

IOWA DEPARTMENT OF JUSTICE

**ATTORNEY GENERAL
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Chapter 14 Procurement of Goods and Services

Subrecipients must have written purchasing policies. Subrecipients shall follow the same policies and procedures it uses for procurement from its non-CVAD funds. Each agency shall ensure every purchase order or other contract includes any clauses required by Federal statutes and executive orders, their implementing regulations, and the grant contract provisions.

Procurement Standards

Subrecipients shall use their own procurement procedures and regulations, provided that the procurement conforms to applicable federal law and the standards identified in the Procurement Standards Sections of [CFR 200.317-200.326](#) . This section of the CFR (search for sections 317 after you open the document) details what needs to be in an agency's procurement policy.

Any agency, whose procurement system has been certified by a federal agency, is not subject to prior approval requirements of 28 CFR Parts 200. CVAD's prior approval will only be required for areas beyond limits of the subrecipient certification. Highlights include but are not limited to:

- Cost and Price Analysis (2 CFR, Section 200.323): Describe the process for performing a cost or price analysis for every procurement action in excess of the small purchase threshold (phone bids, 3 quotes, etc.).
- Noncompetitive Procurement (2 CFR, Section 200.320[f]): Describe the process for procuring goods and/or services that cannot be conducted through normal competitive procurement methods, including emergency or sole source procurement.
- Small Purchase Procedures (2 CFR, Section 200.320[b]): Describe the process for procuring goods, and/or services when the total dollar amount is less than your program's relevant small purchase threshold per procurement transaction.
- Formal Purchase Procedures (2 CFR, Section 200.320[c] and [d]): Describe the process for procuring goods and/or services when the dollar amount is more than your program's relevant small purchase threshold per procurement transaction.
- Duplication of Goods/Services (2 CFR, Section 200.318[d]): Describe the process used to ensure that there is no acquisition of unnecessary or duplicate goods or services.
- Gratuities, Favors, or Gifts (2 CFR, sections 200.318[c][1] and 400.2): Include a prohibition on soliciting or accepting gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub agreements. Agencies may define a set of standards for situations in which financial interest or gratuity is not substantial or the gift is an unsolicited item of nominal value. If the latter is chosen, include the definition of nominal value.

Adequate Competition

All procurement transactions, whether negotiated or competitively bid and without regard to dollar value shall be conducted in a manner so as to provide maximum open and free competition. Interagency agreements between units of local government are excluded from this provision.

Subrecipients must not create unreasonable restrictions on competition under the award. This applies with respect to any procurement of property or services that is funded (in whole or in part) by CVAD funds, regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used as noted in (DOJ) Part 200 Uniform Requirements--including as set out at 2 C.F.R. 200.300. No subrecipient may, in any procurement transaction, discriminate against any person or entity on the basis of such person's or entity's status as an "associate of the federal government," or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate, except as expressly set out in 2 C.F.R. 200.319(a), or as specifically authorized by the US Department of Justice.

Non-Competitive Practices

Each subrecipient shall be alert to organizational conflicts of interest or non-competitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. Contractors that develop or draft specifications, requirements, statements of work, and/or Requests for Proposals (RFP's) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Any request for exemption must be submitted in writing to CVAD.

