



The Grants Gazette

Ohio EMA's Preparedness Grants Updates

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Issue 13

Compliance Tip of the Month **MAKING PURCHASES USING FEDERAL GRANT FUNDS**

Federal Procurement and Contracting Requirements:

A Sub-grantee is required to follow its own procurement procedures as long as those procedures meet or exceed the federal procurement standards established in 44 CFR 13.36. Below is a brief summary of each of the four (4) procurement methods that meet federal grant requirements:

Four (4) Basic Procurement Methods (44 CFR 13.36 (d))

1. Small Purchase Procedure (44 CFR 13.36 (d) (1))

To purchase services or supplies up to local threshold or less.

- * Relatively simple and informal method.
- * Must obtain price or rate quotation from adequate number of qualified sources (usually 3).
- * Awarded based on lowest documented price quote.

2. Sealed Bids (Formal Advertising) (44 CFR 13.36 (d) (2))

If the sealed bid procurement method is used, the following requirements are applicable:

- * The invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers, providing them sufficient time prior to the date set for opening the bids.
- * The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond.
- * Avoid using proprietary (name brand) vendor specifications to encourage greater competition.
- * All bids will be publicly opened at the time and place prescribed in the invitation for bids. Contract awarded to the responsible bidder whose bid conforms with invitation for bid and whose bid is lowest in price.

3. Competitive Proposals (44 CFR 13.36 (d) (3))

Generally used to purchase architectural, engineering or professional and personal services when conditions are not appropriate for the use of sealed bids.

- * Requests for proposals will be publicized and identify all evaluation factors and their relative importance.
- * Any response to publicized requests for proposals shall be honored to the maximum extent practical.

- * Proposals will be solicited from an adequate number of qualified sources.
- * The Sub-grantee must have a method for conducting technical evaluations of the proposals received and for selecting awardees.
- * Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

4. Noncompetitive (Sole Source) Proposals (44 CFR 13.36 (d)(4))

The following conditions are applicable to all sole source or noncompetitive procurements:

- ◆ Competitive Procurement must be infeasible: A noncompetitive procurement can only be used when the award of a contract is infeasible under small purchase order procedures, sealed bids or competitive proposals and one (1) of the following circumstances apply:
 - ◆ The item is available only from a single source.
 - ◆ The public urgency, sudden need or emergency for the commodity will not permit a delay resulting from competitive solicitation.
 - ◆ After solicitation of a number of sources, competition is determined inadequate.
- ◆ A written explanation, commonly referred to as a "Sole Source Justification" letter must include:
 - ◆ Description of purchase: Provide vendor name, manufacturer, model number identifying the item(s) or service(s).
 - ◆ Purpose: Provide a brief description of the intended application of the item(s) or service(s).
 - ◆ Justifications: Describe all performance functions unique to the vendor, the product, or service.
 - ◆ State reasons why other vendors, products, or services, competing in this market do not meet your needs and/or specifications.
 - ◆ A Cost Analysis: A cost analysis includes individual cost elements and a statement explaining the reasonableness of cost and allowability of each cost element.

Awarding agency review may be required: A Sub-grantee may be required to submit the proposed "sole source" procurement to Ohio Emergency Management Preparedness Grants Branch for pre-award review in accordance with 44CFR 13.36 (g).

Your sole source documentation must remain on file as part of the official procurement documents and may be subject to audit or review by interested parties.

Important Dates

- ◆ Performance period ends **March 31, 2013** for the FY 2010 HSGP-SHSP and SHSP-LE grant.
- ◆ Performance period ends **May 30, 2013** for the FY 2010 CCP grant.

HSGP Grant Expenditures

As of February 28, 2013

Grant	Award	Expended	Remaining
FY 2010	\$40,769,989	\$14,931,709	\$25,838,280
FY 2011	\$20,499,771	\$1,691,755	\$18,808,016

For any questions or comments, please contact your Grant Program Specialist.