





**PROCUREMENT POLICIES AND PROCEDURES COMPLIANCE
SELF-CERTIFICATION
Community Development Block Grant – Disaster Recovery**

I, _____ , of legal age, of marital status (married/ single) as recognized by the Commonwealth of Puerto Rico, and resident of _____, have been designated the authorized representative of _____  hereinafter, "the Subrecipient"). In such regard, I hereby certify that the Subrecipient's procurement policies and procedures conform to the procurement standards identified in 2 C.F.R. §§ 200.318 through 200.327.

Consequently, I complete the Federal Award or Sub-Award Procurement Standards Checklist, with due diligence and due care, and identify the page number of the Subrecipient's written policies and procedures that specifically identifies the Federal procurement requirement noted in the checklist. I understand that the following is a summary of the applicable legal provisions for all procurement transactions for the acquisition of property or services required under the Federal award, or sub-award, by the Subrecipient and that by signing this document I certify that the Subrecipient complies with the procurement standards in 2 C.F.R. §§ 200.318 through 200.327 in full.

FEDERAL AWARD OR SUB-AWARD PROCUREMENT STANDARDS CHECKLIST 
2 C.F.R. §§ 200.318 THROUGH 200.327

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GENERAL PROCUREMENT STANDARDS, 2 C.F.R. § 200.318 

Does the Subrecipient maintain documented procurement policies and procedures consistent with applicable State, local, and tribal laws and applicable regulations, for the acquisition of property or services required under a Federal award or sub-award as required at 2 C.F.R. § 200.318 (a)?

Yes | No

_____ 

Does the Subrecipient's written procurement policies and procedures provide lawfully and reasonably sufficient oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders as required at 2 C.F.R. § 200.318 (b)?

Yes | No

Does the Subrecipient's procurement policies and procedures contain written standards of conduct that cover real or apparent conflicts of interest, both direct and indirect, and govern the actions of its employees that are engaged in the selection, award, and administration of contracts as required at 2 C.F.R. § 200.318 (c) (1)?

Yes | No

Does the Subrecipient's procurement policies and procedures identify a written standard of conduct covering organizational conflicts of interest as required at 2 C.F.R. § 200.318 (c) (2)?

Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the Subrecipient is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

Yes | No

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Does the Subrecipient's procurement policies and procedures avoid the acquisition of unnecessary or duplicative items as required at 2 C.F.R. § 200.318 (d)? Yes | No _____

Does the Subrecipient's procurement policies and procedures encourage entering into State and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services to foster greater economy and efficiency as required at 2 C.F.R. § 200.318 (e)? Yes | No _____

Does the Subrecipient's procurement policies and procedures encourage the use of Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs as required at 2 C.F.R. § 200.318 (f)? Yes | No _____

Does the Subrecipient's procurement policies and procedures encourage the use of value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions as required at 2 C.F.R. § 200.318 (g)? Yes | No _____

Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

Does the Subrecipient's procurement policies and procedures establish how it will ensure the contract be awarded to a responsible contractor possessing the ability to perform successfully under the terms and conditions of the proposed procurement, considering matters such as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources as required at 2 C.F.R. § 200.318 (h)? Yes | No _____

Does the Subrecipient's procurement policies and procedures identify how it will maintain records in sufficient to detail the history of every procurement action as required at 2 C.F.R. § 200.318 (i)?

These records must include but are not necessarily limited to the following factual information: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. Yes | No _____

Does the Subrecipient's procurement policies and procedures allow the use of a time-and-materials type contract only after a determination by the Subrecipient that no other contract is suitable for the acquisition for of property or services required for the completion of eligible activities under a Federal award or sub-award, and the contract includes a ceiling price clause that clearly states that the contractor assumes the risk of exceeding the established ceiling price as required at 2 C.F.R. § 200.318 (j)?¹ Yes | No _____

¹ Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds

Time-and-materials type contract means a contract whose cost to a non-Federal entity is the sum of: (i) The actual cost of materials; and (ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Does the Subrecipient's procurement policies and procedures identify the Subrecipient as the responsible entity for the settlement of all contractual and administrative issues arising out of procurements in accordance with good administrative practice and sound business judgment as required at 2 C.F.R. § 200.318 (k)?²

Yes | No _____

COMPETITION, 2 C.F.R. § 200.319.

Does the Subrecipient's procurement policies and procedures provide for transactions to be conducted in a manner providing full and open competition as required at 2 C.F.R. § 200.319 (a)?

Yes | No _____

Does the Subrecipient's procurement policies and procedures ensure objective contractor performance, eliminate unfair competitive advantage, and exclude contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals from competing for such procurements as required at 2 C.F.R. § 200.319 (b)?

