes <input type="checkbox"/></p> <p>If yes, proceed to the <a href="#">Small Purchases Checklist</a>.</p>	<p>No <input type="checkbox"/></p> <p>If no, proceed to <b>Question #6</b>.</p>

**6.) Is your organization using the sealed bids method of procurement?**

The [sealed bids method](#) is the preferred method for procuring construction services and is appropriate when the following conditions are present: 1.) Complete, adequate, and realistic specifications or purchase descriptions are available; 2.) Two or more responsible bidders are willing and able to compete effectively for the business; 3.) The procurement lends itself to a fixed price contract; and 4.) The non-state entity primarily selects the successful bidder based on price. Under this procurement method, the solicitation document used is known as the invitation for bids (IFB).

Yes

If yes, proceed to the [Sealed Bids Checklist](#)

No

If no, proceed to **Question #7.**

**7.) Is your organization using the proposals method of procurement?**

[Procurement by proposal](#) is an acceptable method of procurement, where non-state entities cannot base the contract award exclusively on price or price-related factors due to the nature of the service or property to be acquired.

Yes

If yes, proceed to the [Proposals Checklist](#).

State Entity Checklist		
<p>For comprehensive information on the federal procurement rules applicable to <a href="#">state entities</a>, please see <a href="#">State Entity Fact Sheet</a>. <b>Note:</b> If you respond “no” to any of the questions below, your procurement may not be in compliance with the federal procurement standards. It is recommended that you visit the <a href="#">Purchasing Under a FEMA Award Resource Library</a> for assistance with compliance matters.</p>		
Requirement	Supporting Documentation	
<p>Did your organization comply with its own procurement policies and procedures?</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Procurement policy <input type="checkbox"/></p>	
<p>Is the price fair and reasonable?</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Evidence of market research <input type="checkbox"/></p> <p>Short narrative on letterhead <input type="checkbox"/></p> <p>Other: (ex: receipt, invoice) <input type="checkbox"/></p>	
<p>If the purchase is over \$25,000, did your organization ensure the contractor was not suspended or debarred?</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p> <p>See <a href="#">2 C.F.R. § 180</a> for additional information.</p>	<p>Printout of Sam.gov search <input type="checkbox"/></p> <p>Copy of suspension and <input type="checkbox"/> debarment certification</p> <p>Contract with applicable <input type="checkbox"/> S&amp;D clause</p>	
Required Contract Provisions		
<p><b>Note:</b> the federal rules require that NFE contracts contain the applicable provisions described in <a href="#">Appendix II to Part 200 of the Uniform Rules (Contract Provisions for Non-Federal Entity Contracts Under Federal Awards)</a>.</p>		
<p>If the contract is over \$250,000, did your organization include a <a href="#">Remedies</a> clause?</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p> <p><b>Note:</b> <a href="#">AFG</a> must include a penalty clause in all contracts for any AFG-funded vehicle.</p> <p style="text-align: right;">N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p style="text-align: center;">Pg.:</p>	
<p>If the contract is more than \$10,000, did your organization include a <a href="#">Termination for Cause and Convenience</a> clause?</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p> <p style="text-align: right;">N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p style="text-align: center;">Pg.:</p>	
<p>If the contract is for construction work, did your organization include the required <a href="#">Equal Employment Opportunity</a> clause?</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p> <p style="text-align: right;">N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p style="text-align: center;">Pg.:</p>	

Roadmap to Procurement Compliance: Non-Federal Entity Checklist

<p>If the contract is for construction work and more than \$2,000, did your organization include the required <a href="#">Davis-Bacon Act</a> Clause?</p> <p><b>Note:</b> This clause <b>only</b> applies to the <a href="#">EMPG</a>, <a href="#">HSGP</a>, <a href="#">NSGP</a>, <a href="#">THSGP</a>, <a href="#">PSGP</a>, <a href="#">IPR</a>, <a href="#">HHPD</a>, and <a href="#">TSGP</a>.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for construction or repair work more than \$2,000, did your organization include the required <a href="#">Copeland Anti-Kickback Act</a> Clause?</p> <p><b>Note:</b> This clause is <b>only</b> required in situations where the Davis Bacon Act also applies.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract meets the definition of “funding agreement”, did your organization include the required <a href="#">Rights to Inventions Made Under a Contract or Agreement</a> clause?</p> <p><b>Note:</b> This clause is <b>not</b> required under the <a href="#">PA</a>, <a href="#">HMGP</a>, <a href="#">FMAG</a>, <a href="#">CCP</a>, <a href="#">DCM</a>, or <a href="#">IHP-ONA</a> programs, as FEMA Awards under these programs do not meet the definition of “funding agreement”.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract involves the employment of mechanics or laborers, and is in excess of \$100,000, did your organization include the required <a href="#">Contract Work Hours and Safety Standards Act</a> clause?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is in excess of \$150,000, did your organization include a <a href="#">Clean Air Act</a> clause?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is in excess of \$150,000, did your organization include a <a href="#">Federal Water Pollution Control Act</a> clause?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is in excess of \$25,000, did your organization include a <a href="#">Suspension and Debarment</a> clause?</p> <p>See <a href="#">2 C.F.R. § 180</a> for additional requirements.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>

## Roadmap to Procurement Compliance: Non-Federal Entity Checklist

<p>If the contract is in excess of \$100,000, did your organization include the required clause and <a href="#">Byrd Anti-Lobbying Certification</a> to be signed and filed by the contractor?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>Did your organization include a <a href="#">Recovered Materials</a> clause? See <a href="#">2 C.F.R. § 200.323</a>.</p> <p><b>Note:</b> This clause is only applicable to state agencies and political subdivisions of a state.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>Did your organization include a clause restricting use of covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system?</p> <p>See <a href="#">2 C.F.R. § 200.216</a> for additional requirements.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for the purchase of goods, materials, or products, did your organization include a domestic preference clause? See <a href="#">2 C.F.R. § 200.322</a>.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p><b>Note:</b> Did your organization consider including the FEMA recommended provisions outlined in <a href="#">PDAT's Contract Provision's Guide</a>? <b>Note:</b> This is not a requirement and contracts will not be deemed noncompliant for failure to include these provisions.</p>		
<p><b>Socioeconomic Affirmative Steps Requirements</b></p>		<p><b>Supporting Documentation</b></p>
<p><b>Note:</b> NFEs must, at a minimum, take the following six “affirmative steps” to assure that target firms are used when possible. Target firms are minority firms, small businesses, women’s business enterprises, and Labor Surplus Areas (LSA) firms. See <a href="#">2 C.F.R. § 200.321</a>.</p>		
<p>Were target firms included on your organization’s solicitation lists?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>	<p>Procurement File includes prequalified lists or solicitation lists which include target firms</p> <p><b>Note:</b> NFEs can use SBA, MBDA, or similar resources to develop these lists.</p>
<p>Were target firms solicited whenever they were potential sources?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>	<p>Procurement File includes documentation demonstrating direct solicitation to target firms</p> <p><b>Ex:</b> Proof of communication and solicitation (i.e., call Notes, emails, etc.)</p>
<p>Did your organization divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by target firms?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>	<p>Review contract documents that demonstrate compliance with dividing requirements or procurements or justification of why this was not feasible.</p>

