| **Procurement Element** | **Federal/State Guidance** | **Documentation**  **(File links and notes)** |
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| **Standard Requirements** | | |
| Written Procurement Procedures  The Common Grant Rule for non-governmental recipients requires the recipient to have written procurement procedures as a condition of self- certification. Procedures are expected to address: 1) Solicitations; 2) Necessity; 3) Lease vs. Purchase; 4) Metric Use; 5) Environmental & Energy Efficiency Preferences; 6) Procurement Methods; 7) Legal Restrictions; 8) Third Party Contract Provisions; 9) Sources; and 10) Resolution of Third Party Contracting Issues | 2 CFR 200.319 (d)1,2  C4220.1F-  III, 3.a | * REQUIRED, no exceptions. * ENSURE NCTCOG has a copy of the organization’s written procurement procedures. |
| **Solicitation Requirements** | | |
| Pre-Approval  The Federal awarding agency or pass-through entity may authorize a noncompetitive procurement in response to a written request from the non-Federal entity. | 2 CFR 200.320 (c)  C4220.1F – VI, 3.i(1)(e) | * REQUIRED before exercising an option not evaluated as part of the original agreement. * REQUIRED if a noncompetitive procurement. |
| Independent Cost Estimate  The grantee made and documented an independent cost estimate before receipt of quotes. Make sure this is dated and signed. | 45 CFR Part 75.332  C4220.1F –  VI, 6 | * REQUIRED if exercising an option NOT evaluated as part of the original agreement. * REQUIRED if noncompetitive procurement. * N/A if options were evaluated as part of the original agreement. |
| Required Clauses in Solicitations  The grantee included only required clauses based on procurement type and cost. | 2 CFR 200 Appendix II  C4220.1F–  IV, 2  Appendix D | * REQUIRED if noncompetitive procurement. * N/A if exercising an option and all clauses are on file. However, if clauses are missing, they must be included w/this option. |
| Clear, Accurate, and Complete Specification  A complete, adequate, and realistic specification or purchase description was available and included any specifications and pertinent attachments that define the items or services sought in order for the bidder to properly respond. | 2 CFR 200.319 (d)(1)  C4220.1F –  VI, 2.a  III, 3.a.(1)(b)  III, 3.a.(1)(d)  VI, 3.c.(1)(a)  VI, 3.c.(2)(c) | * REQUIRED if noncompetitive procurement. * N/A if exercising an option. |
| **Selection Procedures and Process** | | |
| Sole Source Justification  The contract file contains documentation that award of a contract was infeasible under small purchase procedures, sealed bids, or competitive proposals and at least one of the following circumstances applies:   1. The item was available only from a single source. 2. Public exigency for the requirement did not permit delay resulting from a competitive solicitation. 3. An emergency for the requirement did not permit a delay resulting from a competitive solicitation. 4. The FTA authorized noncompetitive negotiations. 5. Competition was determined inadequate after solicitation of a number of sources. | 2 CFR 200.320 (c)  C4220.1F –  VI, 3.i.(1)  VI, 3.i.(1)(b)  VI, 3.i.(1)(c)  VI, 3.i.(1)(e)  VI, 3.i.(2) | * REQUIRED, no exceptions. |
| Cost or Price Analysis  Either a cost or price analysis must be performed prior to the initial contract award and upon the exercise of an option, contract modification or change order.   * Price analysis is used when competition is adequate/price within range of ICE. This is usually for commercial/regular items. Price from supplier should be compared with market prices. * Cost analysis is used when competition is inadequate/price not within range of ICE. This is usually for non-regular purchases. Costs should be broken down. Review profit separate from cost to see if reasonable | 2 CFR 200.324 (a) and (b)  C4220.1F –  VI, 6.a  VI, 6.b  VI, 6.c | * Price Analysis – REQUIRED to determine price reasonableness.   + Use of a pre-printed form is permissible.   + An abbreviated format may be used with micro-purchases. * Cost Analysis – REQUIRED   + WHEN a Price Analysis will not provide sufficient information to determine price reasonableness. * EXCEPTION: When price reasonableness can be justified based on catalog or market price, a cost analysis is not required. |
| No Debarment or Suspension  Proof that a check of the Excluded Parties List System (EPLS), which is a part of the System for Awards Management (SAM) at: [www.sam.gov](http://www.sam.gov/) was done. | 2 CFR Part 180  2 CFR 200.214  41 U.S.C. 2313  C4220.1F –  IV, 2.a.(2) | * APPLIES to all contracts whose total cost is or will be >$25k at the end of the term. Contract term = base + option years. Must be completed and dated before the agreement is signed. |
| **Contract and Agreement Requirements** | | |
| Required Clauses in Contracts  The grantee included only required clauses based on procurement type and cost. | 2 CFR 200 Appendix II  C4220.1F –  IV, 2  Appendix D | * REQUIRED if noncompetitive procurement. * REVIEW if exercising an option. Make sure all required clauses are on file; or include clauses missing from original agreement. |
| State Required Clauses  Procurements made after 9/1/2017 must include affirmative statement that vendor is/will not boycotting Israel during term of contract. | 2 CFR 200.215  Texas State House Bill 89  Senate Bill 13  Senate Bill 19 | * REVIEW state regulations and determine if/when these apply. |
| Sound and Complete Agreement  It includes:   1. payment provisions 2. defined period of performance 3. dispute clauses 4. remedies for breach of contract 5. provisions covering termination for cause and convenience. | 2 CFR 200.318 (k)  C4220.1F –  III, 3.b  IV, 2.b.(6)(b)2  IV, 2.b.(6)(b)4 | * REQUIRED, no exceptions. * It can be an Agreement or Purchase Order. |