

## STANDARDS OF CONDUCT AND CERTIFICATION FOR PROCUREMENT

In accordance with 2 CFR Part **§200.318**, the following standards of conduct must be followed by all officers, employees, or agents of the non-Federal entity herein named, (SPONSOR) \_\_\_\_\_ that are engaged in the selection, award and administration of contracts:

- No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
- The officers, employees, and agents may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.
- Disciplinary actions shall be applied for violations of above standards by officers, employees, or agents, up to and including termination from the program
- Officers, employees, and agents shall avoid acquisition of unnecessary or duplicative items. Consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, officers, employees, and agents shall make every effort to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.
- Officers, employees, and agents shall make every effort to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
- Officers, employees, and agents shall make every effort to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. 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.
- Officers, employees, and agents shall award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. (See also **§200.212** *Suspension and debarment*)
- Officers, employees, and agents shall maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
- Officers, employees, and agents shall use a time and materials type contract\* only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk.

*\*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. (See §200.319(J2) for further detail)*

- Officers, employees, and agents of \_\_\_\_\_(Sponsor), shall do the following:
  - Accept full responsibility, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims.
  - Make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition, including procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, in accordance with §200.324

*These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.*

PROCUREMENT STANDARDS OF CONDUCT CERTIFICATION STATEMENT

I, \_\_\_\_\_ (Authorized Representative) for \_\_\_\_\_ (Sponsor) hereby certifies the following:

- Officers, employees, and agents shall conduct all procurement transactions in a manner providing full and open competition consistent with the standards of **§200.319**, (inclusive of written procedures for procurement transactions that:
  - Ensure clear and accurate description of technical requirements for the material, product, or service to be procured
  - Identify all requirements which must be fulfilled by offerors and all factors to be used in the evaluation of bids and proposals
  - Ensure that all all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition
  - Ensure that potential bidders are not precluded from qualifying during the solicitation period

- Officers, employees, and agents shall conduct all procurement transaction, using one of the methods of procurement noted in **§200.320** (*micro-purchases, small purchase, sealed bids, competitive proposals, non-competitive proposals\**)

***\*See §200.320(f) for listing of criteria that must be established in order to utilize non-competitive proposals***

- Officers, employees, and agents shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible, in accordance with **§200.321**.
- Officers, employees, and agents shall comply with the procurement of recovered materials, as specified in **§200.322**.
- Officers, employees, and agents shall perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold, including contract modifications, in accordance with **§200.323**.
- Officers, employees, and agents shall ensure that the bonding requirements are followed, in accordance with **§200.325**
- Officers, employees, and agents shall ensure that the all contracts contain the applicable provisions described in Appendix II to Part 200, in accordance with **§200.326**
- Officers, employees, and agents shall comply with the retention requirements for records, in accordance with **§200.333**
- Officers, employees, and agents shall provide access to records, in accordance with **§200.336**
- Officers, employees, and agents shall adhere to the Cost Principles contained in Subpart E **§200.403 - §200.475**

\_\_\_\_\_  
Authorized Representative

\_\_\_\_\_  
Date