## Roadmap to Procurement Compliance: Non-Federal Entity Checklist

<p>Did your organization establish delivery schedules, where the requirement permits, which encourage participation by target firms?</p>	<p>Yes <input type="checkbox"/>          No <input type="checkbox"/>          N/A <input type="checkbox"/></p>	<p>Review contract documents that demonstrate compliance with establishing delivery schedules or justification of why this was not feasible.</p>
<p>Did your organization use the services and assistance, as appropriate, of such organizations as the Small Business Administration (SBA) and the Minority Business Development Agency (MBDA) of the U.S. Department of Commerce?</p>	<p>Yes <input type="checkbox"/>          No <input type="checkbox"/>          N/A <input type="checkbox"/></p>	<p>Search results on SBA and MBDA websites          Search results from state databases for target firms          See <a href="#">FEMA's Fact Sheet on Utilizing SBA Resources</a> for more assistance on complying with this requirement.</p>
<p>Did your organization require prime contractors that award subcontracts, to also take the steps listed in the five previous boxes above?</p>	<p>Yes <input type="checkbox"/>          No <input type="checkbox"/>          N/A <input type="checkbox"/></p>	<p>FEMA recommends that NFEs include a contract clause requiring prime contractors to take previous five affirmative steps. See <a href="#">PDAT Contract Provisions Guide</a>.</p>
<p><b>Note:</b> FEMA will generally consider it infeasible for state entities to comply with the six socioeconomic affirmative steps when awarding a noncompetitive procurement (“sole source”), therefore in this situation the below <b>Socioeconomic Contracting Section of the Checklist would not be applicable.</b></p>		

<h1 style="margin: 0;">Procurement Policy Checklist</h1>	
<p><b>Note:</b> If you respond “no” to any of the questions below, your procurement may not be in compliance with the federal procurement standards. It is recommended that you visit the <a href="#">Purchasing Under a FEMA Award Resource Library</a> for assistance with compliance matters.</p>	
General Procurement Standards Mandatory Rules	Supporting Documentation
<p>Does your organization have and use its own documented procurement procedures which reflect applicable state, local, tribal and territorial laws and regulations, provided the procurement conforms to applicable Federal law and the standards set forth in 2 C.F.R. Part 200? See <a href="#">2 C.F.R. § 200.318(a)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Documented procurement policies and procedures</p>
<p>Does your organization have policies and procedures requiring contractor oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of the contract or purchase order? See <a href="#">2 C.F.R. § 200.318(b)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Procurement policies and procedures should contain:</p> <p>Procedures describing oversight <input type="checkbox"/></p> <p>Details of payment/invoice process <input type="checkbox"/></p> <p>Receiving/acceptance of good and services <input type="checkbox"/></p> <p>Reporting requirements <input type="checkbox"/></p>
<p>Does your organization have written standards of conduct covering conflicts of interest and the actions of employee engaged in the selection, award, and administration of contracts? See <a href="#">2 C.F.R. § 200.318(c)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Written standards of conduct policies <input type="checkbox"/></p>
<p>Does your organization have policies to ensure officers, employees, and agents of non-state entities may neither solicit nor accept gifts or gratuities, favors, or anything of monetary value from contractors or parties to subcontracts? See <a href="#">2 C.F.R. § 200.318(c)(1)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Review your organization’s procurement policies and procedures to ensure that there is a prohibition on gifts. Examples of gifts may include:</p> <p>Entertainment and hospitality; <input type="checkbox"/></p> <p>Loans and forbearance; <input type="checkbox"/></p> <p>Travel, lodging and meals; and/or <input type="checkbox"/></p> <p>Apparel and training offerings. <input type="checkbox"/></p>

Roadmap to Procurement Compliance: Micro-Purchase Procurement Checklist

	<p><b>Note:</b> Non-state entities may set standards for accepting gratuities when the financial interest is not substantial. See <a href="#">De Minimus Gift Exception</a>.</p>
<p>Does your organization have policies to ensure no employee, officer, or agent may participate in the selection, award, or administration of a contract supported by federal award if they have a real or apparent conflict of interest? See <a href="#">2 C.F.R. § 200.318(c)(1)</a>.</p> <p><b>Note:</b> Policies may outline recusal process by officers, employees or agents of a non-state entity involved in the awarding and administration in order to mitigate or avoid conflict of interest.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Review your organization's procurement policies and procedures for rules related to:</p> <p>Real conflict of interest; <input type="checkbox"/></p> <p>Apparent conflict of interest; and <input type="checkbox"/></p> <p>Organizational Conflict of Interest. <input type="checkbox"/></p>
<p>Does your organization have procedures to avoid the acquisition of unnecessary or duplicative items and procedures to procure good and services using the most economical approach when feasible? See <a href="#">2 C.F.R. § 200.318(d)</a>.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Written procedures to avoid unnecessary or duplicative items <input type="checkbox"/></p>
<p>Did your organization award a contract only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement? See <a href="#">2 C.F.R. § 200.318(h)</a>.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Review your organization's policies and procedures to ensure that contractor responsibility determination is required. Non-state entities must determine that selected contractors are responsible by documenting:</p> <p>Contractor integrity; <input type="checkbox"/></p> <p>Compliance with public policy; <input type="checkbox"/></p> <p>Record of past performance; <input type="checkbox"/></p> <p>Copy of certification; <input type="checkbox"/></p> <p>Contract with applicable; Clause; <input type="checkbox"/></p> <p>Financial and technical resources; <input type="checkbox"/> and</p> <p>Contractor is not suspended or debarred by checking SAM.gov. <input type="checkbox"/></p>

Roadmap to Procurement Compliance: Micro-Purchase Procurement Checklist

<p>Does your organization have procedures to settle all contractual and administrative issues arising out of procurements? See <a href="#">2 C.F.R. § 200.318(k)</a>.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Procurement policies and procedures to ensure they document how issues will be settled between the non-state entity and their contractor.</p> <p><input type="checkbox"/></p>
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# Noncompetitive Procurement Checklist

For more information on noncompetitive procurements see [2 C.F.R. § 200.320\(c\)](#).

**Note:** If you respond “no” to any of the questions below, your procurement may not be in compliance with the federal procurement standards. It is recommended that you visit the [Purchasing Under a FEMA Award Resource Library](#) for assistance with compliance matters.

Requirement	Supporting Documentation
<p>Does the noncompetitive procurement meet one of the five required exceptions or circumstances to full and open competition? <b>Note:</b> Micro-purchases are covered in a separate checklist. If using micro-purchases, please see the <a href="#">Micro-Purchase Procurement Checklist</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p> <p>See <a href="#">2 C.F.R. § 200.320(c)</a> for additional information on the circumstances permitting exception to competitive procurement requirements.</p>	<p>If yes, which of one of the four exceptions (Micro-Purchase not included) is being used?</p> <p>Single Source <input type="checkbox"/></p> <p>Public Emergency or Exigency <input type="checkbox"/></p> <p>Awarding Agency Approval <input type="checkbox"/></p> <p>Inadequate Competition <input type="checkbox"/></p>
<p>Did your organization provide written justification for the use of a noncompetitive method of procurement?</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p><b>Note:</b> Award recipients and subrecipients may use the template provided in the <a href="#">Emergency &amp; Exigency Fact Sheet</a> when drafting justifications.</p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Written justification on letterhead <input type="checkbox"/></p>
<p>Does your organization maintain records sufficient to detail the history of a procurement? See <a href="#">2 C.F.R. § 200.318(i)</a>.</p> <p style="text-align: center;"><input type="checkbox"/></p>	<p>Review your organization’s procurement file and records for:</p> <p>Rationale for the method of procurement; <input type="checkbox"/></p> <p>Selection of the contract type; <input type="checkbox"/></p> <p>Contractor selection or rejection; and <input type="checkbox"/></p> <p>Basis for contract price. <input type="checkbox"/></p> <p><b>Note:</b> Contract document must include any contract modifications with signatures (or acceptance) by all parties.</p>

