

Procurement - Excerpted from page 16 of FEMA's *FY 2014 and FY 2015 SAFER R&R Grant User Guide*

If you procure property or services under your SAFER grant, you must have a written procurement policy in place. You do not need to send a copy of your procurement policy to the SAFER Program Office. However, you should maintain procurement documents in your grant file in case they are requested during monitoring.

Select requirements under these standards are listed below. The recipient must comply with all requirements of these standards, even if they are not listed below.

All procurement activity must be conducted in accordance with Federal Procurement Standards at 2 C.F.R. § 200.317 – 200.326. If you are a State government, you must comply with the terms of 2 C.F.R. § 200.317. All other grant recipients must use their own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable federal law and the standards identified in 2 C.F.R. Part 200.

According to 2 C.F.R. § 200.318(c)(1), the recipient (other than States) is required to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees 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 of the non-federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-federal entity.

The procurement standards include, but are not limited to, providing for full and open competition consistent with the standards of 2 C.F.R. § 200.319. The procurement standards also require you to have written standards of conduct covering conflicts of interest and governing the actions of the employees engaged in the selection, award and administration of contracts.

Among the requirements of 2 C.F.R. § 200.319, in order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

- Placing unreasonable requirements on firms in order for them to qualify to do business;
- Requiring unnecessary experience and excessive bonding;
- Noncompetitive pricing practices between firms or between affiliated companies;
- Noncompetitive contracts to consultants that are on retainer contracts;
- Organizational conflicts of interest;
- Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- Any arbitrary action in the procurement process.

If you use a contractor under a SAFER grant, you must verify that the contractor is not suspended or debarred from participating in specified federal procurement or non-procurement transactions pursuant to 2 CFR § 180.300. You may search for any suspensions or debarments at www.SAM.gov.

We highly recommend that you do not enter into any contracts prior to the start date of the grant period of performance. Only costs incurred between the period of performance start and end dates are allowable for reimbursement.

*[Click here](#) to download a sample Conflict of Interest form developed by the National Volunteer Fire Council

*[Click here](#) to download a sample Request for Proposal form developed by the National Volunteer Fire Council

*Not excerpted from FEMA's *FY 2014 and FY 2015 SAFER R&R Grant User Guide*