

Federal Grant Procurement Compliance Checklist (2 CFR 200)

This checklist is provided to assist federal grant applicants in complying with the federal requirements that procurements must meet to be considered eligible expenses. DAS will determine the funding source (federal funds or bond funds) based on the answers provided in the application and risk assessment. A federal grant recipient or subrecipient means a non-federal entity (NFE) such as a State, local government, Indian tribe, Institution of Higher Education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient.

Importantly, this checklist is intended to provide general guidance only and does not provide a detailed explanation of the Federal procurement requirements.

To understand the requirements fully, the user should review the provisions of 2 CFR 200 and the most current version of [Compliance and Reporting Guidance for State and Local Fiscal Recovery Funds \(v5.1 dated 6/6/2023\)](#).

| GENERAL CONSIDERATIONS | | |
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| <input type="checkbox"/> | <p>The entity has performed appropriate procurement planning to:</p> <ul style="list-style-type: none"> • Avoid acquisition of unnecessary or duplicative items • Determine if consolidation or breaking out procurements is required to obtain a more economical purchase • Perform a lease versus purchase analysis or any other appropriate analysis to determine the most economical approach (where applicable) • Consider options for cooperative purchasing in coordination with other governmental entities • Determine availability of Federal surplus property to meet needs • Determine feasibility of incorporating value engineering clauses for construction contracts sufficient in size to offer reasonable opportunities for cost reductions | .318(d), (e), (f) & (g) |
| <input type="checkbox"/> | <p>If the procurement is a time and materials contract, the entity has:</p> <ul style="list-style-type: none"> • Documented why no other contract is suitable for use • Ensured the contract has a ceiling not-to-exceed (NTE) cost • Ensured there are appropriate provisions for oversight of the contractor to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls | .318(j) |

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| <input type="checkbox"/> | The procurement does not place unreasonable requirements on firms for them to qualify to do business. | .319(b) |
| <input type="checkbox"/> | The procurement does not require unnecessary experience and excessive bonding. | .319(b) |
| <input type="checkbox"/> | The procurement does not involve noncompetitive pricing practices between firms or affiliated companies. | .319(b) |
| <input type="checkbox"/> | The procurement does not involve noncompetitive contracts to consultants that are on retainer contracts. | .319(b) |
| <input type="checkbox"/> | The procurement does not specify only a “brand name” product and allows for “an equal” product. | .319(b) |
| <input type="checkbox"/> | The procurement does not involve any arbitrary action on the part of the entity in the procurement process. | .319(b) |
| <input type="checkbox"/> | The procurement does not include any local or geographical preferences. If it does, it must be removed except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Geographic preference may be an acceptable selection criterion in contracting for architectural and engineering (A/E) services as long as adequate competition is still available. | .319(d) |
| <input type="checkbox"/> | The procurement includes a clear and accurate description of the technical requirements for the material, product, or service to be procured. | .319(d) |
| <input type="checkbox"/> | The procurement identifies all requirements the offerors must fulfill and all other factors to be used in evaluating bids or proposals. | .319(e) |
| <input type="checkbox"/> | Determine if the procurement uses a prequalified list of persons, firms, or products to acquire goods and services. If so, confirm that the list is current and includes enough qualified sources to ensure maximum open and free competition. Verify that potential offerors were not precluded from qualifying during the original solicitation period. | .319(a) |
| <input type="checkbox"/> | If the procurement is less than \$10,000, it may be awarded without soliciting competitive quotations. If the entity micro-purchase threshold is lower than the federal threshold, local entity policies and procedures must be followed. If the entity micro-purchase threshold is higher, the entity will need to refer to 2 CFR 200.320 (a) (1) (iv) and (v) for guidance. | .319(e) |

