PROCUREMENTS

Questions:

- How the ADODR ensures the contracting efforts meet Federal and State procurement regulations;
- How do we ensure that a cost or price analysis is performed for all sole source contracts

Done through:

- APHIS review of technical specifications before cooperator posts solicitation.
- RAB compliance reviews
- Regional compliance reviews
- Independent audits

By whom, depending on nature and scope:

- The ADODR
- ADO staff appointed by the ADO
- RAB staff with or without participation from ADO staff.

What to review:

- Compare policies with the requirements of 7 CFR 3016.36 and 7 CFR 3019.40 through 3019.48.
- Compare with applicable Federal Acquisition Regulations as stipulated in 7 CFR 3016 and 3019.
- Review actual contracts awarded for compliance with the applicable policies and standards, including any cost/price analysis on sole source contracts.

7 CFR 3016.36, Procurements

Regulation is-

- Applicable to States, Local, and Indian Tribal Governments
- Used for cooperative agreements and sub-awards

States must:

- When procuring property and services under a grant, use same policies and procedures it uses for procurements from its non federal funds.
- Include any clauses required by Federal statutes and executive orders and their implementing regulations in every purchase order/contract.

Local and Indian Tribal Governments, 3016. 36 (b) thru (f), grantees and subgrantees must:

- Use their own procurement procedures which reflect applicable state and local laws and regulations provided they conform to applicable federal law and the standards in 3016.36.
- Maintain a contract system which ensure that contractors perform IAW Terms and Conditions of contract
- Have written code of standards of conduct for employees awarding/administering contracts, e.g., conflict of interest.
- Have procedures to review proposed procurements to avoid unnecessary or duplicative purchases.
- For economy and efficiency, use intergovernmental agreements for procurement of common goods/services.
- Use excess/surplus Federal property rather than purchase new, when feasible
- Use value engineering clauses in construction contracts to ensure essential functions at lower costs.
- Award to responsible contractors.
- Maintain documentation to support decisions on awardees.
- Selectively use time and material contracts and set ceilings on costs.
- Assume full responsibility for settlement of all contractual and administrative issues.
- Have protest procedures to handle and resolve disputes.
- Use full and open competition and prohibit statutorily or administratively imposed preferences in evaluating bids/proposals, except were Federal statutes encourage it.
- Have written selection procedures for procurement transactions.
- Follow specified procedures for small purchases and sealed bids and non-competitive proposals (spelled out in 3016.36)