Roadmap to Procurement Compliance: Micro-Purchase Procurement Checklist

<p>Did your organization document its rationale for contractor selection or rejection? <input type="checkbox"/></p>	<p>Check for procurement file for:</p> <p>Scope of Work; <input type="checkbox"/></p> <p>List of sources solicited; and <input type="checkbox"/></p> <p>Copies of bid, performance, payment, and other documents. <input type="checkbox"/></p>
<p>Did your organization enter into a Time and Materials (T&amp;M) Contract? Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p><b>Note:</b> If your organization did not enter into a T&amp;M contract this question can be skipped. For more information on T&amp;M contracts see <a href="#">Chapter 3, Section 2 of the PDAT Field Manual</a>.</p>	<p>If yes, did you include the following:</p> <p>Justification explanation of why a T&amp;M contract was the only suitable contract type; <input type="checkbox"/></p> <p>A contract ceiling price (that the contractor exceeds at own risk) clearly defined in the contract; <input type="checkbox"/></p> <p>How your organization maintained a high degree of oversight of this contract type (including daily or weekly logs, records of performance meetings, etc.); and <input type="checkbox"/></p> <p>A transition to a more appropriate contract type as soon as possible (if applicable). <input type="checkbox"/></p>
<p>Is the price fair and reasonable? Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Evidence of market research <input type="checkbox"/></p> <p>Short narrative on letterhead <input type="checkbox"/></p> <p>Cost or Price Analysis <input type="checkbox"/></p> <p>Other: (ex: receipt, invoice) <input type="checkbox"/></p>
<p>If the contract is in excess of \$250,000, was a cost or price analysis conducted? See <a href="#">2 C.F.R. § 200.324(a)</a>. Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Market research <input type="checkbox"/></p> <p>Historical data <input type="checkbox"/></p>
<p>Did your organization ensure that a cost plus a percentage of cost contract (CPPC) type was not used? CPPC contracts are prohibited by the federal procurement rules. See <a href="#">2 C.F.R. § 200.324(d)</a> and pg. 71 of the <a href="#">PDAT Field Manual</a>. Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Review the below to ensure they do not contain elements of CPPC contracts:</p> <p>Contract <input type="checkbox"/></p> <p>Pricing schedule <input type="checkbox"/></p>

Roadmap to Procurement Compliance: Micro-Purchase Procurement Checklist

<p>If the contract is in excess of \$250,000 and for construction or facility improvement work, does the solicitation outline and require all applicable federal bonding requirements? Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>See <a href="#">2 C.F.R. § 200.326</a> for additional information on the applicable bonding requirements. N/A <input type="checkbox"/></p>	<p>Bond Certificates <input type="checkbox"/></p>
<b>Required Contract Provisions</b>	
<p><b>Note:</b> the federal rules require that NFE contracts contain the applicable provisions described in <a href="#">Appendix II to Part 200 of the Uniform Rules (Contract Provisions for Non-Federal Entity Contracts Under Federal Awards)</a>.</p>	
<p>If the contract is more than \$250,000, did your organization include a <a href="#">Remedies</a> clause? Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p><b>Note:</b> <a href="#">AFG</a> must include a penalty clause in all contracts for any AFG-funded vehicle. N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is more than \$10,000, did your organization include a <a href="#">Termination for Cause and Convenience</a> clause? Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for construction work, did your organization include the required <a href="#">Equal Employment Opportunity</a> clause? Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for construction work and more than \$2,000, did your organization include the required <a href="#">Davis-Bacon Act</a> Clause? Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p><b>Note:</b> This clause <b>only</b> applies to the <a href="#">EMPG</a>, <a href="#">HSGP</a>, <a href="#">NSGP</a>, <a href="#">THSGP</a>, <a href="#">PSGP</a>, <a href="#">IPR</a>, <a href="#">HHPD</a>, and <a href="#">TSGP</a>. N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for construction or repair work more than \$2,000, did your organization include the required <a href="#">Copeland Anti-Kickback Act</a> Clause? Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p><b>Note:</b> This clause is <b>only</b> required in situations where the Davis Bacon Act also applies. N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>

Roadmap to Procurement Compliance: Micro-Purchase Procurement Checklist

<p>If the contract meets the definition of “funding agreement”, did your organization include the required <a href="#">Rights to Inventions Made Under a Contract or Agreement</a> clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p><b>Note:</b> This clause is <b>not</b> required under the <a href="#">PA</a>, <a href="#">HMGP</a>, <a href="#">FMAG</a>, <a href="#">CCP</a>, <a href="#">DCM</a>, or <a href="#">IHP-ONA</a> programs, as FEMA Awards under these programs do not meet the definition of “funding agreement”.</p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract involves the employment of mechanics or laborers, and is in excess of \$100,000, did your organization include the required <a href="#">Contract Work Hours and Safety Standards Act</a> clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is in excess of \$150,000, did your organization include a <a href="#">Clean Air Act</a> clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is in excess of \$150,000, did your organization include a <a href="#">Federal Water Pollution Control Act</a> clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is in excess of \$25,000, did your organization include a <a href="#">Suspension and Debarment</a> clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>See <a href="#">2 C.F.R. § 180</a> for additional requirements.</p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is in excess of \$100,000, did your organization include the required clause and <a href="#">Byrd Anti-Lobbying Certification</a> to be signed and filed by the contractor?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>Did your organization include a <a href="#">Recovered Materials</a> clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p><b>Note:</b> This clause is only applicable to state agencies and political subdivisions of a state. See <a href="#">2 C.F.R. § 200.323</a>.</p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>

Roadmap to Procurement Compliance: Micro-Purchase Procurement Checklist

<p>Have you included a clause restricting use of covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>See <a href="#">2 C.F.R. § 200.216</a> for additional requirements.</p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for the purchase of goods, materials, or products, have you included a domestic preference clause? See <a href="#">2 C.F.R. § 200.322</a>.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>Did your organization consider including the FEMA recommended provisions outlined in <a href="#">PDAT's Contract Provision's Guide</a>? <b>Note:</b> This is not a requirement and contracts will not be deemed noncompliant for failure to include these provisions.</p>	

# Micro-Purchase Procurement Checklist

For more information on the micro-purchase method of procurement see [2 C.F.R. § 200.320\(a\)\(1\)](#).

**Note:** If you respond “no” to any of the questions below, your procurement may not be in compliance with the federal procurement standards. It is recommended that you visit the [Purchasing Under a FEMA Award Resource Library](#) for assistance with compliance matters.

Requirement	Supporting Documentation
<p>Is the price fair and reasonable?</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Evidence of market research <input type="checkbox"/></p> <p>Short narrative on letterhead <input type="checkbox"/></p> <p>Other: (ex: receipt, invoice) <input type="checkbox"/></p>
<p>Does your organization maintain records sufficient to detail the history of a procurement? See <a href="#">2 C.F.R. § 200.318(i)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Review your organization’s procurement file and records for:</p> <p>Rationale for the method of procurement; <input type="checkbox"/></p> <p>Selection of the contract type; <input type="checkbox"/></p> <p>Contractor selection or rejection; and <input type="checkbox"/></p> <p>Basis for contract price. <input type="checkbox"/></p> <p><b>Note:</b> Contract document must include any contract modifications with signatures (or acceptance) by all parties.</p>
<p>Did your organization document its rationale for contractor selection or rejection? See <a href="#">2 C.F.R. § 200.318(i)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Check for procurement file for:</p> <p>Scope of Work; <input type="checkbox"/></p> <p>List of sources solicited; and <input type="checkbox"/></p> <p>Copies of bid, performance, payment, and other documents. <input type="checkbox"/></p>
<p>Did your organization enter into a Time and Materials (T&amp;M) Contract?</p> <p><b>Note:</b> If your organization did not enter into a T&amp;M contract this question can be skipped. For more information on T&amp;M contracts see <a href="#">Chapter 3, Section 2 of the PDAT Field Manual</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>If yes, did you include the following?</p> <p>Justification explanation of why a T&amp;M contract was the only suitable contract type; <input type="checkbox"/></p>

