

Village of Rockville Centre
Uniform Guidance Procurement Policy

The Village will follow all applicable requirements in the Uniform Grant Guidance (2 CFR Part 200) listed below in conjunction with the Village's procurement policy whenever it procures goods or services using federal grant funds, including funds awarded by the United States as grants or funds awarded to a pass-through entity, such as the New York State, for subgrants.

General Procurement Standards

In accordance with the Uniform Grant Guidance Requirements, the Village will:

- A. Use its own documented procurement procedures which reflect applicable state, local and tribal laws and regulations in conjunction with this policy to conform to applicable federal law and the standards identified in the Uniform Grant Guidance.
- B. Maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- C. Maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.
- D. Have procedures in place to avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase.
- E. Award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration should be given to matters such as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
- F. Maintain records that sufficiently detail the history of the procurement including, but not limited to:
 - 1. Rationale for the method of procurement;
 - 2. Selection of contract type;
 - 3. Contractor selection or rejection; and
 - 4. The basis for the contract price.
- G. Use time and material type contracts, only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk.
- H. Be responsible, in accordance with good administrative practice and sound business, for the settlement of all contractual and administrative issues arising out of procurements.

Competition

In accordance with the Uniform Grant Guidance Requirements, the Village will:

- I. Conduct all procurement transactions in a manner providing full and open competition consistent with the standards of the Uniform Grant Guidance.
- J. Conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local or tribal geographical preferences in the evaluation of bids and proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference.
- K. Have written procedures for procurement transactions to ensure that all solicitations:

1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured; and
 2. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
- L. Ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Additionally, the Village must not preclude potential bidders from qualifying during the solicitation period.

Methods of procurement to be followed

M. The Village will use one of the following methods of procurement when using federal grant funds:

1. **Micro-purchases** - Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$7,999. To the extent practicable, the Village must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the Village considers the price to be reasonable.
2. **Small purchase procedures** - Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property over \$7,999 up to \$20,000 (for purchase contracts) or \$35,000 (for public works contracts). If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
3. **Sealed bids** - Bids for contracts of over \$20,000 (for purchase contracts) or \$35,000 (for public works contracts) up to \$250,000, are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. These bids subject to the requirements of New York State regarding competitive bidding, as outlined in the Village's policy, except where the "non-competitive proposals" method is determined to be most appropriate.
4. **Competitive proposals** - The technique of competitive proposals is for contracts greater than \$250,000 and is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
 - a. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - b. Proposals must be solicited from an adequate number of qualified sources;
 - c. The Village must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
 - d. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
 - e. The Village may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.
5. **Noncompetitive Proposals** - Purchase or Public Works Contracts of over \$7,999 may utilize noncompetitive proposals, where only one source is solicited, when one or more of

the following conditions apply:

- a. The item is available only from a single source;
- b. There is an emergency which does not permit delay due to soliciting competition;
- c. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the Village; or
- d. The Village solicits from of a number of sources and determines competition to be inadequate.

Contracting with small and minority businesses, women's business enterprises and labor surplus areas.

- N. The Village must take all necessary affirmative steps to assure that minority businesses, women's business enterprises and labor surplus areas firms are used when possible.

Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in items 1 through 5 above.

Contract Cost and Provisions

In accordance with the Uniform Grant Guidance Requirements, the Village will:

- O. Include in all contracts made by the Village the applicable provisions contained in Appendix II to Part 200 of the Uniform Grant Guidance – Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.
- P. Perform a cost or price analysis in connection with every procurement action in excess of \$250,000 including contract modifications.
- Q. Negotiate profit as a separate element of the price for each contract in which there is not price competition and, in all cases, where cost analysis is performed.
- R. Comply with the non-procurement debarment and suspension standards which prohibit awarding contracts to parties listed on the government-wide exclusions, in the System for Award Management (SAM).