Yes | No _____

Does the Subrecipient's procurement policies and procedures take into account the following situations considered to be restrictive of competition as required at 2 C.F.R. § 200.319 (b)?

- Placing unreasonable requirements on firms for them to qualify to do business.
- Requiring unnecessary experience and excessive bonding.
- Noncompetitive pricing practices between firms or between affiliated companies.
- Noncompetitive contracts to consultants that are on retainer contracts.
- Organizational conflicts of interest.
- Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement.
- Any arbitrary action in the procurement process.

Yes | No _____

Yes | No _____

Yes | No _____

Yes | No _____

Yes | No _____

Yes | No _____

Yes | No _____

Does the Subrecipient's procurement policies and procedures provide for conducting procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical

Yes | No _____

at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

² Examples of procurement issues include source evaluation, protests, disputes, and claims, among others.

preferences in the evaluations of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographical preferences as required at 2 C.F.R. § 200.319 (c)?³

Does the Subrecipient have written procedures for procurement transactions that ensure that all solicitations comply with 2 C.F.R. §200.319 (d) (1) and 2 C.F.R. §200.319 (d) (2) as listed below?

Yes | No _____

1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured?⁴

Yes | No _____

2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals?

Yes | No _____

Does the Subrecipient's written procurement policies and procedures allow the use of prequalified lists of persons, firms, or products to acquire goods and services as required at 2 C.F.R. § 200.319 (e)?

Yes | No _____

If yes, then:

- Are these prequalified lists current and include enough qualified sources to ensure maximum open and free competition?
- The Subrecipient certifies that it will not preclude prequalified potential bidders included in prequalified lists from qualifying during the solicitation period?

Yes | No _____

Yes | No _____

Does the Subrecipient's procurement policies and procedures allow the noncompetitive procurements to be awarded in accordance with the 2 C.F.R. § 200.320 (c) as required at 2 C.F.R. § 200.319 (f)?

Yes | No _____

METHODS OF PROCUREMENT TO BE FOLLOWED, 2 C.F.R. § 200.320 

Does the Subrecipient's written policies and procedures describe the methods of procurement to be used as defined at 2 C.F.R. § 200.320?

Yes | No _____

Micro-purchases, 2 C.F.R. § 200.320 (a) (1):

Does the Subrecipient's written policies and procedures include a provision not to exceed the amount of \$10,000 for micro-purchases, or \$2,000 for construction contracts subject to the Davis-Bacon Act?

Yes | No _____

³ Nothing in 2 C.F.R. § 200.319 (c) preempts state licensing laws. Further note, that when contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract. 2 C.F.R. § 200.319 (c).

⁴ Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated. 2 C.F.R. §200.319 (d) (1).

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Does the Subrecipient's policies and procedures provide for, to the extent practicable, the equitable distribution of micro-purchases among qualified suppliers? Yes | No

Does the Subrecipient's written policies and procedures state that the purchase can be awarded without soliciting competitive price or rate quotations if the Subrecipient considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly? Yes | No

Small purchases, 2 C.F.R. § 200.320 (a) (2):

Does the Subrecipient's written policies and procedures include small purchases as a method for the acquisition of property or services and establish a ceiling amount of \$250,000 for this type of procurement method? Yes | No

Does the Subrecipient's written policies and procedures for small purchase procedures state that price or rate quotations must be obtained from an adequate number of qualified sources? Yes | No

Sealed bids, 2 C.F.R. § 200.320 (b) (1):

Does the Subrecipient's written policies and procedures state that when the sealed bid procurement method is used, the following requirements and conditions must apply?

- A complete, adequate, and realistic specification or purchase description is available for bidders. Yes | No
- Two or more responsible bidders willing and able to compete effectively for the business in relation to the bid advertisement. Yes | No
- The intended procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price. Yes | No
- Bids must be solicited from an adequate number of qualified suppliers, providing them sufficient response time prior to the opening date set for opening the bids. Yes | No
- The invitation for bids must be publicly advertised. Yes | No
- The invitation for bids must include all specifications and all pertinent attachments and define all solicited items or services. Yes | No
- All bids must be publicly opened at the time and place prescribed in the bid invitation. Yes | No
- A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Yes | No
- Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest.⁵ Yes | No

⁵ Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of. 2 C.F.R. § 200.320 (b) (1) (D).