Roadmap to Procurement Compliance: Micro-Purchase Procurement Checklist

	<p>A contract ceiling price (that the contractor exceeds at own risk) clearly defined in the contract; <input type="checkbox"/></p> <p>How your organization maintained a high degree of oversight of this contract type (including daily or weekly logs, records of performance meetings, etc.); and <input type="checkbox"/></p> <p>A transition to a more appropriate contract type as soon as possible (if applicable). <input type="checkbox"/></p>
<p>Did your organization ensure that a cost plus a percentage of cost contract (CPPC) type was not used? CPPC contracts are prohibited by the federal procurement rules. See <a href="#">2 C.F.R. § 200.324(d)</a>.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Review the below to ensure they do not contain elements of CPPC contracts:</p> <p>Contract <input type="checkbox"/></p> <p>Pricing schedule <input type="checkbox"/></p>
<b>Required Contract Provisions</b>	
<p><b>Note:</b> the federal rules require that NFE contracts contain the applicable provisions described in <a href="#">Appendix II to Part 200 of the Uniform Rules (Contract Provisions for Non-Federal Entity Contracts Under Federal Awards)</a>.</p>	
<p>If the contract is for construction work, did your organization include the required <a href="#">Equal Employment Opportunity</a> clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for construction work and more than \$2,000, did your organization include the required <a href="#">Davis-Bacon Act</a> Clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p><b>Note:</b> This clause <b>only</b> applies to the <a href="#">EMPG</a>, <a href="#">HSGP</a>, <a href="#">NSGP</a>, <a href="#">THSGP</a>, <a href="#">PSGP</a>, <a href="#">IPR</a>, <a href="#">HHPD</a>, and <a href="#">TSGP</a>.</p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for construction or repair work more than \$2,000, did your organization include the required <a href="#">Copeland Anti-Kickback Act</a> Clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p><b>Note:</b> This clause is <b>only</b> required in situations where the Davis Bacon Act also applies.</p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract meets the definition of “funding agreement”, did your organization include the required <a href="#">Rights to Inventions Made Under a Contract or Agreement</a> clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p><b>Note:</b> This clause is <b>not</b> required under the <a href="#">PA</a>, <a href="#">HMGP</a>, <a href="#">FMAG</a>, <a href="#">CCP</a>, <a href="#">DCM</a>, or <a href="#">IHP-ONA</a> programs, as FEMA Awards under these programs do not meet the definition of “funding agreement”.</p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>

Roadmap to Procurement Compliance: Micro-Purchase Procurement Checklist

<p>Did your organization include a clause restricting use of covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>See <a href="#">2 C.F.R. § 200.216</a> for additional requirements.</p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for the purchase of goods, materials, or products, did your organization include a domestic preference clause? See <a href="#">2 C.F.R. § 200.322</a>.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>Did your organization consider including the FEMA recommended provisions outlined in <a href="#">PDAT's Contract Provision's Guide</a>? <b>Note:</b> This is not a requirement and contracts will not be deemed noncompliant for failure to include these provisions.</p>	

Small Purchase Checklist	
<p>For more information on small purchases see <a href="#">2 C.F.R. § 200.320(a)(2)</a>.</p> <p><b>Note:</b> If you respond “no” to any of the questions below, your procurement may not be in compliance with the federal procurement standards. It is recommended that you visit the <a href="#">Purchasing Under a FEMA Award Resource Library</a> for assistance with compliance matters.</p>	
Requirement	Supporting Documentation
<p>Is the price fair and reasonable?</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Evidence of market research <input type="checkbox"/></p> <p>Short narrative on letterhead <input type="checkbox"/></p> <p>Other: (ex: receipt, invoice) <input type="checkbox"/></p>
<p>Did your organization obtain price or rate quotations from an adequate number of qualified sources? See <a href="#">2 C.F.R. § 200.320(a)(2)(i)</a>.</p> <p><b>Note:</b> Adequate number is determined by the entity based on specific respective procurement circumstances.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Adequate number of qualified sources determined to be appropriate for this procurement: _____</p> <p>Justification Provided <input type="checkbox"/></p>
<p>Did your organization ensure that a cost plus a percentage of cost contract (CPPC) type was not used? CPPC contracts are prohibited by the federal procurement rules. See <a href="#">2 C.F.R. § 200.324(d)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Review the below to ensure they do not contain elements of CPPC contracts:</p> <p>Contract <input type="checkbox"/></p> <p>Pricing schedule <input type="checkbox"/></p>
<p>Does your organization maintain records sufficient to detail the history of a procurement? See <a href="#">2 C.F.R. § 200.318(i)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Review your organization’s procurement file and records for:</p> <p>Rationale for the method of procurement; <input type="checkbox"/></p> <p>Selection of the contract type; <input type="checkbox"/></p> <p>Contractor selection or rejection; and <input type="checkbox"/></p> <p>Basis for contract price. <input type="checkbox"/></p> <p><b>Note:</b> Contract document must include any contract modifications with signatures (or acceptance) by all parties.</p>

Roadmap to Procurement Compliance: Proposals Checklist

<p>Did your organization document its rationale for contractor selection or rejection? See <a href="#">2 C.F.R. § 200.318(i)</a>.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Check for procurement file for:</p> <p>Scope of Work; <input type="checkbox"/></p> <p>List of sources solicited; and <input type="checkbox"/></p> <p>Copies of bid, performance, payment, and other documents. <input type="checkbox"/></p>
<p>Did your organization enter into a Time and Materials (T&amp;M) Contract?</p> <p><b>Note:</b> If your organization did not enter into a T&amp;M contract this question can be skipped. For more information on T&amp;M contracts see <a href="#">Chapter 3, Section 2 of the PDAT Field Manual</a>.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>If yes, did you include the following?</p> <p>Justification explanation of why a T&amp;M contract was the only suitable contract type; <input type="checkbox"/></p> <p>A contract ceiling price (that the contractor exceeds at own risk) clearly defined in the contract; <input type="checkbox"/></p> <p>How your organization maintained a high degree of oversight of this contract type (including daily or weekly logs, records of performance meetings, etc.); and <input type="checkbox"/></p> <p>A transition to a more appropriate contract type as soon as possible (if applicable). <input type="checkbox"/></p>
<p><b>Competition Requirements</b></p>	
<p>For more information on competition requirements see <a href="#">2 C.F.R. § 200.319</a>.</p>	
<p>Did your organization ensure that it did not restrict competition by having unreasonable requirements. Examples of this include:</p> <ul style="list-style-type: none"> <li>○ Solicitation documents must reflect actual needs and not place unreasonable requirements on firms to qualify to do business.</li> <li>○ Unnecessary levels or years of experience for contractors to do business must not be required.</li> <li>○ Excessive bonding increases the costs incurred by the contractor and limits the opportunity for target firms to compete for a contract under a FEMA award.</li> <li>○ Specifying only a “brand name” product instead of allowing an “equivalent” or “compatible” product.</li> </ul> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>See <a href="#">2 C.F.R. § 200.319(b)</a>.</p>	<p>Review the following solicitation and advertising documents to include to determine if your organization restricted competition by setting parameters or evaluation factors determined to be unreasonable and therefore restrictive of competition.</p> <p>Request for Proposal (RFP) <input type="checkbox"/></p> <p>Invitation for Bid (IFB) <input type="checkbox"/></p> <p>Request for Quote (RFQ) <input type="checkbox"/></p> <p>Advertisements <input type="checkbox"/></p> <p>Other: (ex: bonds, evaluations, scoring, etc.)</p>

## Roadmap to Procurement Compliance: Proposals Checklist

<p>Did your organization ensure that it did not use geographic preference in evaluating bids or proposals. There are four exceptions to the prohibition for the use of geographic preferences:</p> <ul style="list-style-type: none"> <li>o State licensing requirements;</li> <li>o Architectural and engineering contracts;</li> <li>o Mandated by federal law; and</li> <li>o Indian Self-Determination and Education Assistance Act</li> </ul> <p>For more information see <a href="#">2 C.F.R. § 200.319(c)</a></p>	<p>Review your organization’s solicitation documents to ensure they did not use geographic preference in the evaluation of bids or proposals. Ensure the following common forms of prohibited geographic preference are excluded from solicitation documents or evaluation:</p> <p>Exclusion of contractors from outside a geographic area; <input type="checkbox"/></p> <p>Allowing price matching from a local vendor; <input type="checkbox"/></p> <p>Reducing the bids submitted by local businesses; <input type="checkbox"/></p> <p>Adding point or percentage weight to evaluation factors; and <input type="checkbox"/></p> <p>Set aside contracts only for resident companies <input type="checkbox"/></p>
<b>Required Contract Provisions</b>	
<p><b>Note:</b> the federal rules require that NFE contracts contain the applicable provisions described in <a href="#">Appendix II to Part 200 of the Uniform Rules (Contract Provisions for Non-Federal Entity Contracts Under Federal Awards)</a>.</p>	
<p>If the contract exceeds \$250,000, did your organization include a <a href="#">Remedies</a> clause?</p> <p><b>Note:</b> <a href="#">AFG</a> must include a penalty clause in all contracts for any AFG-funded vehicle.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is more than \$10,000, did your organization include a <a href="#">Termination for Cause and Convenience</a> clause?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for construction work, did your organization include the required <a href="#">Equal Employment Opportunity</a> clause?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
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Roadmap to Procurement Compliance: Proposals Checklist

