| **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)1,2C4220.1F- III, 3.a | * REQUIRED, no exceptions.
* ENSURE NCTCOG has a copy of the organization’s written procurement procedures.
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| **Solicitation Requirements** |
| Pre-ApprovalThe 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.
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| 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 75.332C4220.1F – 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.
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| Required Clauses in Solicitations The grantee included only required clauses based on procurement type and cost. | 2 CFR 200 Appendix IIC4220.1F–IV, 2Appendix 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.
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| 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.aIII, 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.
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| **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.
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| 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.aVI, 6.bVI, 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.
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| 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 1802 CFR 200.21441 U.S.C. 2313C4220.1F –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.
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| **Contract and Agreement Requirements** |
| Required Clauses in Contracts The grantee included only required clauses based on procurement type and cost. | 2 CFR 200 Appendix IIC4220.1F –IV, 2Appendix 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.
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| State Required ClausesProcurements made after 9/1/2017 must include affirmative statement that vendor is/will not boycotting Israel during term of contract. | 2 CFR 200.215Texas State House Bill 89Senate Bill 13Senate Bill 19 | * REVIEW state regulations and determine if/when these apply.
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| 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.bIV, 2.b.(6)(b)2IV, 2.b.(6)(b)4 | * REQUIRED, no exceptions.
* It can be an Agreement or Purchase Order.
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