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- Any or all bids may be rejected, if there is a sound documented reason supporting the rejection. Yes | No

Proposals, 2 C.F.R. § 200.320 (b) (2):

Does the Subrecipient's written policies and procedures state that for the Request for Proposals the following conditions must be present? Yes | No

- The Requests for Proposals (RFPs) must be publicly advertised and must identify all evaluation factors and their relative importance. Yes | No
- RFPs must be solicited from an adequate number of qualified sources. Yes | No
- Any response to publicized RFPs must be considered to the maximum extent practical. Yes | No
- A written method for conducting technical evaluations of all RFPs received and for making selections. Yes | No
- The contract must be awarded to the responsible offeror whose proposal is most advantageous for the Program, with price and other factors considered. Yes | No

Does the Subrecipient's written policies and procedures state that for the qualification-based procurement of architectural/engineering (A/E) professional services the following conditions must be present? Yes | No

- The solicitation must be publicly advertised and must identify all evaluation factors and their relative importance. Yes | No
- The proposals shall be solicited from an adequate number of qualified sources. Yes | No
- A written method for conducting technical evaluations of the proposals received and for selecting recipients. Yes | No
- The procurement is for architectural or 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. Yes | No
- The contract must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered. Yes | No
- Is only used in the procurement of A/E professional services?
Note: It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort. Yes | No

Noncompetitive Procurement, 2 C.F.R. § 200.320 (c).

Does the Subrecipient's policies and procedures state that for the Noncompetitive Proposals one or more of the following conditions or circumstances must be present?

- The aggregate dollar amount of the noncompetitive procurement for the acquisition of property or services does not exceed the micro-purchase threshold. Yes | No
- The item is available only from a single source. Yes | No
- The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation? Yes | No
- The Puerto Rico Department of Housing (PRDOH) expressly authorizes noncompetitive proposals in response to a written request from the Subrecipient. Yes | No
- After solicitation of several sources, competition is determined inadequate. Yes | No

CONTRACTING WITH SMALL AND MINORITY BUSINESSES, WOMEN'S BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS, 2 C.F.R. § 200.321.



Does the Subrecipient's written policies and procedures assure that all necessary affirmative steps are taken to assure that minority businesses, women's business enterprises and labor surplus area firms are contracted, when possible as required at 2 C.F.R. § 200.321 (a)?

Yes | No

Does the Subrecipient's written policies and procedures assure that Subrecipient's procurement processes include the following affirmative steps as required at 2 C.F.R. § 200.321 (b)?

- Place qualified small and minority businesses and women's business enterprises on solicitation lists. Yes | No
- Assure that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources. Yes | No
- Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises. Yes | No
- Establish delivery schedules, where the requirement permits, which encourages participation by small and minority businesses, and women's business enterprises. Yes | No
- Use the services and assistance of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce. Yes | No
- Require the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above. Yes | No

PROCUREMENT OF RECOVERED MATERIALS, 2 C.F.R. § 200.323.

Does the Subrecipient's written policies and procedures ensure the compliance with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act as required at 2 C.F.R. § 200.323?

Yes | No

CONTRACT COST AND PRICE, 2 C.F.R. § 200.324.

Does the Subrecipient's written policies and procedures ensure that:

The Subrecipient performs a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold for micro and small purchases including contract modifications as required at 2 C.F.R. § 200.324 (a)?

Yes | No

Independent estimates are developed before receiving bids or proposals as required at 2 C.F.R. § 200.324 (a)?

Yes | No

Profit is negotiated as a separate element of the price for each contract in which there is no price competition as required at 2 C.F.R. § 200.324 (b)?

Yes | No

Profit is negotiated as a separate element of the price when cost analysis is performed as required at 2 C.F.R. § 200.324 (b)?

Yes | No

Cost or prices based on estimated costs are allowable under 2 C.F.R. subpart E as required at 2 C.F.R. § 200.324 (c)?

Yes | No

The "Cost plus a percentage of cost" and "percentage of construction cost methods" of contracting are not allowed as stated at 2 C.F.R. § 200.324 (d)?

Yes | No

BONDING REQUIREMENTS, 2 C.F.R. § 200.326.

Does the Subrecipient's written policies and procedures ensure that for construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, for micro and small purchases, the following minimum requirements are met?

- A bid guarantee from each bidder equivalent to five percent of the bid price as required at 2 C.F.R. § 200.326 (a).

Yes | No

- A performance bond on the part of the contractor for 100% of the contract price as required at 2 C.F.R. § 200.326 (b).

Yes | No

- A payment bond on the part of the contractor for 100% of the contract price as required at 2 C.F.R. § 200.326 (c).

Yes | No

I, _____ *[an authorized representative of the Subrecipient]*,
certify that I have read the foregoing lists and that the answers provided are true and correct to the
best of my knowledge and belief.

Name of the Subrecipient

Signature of Authorized Representative

Date

Printed Name of Authorized Representative