<p>If the contract is for construction or repair work more than \$2,000, did your organization include the required <a href="#">Copeland Anti-Kickback Act</a> Clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p><b>Note:</b> This clause is <b>only</b> required in situations where the Davis Bacon Act also applies.</p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract meets the definition of “funding agreement”, did your organization include the required <a href="#">Rights to Inventions Made Under a Contract or Agreement</a> clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p><b>Note:</b> This clause is <b>not</b> required under the <a href="#">PA</a>, <a href="#">HMGP</a>, <a href="#">FMAG</a>, <a href="#">CCP</a>, <a href="#">DCM</a>, or <a href="#">IHP-ONA</a> programs, as FEMA Awards under these programs do not meet the definition of “funding agreement”.</p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract involves the employment of mechanics or laborers, and exceeds \$100,000, did your organization include the required <a href="#">Contract Work Hours and Safety Standards Act</a> clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract exceeds \$150,000, did your organization include a <a href="#">Clean Air Act</a> clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract exceeds \$150,000, did your organization include a <a href="#">Federal Water Pollution Control Act</a> clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract exceeds \$25,000, did your organization include a <a href="#">Suspension and Debarment</a> clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>See <a href="#">2 C.F.R. § 180</a> for additional requirements.</p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is in excess of \$100,000, did your organization include the required clause and <a href="#">Byrd Anti-Lobbying Certification</a> to be signed and filed by the contractor?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>Did your organization include a <a href="#">Recovered Materials</a> clause? See <a href="#">2 C.F.R. § 200.323</a>.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p><b>Note:</b> This clause is only applicable to state agencies and political subdivisions of a state.</p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>

Roadmap to Procurement Compliance: Proposals Checklist

<p>Did your organization include a clause restricting use of covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>See <a href="#">2 C.F.R. § 200.216</a> for additional requirements.</p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for the purchase of goods, materials, or products, did your organization include a domestic preference clause? See <a href="#">2 C.F.R. § 200.322</a>.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p><b>Note:</b> Did your organization consider including the FEMA recommended provisions outlined in <a href="#">PDAT's Contract Provision's Guide</a>? <b>Note:</b> This is not a requirement and contracts will not be deemed noncompliant for failure to include these provisions.</p>	
<p><b>Socioeconomic Affirmative Steps Requirements</b></p>	<p><b>Supporting Documentation</b></p>
<p><b>Note:</b> NFEs must, at a minimum, take the following six “affirmative steps” to assure that target firms are used when possible. Target firms are minority firms, small businesses, women’s business enterprises, and Labor Surplus Areas (LSA) firms. See <a href="#">2 C.F.R. § 200.321</a>.</p>	
<p>Were target firms included on your organization’s solicitation lists?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Procurement File includes prequalified lists or solicitation lists which include target firms <input type="checkbox"/></p> <p><b>Note:</b> NFEs can use SBA, MBDA, or similar resources to develop these lists.</p>
<p>Were target firms solicited whenever they were potential sources?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Procurement File includes documentation demonstrating direct solicitation to target firms <input type="checkbox"/></p> <p><b>Ex:</b> Proof of communication and solicitation (i.e., call Notes, emails, etc).</p>
<p>Did your organization divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by target firms?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Review contract documents that demonstrate compliance with dividing requirements or procurements or justification of why this was not feasible. <input type="checkbox"/></p>

## Roadmap to Procurement Compliance: Proposals Checklist

<p>Did your organization establish delivery schedules, where the requirement permits, which encourage participation by target firms?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Review contract documents that demonstrate compliance with establishing delivery schedules or justification of why this was not feasible. <input type="checkbox"/></p>
<p>Did your organization use the services and assistance, as appropriate, of such organizations as the Small Business Administration (SBA) and the Minority Business Development Agency (MBDA) of the U.S. Department of Commerce?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Search results on SBA and MBDA websites <input type="checkbox"/></p> <p>Search results from state databases for target firms <input type="checkbox"/></p> <p>See <a href="#">FEMA's Fact Sheet on Utilizing SBA Resources</a> for more assistance on complying with this requirement.</p>
<p>Did your organization require prime contractors that award subcontracts, to also take the steps listed in the five previous boxes above?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>FEMA recommends that NFEs include a contract clause requiring prime contractors to take previous five affirmative steps. See <a href="#">PDAT Contract Provisions Guide</a>.</p>

# Sealed Bids Checklist

For more information on small purchases see [2 C.F.R. § 200.320\(b\)\(1\)](#).

**Note:** If you respond “no” to any of the questions below, your procurement may not be in compliance with the federal procurement standards. It is recommended that you visit the [Purchasing Under a FEMA Award Resource Library](#) for assistance with compliance matters.

Requirement	Supporting Documentation
<p>If contract price exceeds \$250,000, was an independent cost estimate completed before issuing the Invitation for Bids (IFB)/Invitation to Bid (ITB)? See <a href="#">2 C.F.R. § 200.324(a)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p> <p style="text-align: right;">N/A <input type="checkbox"/></p>	<p>Evidence of Market Research <input type="checkbox"/></p> <p>Historical Data <input type="checkbox"/></p> <p>Other: <input type="checkbox"/></p>
<p>Did your organization ensure that a cost plus a percentage of cost contract (CPPC) type was not used? CPPC contracts are prohibited by the federal procurement rules. See <a href="#">2 C.F.R. § 200.324(d)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Review the below to ensure they do not contain elements of CPPC contracts:</p> <p>Contract <input type="checkbox"/></p> <p>Pricing schedule <input type="checkbox"/></p>
<p>Does your organization maintain records sufficient to detail the history of a procurement? See <a href="#">2 C.F.R. § 200.318(i)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Review your organization’s procurement file and records for:</p> <p>Rationale for the method of procurement; <input type="checkbox"/></p> <p>Selection of the contract type; <input type="checkbox"/></p> <p>Contractor selection or rejection; and <input type="checkbox"/></p> <p>Basis for contract price. <input type="checkbox"/></p> <p><b>Note:</b> Contract document must include any contract modifications with signatures (or acceptance) by all parties.</p>
<p>Did your organization document its rationale for contractor selection or rejection? See <a href="#">2 C.F.R. § 200.318(i)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Check for procurement file for:</p> <p>Scope of Work; <input type="checkbox"/></p> <p>List of sources solicited; and <input type="checkbox"/></p> <p>Copies of bid, performance, payment, and other documents. <input type="checkbox"/></p>

