

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. The FEMA resources are good examples to comply with funding provided by FEMA or other federal sources, however each Member must understand and verify compliance any additional requirements from their individual funding sources.**

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 before they are allowed to participate in the evaluation of a Solicitation.

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

- HGACBuy advertises all solicitations as required by state (Texas) and federal law.
- HGACBuy utilizes the Invitation to Bid (ITB) and the Request for Proposal (RFP) procurement methods which are allowable under federal procurement regulations.
- The process for most categories 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.

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

For information, resources, and
additional guidance regarding
FEMA or Federal compliance,
please visit the FEMA
Procurement website:

<https://www.fema.gov/grants/procurement>

DO YOUR PART

HGACBuy has worked hard to
assemble 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 Resources for Members:

- Know and understand the requirements of your individual funding source.
- Abide by your own written procurement policy prescribed by 2 C.F.R. §200.317 and standards of conduct as prescribed by 2 C.F.R. §200.318.
- Limit procurements to reasonably expected needs as prescribed by 2 C.F.R. §200.319.
- Ensure the contract has a clear, accurate, and non-restrictive 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.
- Implement the affirmative steps for socioeconomic contracting required by 2 C.F.R. §200.321.
- Perform and document an independent cost or price analysis required by 2 C.F.R. §200.324.
- Include all Federal and FEMA-required contract provisions required by 2 C.F.R. §200.327.
- FEMA Procurement Contract Provisions Template:
https://www.fema.gov/sites/default/files/2020-07/fema_procurement_contract-provisions-template.pdf