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| <input type="checkbox"/> | <p>If the procurement is less than \$250,000 it may be awarded by obtaining a minimum of three (3) quotes. If the entity simplified procurement threshold is lower than the federal threshold, local entity policies and procedures must be followed.</p> | <p>.320(a)</p> |
| <input type="checkbox"/> | <p>If the procurement is more than \$250,000 a formal procurement method must be utilized. If the entity formal procurement threshold is lower than the federal threshold, local entity policies and procedures must be followed.</p> | <p>.320(a)</p> |
| <input type="checkbox"/> | <p>If a noncompetitive procurement (including sole source) is being utilized, it must meet one of the following requirements:</p> <ul style="list-style-type: none"> • The item is available only from a single source • The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation • The Federal awarding agency or pass-through entity expressly authorized a noncompetitive procurement in response to a written request from the entity • After solicitation of a number of sources, competition is determined inadequate | <p>.320(c)</p> |
| <input type="checkbox"/> | <p>The entity has included language and taken all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible (see 2 CFR 200.321 (b) for details).</p> | <p>.321</p> |
| <input type="checkbox"/> | <p>The entity has included a domestic preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. This must also be included in any subawards and or subcontracts.</p> | <p>.322</p> |
| <input type="checkbox"/> | <p>For purchases of goods exceeding \$10,000, the entity has included language to ensure compliance with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act.</p> | <p>.323</p> |
| <input type="checkbox"/> | <p>For purchases exceeding \$250,000, the entity has performed an independent cost and price analysis.</p> | <p>.324(a)</p> |
| <input type="checkbox"/> | <p>The entity is not seeking to utilize a cost plus a percentage of cost and a percentage of construction cost contracting method.</p> | <p>.324(d)</p> |
| <input type="checkbox"/> | <p>The entity has provided the specifications or pre-procurement document to the Federal awarding agency for review, as may be requested or required by the award.</p> | <p>.325(a)</p> |

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| <input type="checkbox"/> | <p>The entity has included the following bonding requirements for Construction or facility improvement contracts:</p> <ul style="list-style-type: none"> • The bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected; OR • A bid guarantee from each bidder equivalent to five percent of the bid price; AND • A performance bond on the part of the contractor for 100 percent of the contract price; AND • A payment bond on the part of the contractor for 100 percent of the contract price | <p>.326</p> |
| <input type="checkbox"/> | <p>The entity has included all federal flowthrough contract provisions required by 2 CFR 200.327 (see attached).</p> | <p>.327</p> |
| <input type="checkbox"/> | <p>The entity has included all grant flowthrough contract provisions required by the grant award agreement (see attached).</p> | <p>Grant Award</p> |
| <input type="checkbox"/> | <p>The procurement meets all entity policies and procedures.</p> | <p>320</p> |

| SOLICITATION AWARD CONSIDERATIONS | | |
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| <input type="checkbox"/> | <p>The contract is being awarded to a responsible contractor possessing the ability to perform successfully under the terms and conditions of the proposed procurement, giving consideration to such matters as contractor integrity, compliance with public policy, a record of past performance, and financial and technical resources.</p> | <p>.318(h)</p> |
| <input type="checkbox"/> | <p>The contractor bidding on the contract was not involved with developing or drafting the specifications, requirements, statement of work, invitation for bids, or request for proposals. If so, that contractor must be excluded from competing for such procurements.</p> | <p>.319(b)</p> |
| <input type="checkbox"/> | <p>The entity has validated that the intended awardee is not debarred, suspended, or otherwise excluded from or ineligible for participation in Federal programs or activities.</p> | <p>.214</p> |
| <input type="checkbox"/> | <p>The entity has included all federal flowthrough contract provisions required by 2 CFR 200.327 (see attached).</p> | <p>.327</p> |

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| <input type="checkbox"/> | The entity has included all grant flowthrough contract provisions required by the grant award agreement (see attached). | Grant Award |
| <input type="checkbox"/> | The recipient is registered with the System for Award Management (SAM). | 2 CFR 25 |

| FOR FORMAL BIDS | | |
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| <input type="checkbox"/> | The solicitation was publicly advertised. | .320(b) |
| <input type="checkbox"/> | An adequate number of suppliers were informed of the public posting by the entity. | .320(b) |
| <input type="checkbox"/> | Bids were opened at the time and place identified in the solicitation. | .320(b) |
| <input type="checkbox"/> | The contract is being awarded to the lowest responsive and responsible bidder. | .320(b) |
| <input type="checkbox"/> | The contract being awarded is a firm-fixed-price contract. | .320(b) |
| <input type="checkbox"/> | The entity properly documented all reasons for any rejected bids. | .320(b) |

| FOR FORMAL PROPOSALS | | |
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| <input type="checkbox"/> | The solicitation was publicly advertised. | .320(b) |
| <input type="checkbox"/> | An adequate number of suppliers were informed of the public posting by the entity. | .320(b) |
| <input type="checkbox"/> | The entity had a documented process for evaluation of proposals that was completed prior to submission of proposals. | .320(b) |
| <input type="checkbox"/> | The contract is being awarded to the responsible offeror whose proposal is most advantageous to the entity, with price and other factors considered. | .320(b) |