Roadmap to Procurement Compliance: Proposals Checklist

<p>Did your organization enter into a Time and Materials (T&amp;M) Contract?</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p> <p><b>Note:</b> If your organization did not enter into a T&amp;M contract this question can be skipped. For more information on T&amp;M contracts see <a href="#">Chapter 3, Section 2 of the PDAT Field Manual</a>.</p>	<p>If yes, did you include the following? <input type="checkbox"/></p> <p>Justification explanation of why a T&amp;M contract was the only suitable contract type; <input type="checkbox"/></p> <p>A contract ceiling price (that the contractor exceeds at own risk) clearly defined in the contract; <input type="checkbox"/></p> <p>How your organization maintained a high degree of oversight of this contract type (including daily or weekly logs, records of performance meetings, etc.); and <input type="checkbox"/></p> <p>A transition to a more appropriate contract type as soon as possible (if applicable). <input type="checkbox"/></p>
<p>Does the IFB/ITB contain a clear and accurate description of the goods/services to be procured? See <a href="#">2 C.F.R. § 200.320(b)(1)(i)(A)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Solicitation Document <input type="checkbox"/></p>
<p>If your organization is a <b>local</b> or <b>tribal government</b>, was the IFB/ITB publicly advertised? See <a href="#">2 C.F.R. § 200.320(b)(1)(ii)(A)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p> <p style="text-align: right;">N/A <input type="checkbox"/></p>	<p>Advertisement <input type="checkbox"/></p>
<p>Did your organization solicit enough bids from an adequate number of qualified sources to satisfy the full an open competition requirement? See <a href="#">2 C.F.R. § 200.320(b)(1)(ii)(A)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Indicate the number of contractors solicited and the number you determine to be an adequate number of qualified sources:</p> <p>_____</p>
<p>If the contract exceeds \$250,000 and for construction or facility improvement work, does the solicitation outline and require all applicable federal bonding requirements? See <a href="#">2 C.F.R. § 200.326</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Bond Certificates <input type="checkbox"/></p>
<p>Did your organization provide enough time for contractors to prepare and submit bids? See <a href="#">2 C.F.R. § 200.320(b)(1)(ii)(A)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p>The federal rules do not provide a time frame. This determination is subject to any relevant local, state, and/or Tribal requirements. <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Indicate how long contractors had to prepare and submit their bids: _____</p>
<p>Did your organization establish the date, time, and location where the bids will be opened? See <a href="#">2 C.F.R. § 200.320(b)(1)(ii)(C)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p> <p><b>Note:</b> If your organization is a <b>local</b> or <b>tribal government</b>, bids must be opened publicly.</p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p style="text-align: center;">Pg.:</p>

Roadmap to Procurement Compliance: Proposals Checklist

<p>If the contract exceeds \$250,000, was a cost or price analysis performed after receiving bids? See <a href="#">2 C.F.R. § 200.324(a)</a>.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>	<p>Bid Tabulation <input type="checkbox"/> Cost Analysis <input type="checkbox"/></p>
<p>Did your organization award a <b>fixed-price</b> contract to the <b>lowest</b> responsible, responsive bid? See <a href="#">2 C.F.R. § 200.320(b)(1)(ii)(D)</a>.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Bid Tabulation <input type="checkbox"/> Contract <input type="checkbox"/> If no, provide narrative detailing how you determine the bid to be unresponsive and/or irresponsible. <input type="checkbox"/></p>
<b>Competition Requirements</b>		
<p>For more information on competition requirements see <a href="#">2 C.F.R. § 200.319</a>.</p>		
<p>Did your organization ensure that it did not restrict competition by having unreasonable requirements. Examples of this include:</p> <ul style="list-style-type: none"> <li>○ Solicitation documents must reflect actual needs and not place unreasonable requirements on firms to qualify to do business.</li> <li>○ Unnecessary levels or years of experience for contractors to do business must not be required.</li> <li>○ Excessive bonding increases the costs incurred by the contractor and limits the opportunity for target firms to compete for a contract under a FEMA award.</li> <li>○ Specifying only a “brand name” product instead of allowing an “equivalent” or “compatible” product.</li> </ul> <p>See <a href="#">2 C.F.R. § 200.319(b)</a>.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Review the following solicitation and advertising documents to include to determine if the non-state entity restricted competition by setting parameters or evaluation factors determined to be unreasonable and therefore restrictive of competition.</p> <p>Request for Proposal (RFP) <input type="checkbox"/> Invitation for Bid (IFB) <input type="checkbox"/> Request for Quote (RFQ) <input type="checkbox"/> Advertisements <input type="checkbox"/> Other: (ex: bonds, evaluations, scoring, etc.) <input type="checkbox"/></p>
<p>Did your organization ensure that it did not use geographic preference in evaluating bids or proposals. There are four exceptions to the prohibition for the use of geographic preferences:</p> <ul style="list-style-type: none"> <li>○ State licensing requirements;</li> <li>○ Architectural and engineering contracts;</li> <li>○ Mandated by federal law; and</li> <li>○ Indian Self-Determination and Education Assistance Act.</li> </ul> <p>For more information see <a href="#">2 C.F.R. § 200.319(c)</a></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Review your organization’s solicitation documents to ensure it did not use geographic preference in the evaluation of bids or proposals. Ensure the following common forms of prohibited geographic preference are excluded from solicitation documents or evaluation:</p> <p>Exclusion of contractors from outside a geographic area; <input type="checkbox"/> Allowing price matching from a local vendor; <input type="checkbox"/> Reducing the bids submitted by local businesses; <input type="checkbox"/> Adding point or percentage weight to evaluation factors; and <input type="checkbox"/> Set aside contracts only for resident companies <input type="checkbox"/></p>

## Roadmap to Procurement Compliance: Proposals Checklist

Required Contract Provisions		
<p><b>Note:</b> the federal rules require that NFE contracts contain the applicable provisions described in <a href="#">Appendix II to Part 200 of the Uniform Rules (Contract Provisions for Non-Federal Entity Contracts Under Federal Awards)</a>.</p>		
<p>If the contract exceeds \$250,000, did your organization include a <a href="#">Remedies</a> clause?</p> <p><b>Note:</b> <a href="#">AFG</a> must include a penalty clause in all contracts for any AFG-funded vehicle.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is more than \$10,000, did your organization include a <a href="#">Termination for Cause and Convenience</a> clause?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for construction work, did your organization include the required <a href="#">Equal Employment Opportunity</a> clause?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for construction work and more than \$2,000, did your organization include the required <a href="#">Davis-Bacon Act</a> Clause?</p> <p><b>Note:</b> This clause <b>only</b> applies to the <a href="#">EMPG</a>, <a href="#">HSGP</a>, <a href="#">NSGP</a>, <a href="#">THSGP</a>, <a href="#">PSGP</a>, <a href="#">IPR</a>, <a href="#">HHPD</a>, and <a href="#">TSGP</a>.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for construction or repair work more than \$2,000, did your organization include the required <a href="#">Copeland Anti-Kickback Act</a> Clause?</p> <p><b>Note:</b> This clause is <b>only</b> required in situations where the Davis Bacon Act also applies.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract meets the definition of “funding agreement”, did your organization include the required <a href="#">Rights to Inventions Made Under a Contract or Agreement</a> clause?</p> <p><b>Note:</b> This clause is <b>not</b> required under the <a href="#">PA</a>, <a href="#">HMGP</a>, <a href="#">FMAG</a>, <a href="#">CCP</a>, <a href="#">DCM</a>, or <a href="#">IHP-ONA</a> programs, as FEMA Awards under these programs do not meet the definition of “funding agreement”.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract involves the employment of mechanics or laborers, and exceeds \$100,000, did your organization include the required <a href="#">Contract Work Hours and Safety Standards Act</a> clause?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>

Roadmap to Procurement Compliance: Proposals Checklist

<p>If the contract exceeds \$150,000, did your organization include a <a href="#">Clean Air Act</a> clause?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.  Pg.:</p>
<p>If the contract exceeds \$150,000, did your organization include a <a href="#">Federal Water Pollution Control Act</a> clause?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.  Pg.:</p>
<p>If the contract exceeds \$25,000, did your organization include a <a href="#">Suspension and Debarment</a> clause?  See <a href="#">2 C.F.R. § 180</a> for additional requirements.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.  Pg.:</p>
<p>If the contract is in excess of \$100,000, did your organization include the required clause and <a href="#">Byrd Anti-Lobbying Certification</a> to be signed and filed by the contractor?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.  Pg.:</p>
<p>Did your organization include a <a href="#">Recovered Materials</a> clause? See <a href="#">2 C.F.R. § 200.323</a>.  <b>Note:</b> This clause is only applicable to state agencies and political subdivisions of a state.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.  Pg.:</p>
<p>Did your organization include a clause restricting use of covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system?  See <a href="#">2 C.F.R. § 200.216</a> for additional requirements.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.  Pg.:</p>
<p>If the contract is for the purchase of goods, materials, or products, did your organization include a domestic preference clause? See <a href="#">2 C.F.R. § 200.322</a>.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.  Pg.:</p>
<p><b>Note:</b> Did your organization consider including the FEMA recommended provisions outlined in <a href="#">PDAT's Contract Provision's Guide</a>? <b>Note:</b> This is not a requirement and contracts will not be deemed noncompliant for failure to include these provisions.</p>		

