

Federal Grant Regulations expressly encourage cooperative purchasing agreements. However, whenever procurements involving federal grant money are undertaken, care must be used to ensure all requirements of the federal procurement standards found in 2 C.F.R. Part 200 are met. **This guidance sheet outlines which of these requirements are met by HGACBuy and what further steps are required by Members to ensure compliance with Federal requirements.**

**Use of Full and Open Competition 2 C.F.R. §200.319/Procurement Method 2 C.F.R. §200.320 /Geographic Preferences 2 C.F.R. §200.321**

- HGACBuy advertises all solicitations as required by state (Texas) and federal law.
- HGACBuy utilizes the Invitation for Bid (IFB) and the Request for Proposal (RFP) procurement methods which are allowable under federal procurement regulations.
- The process for RFP's, specifically, Disaster Recovery Contracts, requires two (2) phases to ensure a fully competitive procurement: the first conducted by HGACBuy to pre-qualify the contractor pool/list with ceiling rates for initial pricing based on potential need and the second phase conducted by the member to compete individual member requirements. Members must conduct their own solicitation to finalize the procurement process by obtaining price quotes from at least three (3) contractors from the available pre-qualified list, and when utilizing FEMA or other Federal funding, if not in a public emergency or exigency situation, members must also allow other interested contractors not on the pre-qualified list to submit a bid prior to entering into a contract/service agreement with a selected contractor.
- The Evaluation Committee ensures the selection of qualified contractors in accordance with the selection procedures written in the solicitation. The Member should also document its contractor evaluation and process of awarding the final contract.
- HGACBuy does not use any geographic or local preference in the evaluation of bids or proposals.

**SocioEconomic Contracting 2 C.F.R. §200.321**

- HGACBuy places legal notices in minority publications and includes small businesses, minority businesses, and women owned enterprises on its solicitation lists.
- HGACBuy solicitations each require all respondents to undertake the affirmative steps and make the determination of economic feasibility in dividing requirements and delivery schedules in utilizing small, minority and women owned businesses when possible. The Member should also document the affirmative action steps taken regarding dividing requirements and delivery schedules.

**Standards of Conduct 2 C.F.R. §200.318**

- H-GAC's written procurement policy covers standards of conduct, ethics and conflict of interest regarding participation in the selection, award, or administration of contracts and provides for the disciplinary actions of such violations. The Member should also ensure that their own policies and procedures document information regarding standards of conduct, ethics, and conflict of interest.
- All HGACBuy participants of the Evaluation Committee execute a Confidentiality and Conflict of Interest Disclosure Statement.

Find the entire current version of 2 C.F.R. 200 here:

[https://www.ecfr.gov/cgi-bin/text-idx?SID=27ced380f443d64f459699d8d1b9e188&mc=true&tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=27ced380f443d64f459699d8d1b9e188&mc=true&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl)

For information, resources, and additional guidance regarding FEMA compliance, please visit the FEMA Public Disaster Assistance Team website:

<https://www.fema.gov/procurement-disaster-assistance-team>

**BE SURE TO DO YOUR PART!!**  
HGACBuy has worked hard to compile the pre-qualified pool/list.

All Members utilizing the HGACBuy services should consult with their state, local, and/or procurement office or legal counsel to ensure compliance.

## Helpful Information for Members:

- Utilize the Procurements Under Grants compliance checklist provided by FEMA to aid in federal compliance: [https://www.fema.gov/media-library-data/1479225376216-2bdb7d3ba1a512495c38535f12bad2c5/ChecklistforProcurementsAssociatedwithDisastersAFTERDec262014-NewUniformRules\(11-14-16\).pdf](https://www.fema.gov/media-library-data/1479225376216-2bdb7d3ba1a512495c38535f12bad2c5/ChecklistforProcurementsAssociatedwithDisastersAFTERDec262014-NewUniformRules(11-14-16).pdf)
- Perform and document an independent cost or price analysis required by 2 C.F.R. §200.323.
- Ensure the contract has a clear and accurate scope of work as prescribed by 2 C.F.R. §200.319.
- Do not use any geographic preference in the solicitation or evaluation process as prescribed by 2 C.F.R. §200.319.
- Include all Federal and FEMA-required contract provisions required by 2 C.F.R. §200.326.
- Abide by your own written procurement policy and standards of conduct as prescribed by 2 C.F.R. §200.318. Utilize the most restrictive procurement rule.
- Limit procurements to reasonably expected needs as prescribed by 2 C.F.R. §200.319.
- Implement the affirmative steps for socioeconomic contracting required by 2 C.F.R. §200.321.
- FEMA Procurement Disaster Assistance Team's Contract Provisions Template: <https://www.fema.gov/media-library-data/1557346958767-7fe2febf2ef09f7c3d0d2411a9a718f7/PDATContractProvisionsTemplate.pdf>