## Roadmap to Procurement Compliance: Proposals Checklist

Socioeconomic Affirmative Steps Requirements	Supporting Documentation
<p><b>Note:</b> NFEs must, at a minimum, take the following six “affirmative steps” to assure that target firms are used when possible. Target firms are minority firms, small businesses, women’s business enterprises, and Labor Surplus Areas (LSA) firms. See <a href="#">2 C.F.R. § 200.321</a>.</p>	
<p>Were target firms included on your organization’s solicitation lists?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p>Procurement File includes prequalified lists or solicitation lists which include target firms <input type="checkbox"/></p> <p><b>Note:</b> NFEs can use SBA, MBDA or similar resources to develop these lists.</p>
<p>Were target firms solicited whenever they were potential sources?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p>Procurement File includes documentation demonstrating direct solicitation to target firms <input type="checkbox"/></p> <p><b>Ex:</b> Proof of communication and solicitation (i.e., call Notes, emails, etc).</p>
<p>Did your organization divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by target firms?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p>Review contract documents that demonstrate compliance with dividing requirements or procurements or justification of why this was not feasible. <input type="checkbox"/></p>
<p>Did your organization establish delivery schedules, where the requirement permits, which encourage participation by target firms?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p>Review contract documents that demonstrate compliance with establishing delivery schedules or justification of why this was not feasible. <input type="checkbox"/></p>
<p>Did your organization use the services and assistance, as appropriate, of such organizations as the Small Business Administration (SBA) and the Minority Business Development Agency (MBDA) of the U.S. Department of Commerce?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p>Search results on SBA and MBDA websites <input type="checkbox"/></p> <p>Search results from state databases for target firms <input type="checkbox"/></p> <p>See <a href="#">FEMA’s Fact Sheet on Utilizing SBA Resources</a> for more assistance on complying with this requirement.</p>
<p>Did your organization require prime contractors that award subcontracts, to also take the steps listed in the five previous boxes above?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p>FEMA recommends that NFEs include a contract clause requiring prime contractors to take previous five affirmative steps. See <a href="#">PDAT Contract Provisions Guide</a>.</p>

# Proposals Checklist

For more information on small purchases see [2 C.F.R. § 200.320\(b\)\(2\)](#).

**Note:** If you respond “no” to any of the questions below, your procurement may not be in compliance with the federal procurement standards. It is recommended that you visit the [Purchasing Under a FEMA Award Resource Library](#) for assistance with compliance matters.

Requirement	Supporting Documentation
<p>If contract price exceeds \$250,000, was an independent cost estimate completed before issuing the RFP? See <a href="#">2 C.F.R. § 200.324(a)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p> <p style="text-align: right;">N/A <input type="checkbox"/></p>	<p>Evidence of Market Research <input type="checkbox"/></p> <p>Historical Data <input type="checkbox"/></p> <p>Other: <input type="checkbox"/></p>
<p>Does your organization maintain records sufficient to detail the history of a procurement? See <a href="#">2 C.F.R. § 200.318(i)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Review your organization’s procurement file and records for:</p> <p>Rationale for the method of procurement; <input type="checkbox"/></p> <p>Selection of the contract type; <input type="checkbox"/></p> <p>Contractor selection or rejection; and <input type="checkbox"/></p> <p>Basis for contract price. <input type="checkbox"/></p> <p><b>Note:</b> Contract document must include any contract modifications with signatures (or acceptance) by all parties.</p>
<p>Did your organization document its rationale for contractor selection or rejection? See <a href="#">2 C.F.R. § 200.318(i)</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Check for procurement file for:</p> <p>Scope of Work; <input type="checkbox"/></p> <p>List of sources solicited; and <input type="checkbox"/></p> <p>Copies of bid, performance, payment, and other documents. <input type="checkbox"/></p>
<p>Did your organization enter into a Time and Materials (T&amp;M) Contract?</p> <p><b>Note:</b> If your organization did not enter into a T&amp;M contract this question can be skipped. For more information on T&amp;M contracts see <a href="#">Chapter 3, Section 2 of the PDAT Field Manual</a>.</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p>	<p>Review T&amp;M contracts documents for:</p> <p>Justification explanation of why a T&amp;M contract was the only suitable contract type; <input type="checkbox"/></p>

Roadmap to Procurement Compliance: Proposals Checklist

	<p>A contract ceiling price (that the contractor exceeds at own risk) clearly defined in the contract; <input type="checkbox"/></p> <p>How your organization maintained a high degree of oversight of this contract type (including daily or weekly logs, records of performance meetings, etc.); and <input type="checkbox"/></p> <p>A transition to a more appropriate contract type as soon as possible (if applicable). <input type="checkbox"/></p>
<p>Does the RFP contain a clear and accurate description of the technical requirements?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>RFP <input type="checkbox"/></p>
<p>Does the RFP identify all evaluation factors and their relative importance, with price as one of the factors? See <a href="#">2 C.F.R. § 200.320(b)(2)(iii)</a>.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>RFP <input type="checkbox"/></p> <p>Other: _____</p>
<p>Did your organization publicly advertise the RFP? See <a href="#">2 C.F.R. § 200.320(b)(2)(i)</a>.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Advertisement <input type="checkbox"/></p>
<p>Did your organization solicit enough proposals from an adequate number of qualified offerors to satisfy the full an open competition requirement? See <a href="#">2 C.F.R. § 200.320(b)(2)(i)</a>.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Indicate the number you determine to be an adequate number of qualified offerors: _____</p>
<p>If contract price exceeds \$250,000, was a price or cost analysis conducted after receiving proposals? See <a href="#">2 C.F.R. § 200.324(a)</a>.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Bid Tabulation <input type="checkbox"/></p> <p>Cost Analysis <input type="checkbox"/></p>
<p>Did you ensure you did not enter into a cost plus a percentage of cost contract type? Cost-plus-percentage-of-cost (CPPC) contracts are prohibited by the federal procurement rules. See <a href="#">2 C.F.R. § 200.324(d)</a>.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Review the below to ensure they do not contain elements of CPPC contracts:</p> <p>Contract <input type="checkbox"/></p> <p>Pricing schedule <input type="checkbox"/></p>
<p>If the contract exceeds \$250,000 and for construction or facility improvement work, does the solicitation outline and require all applicable federal bonding requirements?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p>See <a href="#">2 C.F.R. § 200.326</a> for additional information.</p>	<p>Bond Certificates <input type="checkbox"/></p>

Roadmap to Procurement Compliance: Proposals Checklist

Competition Requirements	
For more information on competition requirements see <a href="#">2 C.F.R. § 200.319</a> .	
<p>Did you ensure that your non-state entity didn't restrict competition by having unreasonable requirements. Examples of this include:</p> <ul style="list-style-type: none"> <li>○ Solicitation documents must reflect actual needs and not place unreasonable requirements on firms to qualify to do business.</li> <li>○ Unnecessary levels or years of experience for contractors to do business must not be required.</li> <li>○ Excessive bonding increases the costs incurred by the contractor and limits the opportunity for target firms to compete for a contract under a FEMA award.</li> <li>○ Specifying only a "brand name" product instead of allowing an "equivalent" or "compatible" product.</li> </ul> <p>See <a href="#">2 C.F.R. § 200.319(b)</a>.</p>	<p>Review the following solicitation and advertising documents to include to determine if the non-state entity restricted competition by setting parameters or evaluation factors determined to be unreasonable and therefore restrictive of competition.</p> <p>Request for Proposal (RFP) <input type="checkbox"/></p> <p>Invitation for Bid (IFB) <input type="checkbox"/></p> <p>Request for Quote (RFQ) <input type="checkbox"/></p> <p>Advertisements <input type="checkbox"/></p> <p>Other: (ex: bonds, evaluations, scoring, etc.) <input type="checkbox"/></p>
<p>Did you ensure that your non-state entities didn't use geographic preference in evaluating bids or proposals. There are four exceptions to the prohibition for the use of geographic preferences:</p> <ul style="list-style-type: none"> <li>○ State licensing requirements;</li> <li>○ Architectural and engineering contracts;</li> <li>○ Mandated by federal law; and</li> <li>○ Indian Self-Determination and Education Assistance Act.</li> </ul> <p>See <a href="#">2 C.F.R. § 200.319(c)</a>.</p>	<p>Review your non-state entity's solicitation documents to ensure they did not use geographic preference in the evaluation of bids or proposals. Ensure the following common forms of prohibited geographic preference are excluded from solicitation documents or evaluation:</p> <p>Exclusion of contractors from outside a geographic area; <input type="checkbox"/></p> <p>Allowing price matching from a local vendor; <input type="checkbox"/></p> <p>Reducing the bids submitted by local businesses; <input type="checkbox"/></p> <p>Adding point or percentage weight to evaluation factors; and <input type="checkbox"/></p> <p>Set aside contracts only for resident companies. <input type="checkbox"/></p>
Required Contract Provisions	
<p><b>Note:</b> the federal rules require that NFE contracts contain the applicable provisions described in <a href="#">Appendix II to Part 200 of the Uniform Rules (Contract Provisions for Non-Federal Entity Contracts Under Federal Awards)</a>.</p>	
<p>If the contract exceeds \$250,000, did your organization include a <a href="#">Remedies</a> clause?</p> <p><b>Note:</b> <a href="#">AFG</a> must include a penalty clause in all contracts for any AFG-funded vehicle.</p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	

## Roadmap to Procurement Compliance: Proposals Checklist

<p>If the contract exceeds \$10,000, did your organization include a <a href="#">Termination for Cause and Convenience</a> clause?</p>	<p>Yes <input type="checkbox"/>          No <input type="checkbox"/>          N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for construction work, did your organization include the required <a href="#">Equal Employment Opportunity</a> clause?</p>	<p>Yes <input type="checkbox"/>          No <input type="checkbox"/>          N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for construction work and more than \$2,000, did your organization include the required <a href="#">Davis-Bacon Act</a> Clause?</p> <p><b>Note:</b> This clause <b>only</b> applies to the <a href="#">EMPG</a>, <a href="#">HSGP</a>, <a href="#">NSGP</a>, <a href="#">THSGP</a>, <a href="#">PSGP</a>, <a href="#">IPR</a>, <a href="#">HHPD</a>, and <a href="#">TSGP</a>.</p>	<p>Yes <input type="checkbox"/>          No <input type="checkbox"/>          N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for construction or repair work more than \$2,000, did your organization include the required <a href="#">Copeland Anti-Kickback Act</a> Clause?</p> <p><b>Note:</b> This clause is <b>only</b> required in situations where the Davis Bacon Act also applies.</p>	<p>Yes <input type="checkbox"/>          No <input type="checkbox"/>          N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract meets the definition of “funding agreement”, did your organization include the required <a href="#">Rights to Inventions Made Under a Contract or Agreement</a> clause?</p> <p><b>Note:</b> This clause is <b>not</b> required under the <a href="#">PA</a>, <a href="#">HMGP</a>, <a href="#">FMAG</a>, <a href="#">CCP</a>, <a href="#">DCM</a> or <a href="#">IHP-ONA</a> programs, as FEMA Awards under these programs do not meet the definition of “funding agreement”.</p>	<p>Yes <input type="checkbox"/>          No <input type="checkbox"/>          N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract involves the employment of mechanics or laborers, and exceeds \$100,000, did your organization include the required <a href="#">Contract Work Hours and Safety Standards Act</a> clause?</p>	<p>Yes <input type="checkbox"/>          No <input type="checkbox"/>          N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract exceeds \$150,000, did your organization include a <a href="#">Clean Air Act</a> clause?</p>	<p>Yes <input type="checkbox"/>          No <input type="checkbox"/>          N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>

Roadmap to Procurement Compliance: Proposals Checklist

<p>If the contract exceeds \$150,000, did your organization include a <a href="#">Federal Water Pollution Control Act</a> clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract exceeds \$25,000, did your organization include a <a href="#">Suspension and Debarment</a> clause?</p> <p>See <a href="#">2 C.F.R. § 180</a> for additional requirements.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is in excess of \$100,000, did your organization include the required clause and <a href="#">Byrd Anti-Lobbying Certification</a> to be signed and filed by the contractor?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>Did your organization include a <a href="#">Recovered Materials</a> clause? See <a href="#">2 C.F.R. § 200.323</a>.</p> <p><b>Note:</b> This clause is only applicable to state agencies and political subdivisions of a state.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>Did your organization include a clause restricting use of covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system?</p> <p>See <a href="#">2 C.F.R. § 200.216</a> for additional requirements.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for the purchase of goods, materials, or products, did your organization include a domestic preference clause? See <a href="#">2 C.F.R. § 200.322</a>.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>Did your organization consider including the FEMA recommended provisions outlined in <a href="#">PDAT's Contract Provision's Guide</a>? <b>Note:</b> This is not a requirement and contracts will not be deemed noncompliant for failure to include these provisions.</p>	
<p><b>Socioeconomic Affirmative Steps Requirements</b></p>	<p><b>Supporting Documentation</b></p>
<p><b>Note:</b> NFEs must, at a minimum, take the following six “affirmative steps” to assure that target firms are used when possible. Target firms are minority firms, small businesses, women’s business enterprises, and Labor Surplus Areas (LSA) firms. See <a href="#">2 C.F.R. § 200.321</a>.</p>	

Roadmap to Procurement Compliance: Proposals Checklist

<p>Were target firms included on your organization's solicitation lists?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Procurement File includes prequalified lists or solicitation lists which include target firms <input type="checkbox"/></p> <p><b>Note:</b> NFEs can use SBA, MBDA, or similar resources to develop these lists.</p>
<p>Were target firms solicited whenever they were potential sources?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Procurement File includes documentation demonstrating direct solicitation to target firms <input type="checkbox"/></p> <p><b>Ex:</b> Proof of communication and solicitation (i.e., call Notes, emails, etc).</p>
<p>Did your organization divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by target firms?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Review contract documents that demonstrate compliance with dividing requirements or procurements or justification of why this was not feasible. <input type="checkbox"/></p>
<p>Did your organization establish delivery schedules, where the requirement permits, which encourage participation by target firms?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Review contract documents that demonstrate compliance with establishing delivery schedules or justification of why this was not feasible. <input type="checkbox"/></p>
<p>Did your organization use the services and assistance, as appropriate, of such organizations as the Small Business Administration (SBA) and the Minority Business Development Agency (MBDA) of the U.S. Department of Commerce?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Search results on SBA and MBDA websites <input type="checkbox"/></p> <p>Search results from state databases for target firms <input type="checkbox"/></p> <p>See <a href="#">FEMA's Fact Sheet on Utilizing SBA Resources</a> for more assistance on complying with this requirement.</p>
<p>Did your organization require prime contractors that award subcontracts, to also take the steps listed in the five previous boxes above?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>FEMA recommends that NFEs include a contract clause requiring prime contractors to take previous five affirmative steps. See <a href="#">PDAT Contract Provisions Guide</a>. <input type="checkbox"/></p>