

Noncompetitive Procurement Checklist

For more information on noncompetitive procurements see [2 C.F.R. § 200.320\(c\)](#).

Note: If you respond “no” to any of the questions below, your procurement may not be in compliance with the federal procurement standards. It is recommended that you visit the [Purchasing Under a FEMA Award Resource Library](#) for assistance with compliance matters.

Requirement	Supporting Documentation
<p>Does the noncompetitive procurement meet one of the five required exceptions or circumstances to full and open competition? Note: Micro-purchases are covered in a separate checklist. If using micro-purchases, please see the Micro-Purchase Procurement Checklist.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>See 2 C.F.R. § 200.320(c) for additional information on the circumstances permitting exception to competitive procurement requirements.</p>	<p>If yes, which of one of the four exceptions (Micro-Purchase not included) is being used?</p> <p>Single Source <input type="checkbox"/></p> <p>Public Emergency or Exigency <input type="checkbox"/></p> <p>Awarding Agency Approval <input type="checkbox"/></p> <p>Inadequate Competition <input type="checkbox"/></p>
<p>Did your organization provide written justification for the use of a noncompetitive method of procurement?</p> <p>Yes <input type="checkbox"/></p> <p>Note: Award recipients and subrecipients may use the template provided in the Emergency & Exigency Fact Sheet when drafting justifications.</p> <p>No <input type="checkbox"/></p>	<p>Written justification on letterhead <input type="checkbox"/></p>
<p>Does your organization maintain records sufficient to detail the history of a procurement? See 2 C.F.R. § 200.318(i).</p> <p><input type="checkbox"/></p>	<p>Review your organization’s procurement file and records for:</p> <p>Rationale for the method of procurement; <input type="checkbox"/></p> <p>Selection of the contract type; <input type="checkbox"/></p> <p>Contractor selection or rejection; and <input type="checkbox"/></p> <p>Basis for contract price. <input type="checkbox"/></p> <p>Note: Contract document must include any contract modifications with signatures (or acceptance) by all parties.</p>

Roadmap to Procurement Compliance: Micro-Purchase Procurement Checklist

<p>Did your organization document its rationale for contractor selection or rejection? <input type="checkbox"/></p>	<p>Check for procurement file for:</p> <p>Scope of Work; <input type="checkbox"/></p> <p>List of sources solicited; and <input type="checkbox"/></p> <p>Copies of bid, performance, payment, and other documents. <input type="checkbox"/></p>
<p>Did your organization enter into a Time and Materials (T&M) Contract? Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Note: If your organization did not enter into a T&M contract this question can be skipped. For more information on T&M contracts see Chapter 3, Section 2 of the PDAT Field Manual.</p>	<p>If yes, did you include the following:</p> <p>Justification explanation of why a T&M contract was the only suitable contract type; <input type="checkbox"/></p> <p>A contract ceiling price (that the contractor exceeds at own risk) clearly defined in the contract; <input type="checkbox"/></p> <p>How your organization maintained a high degree of oversight of this contract type (including daily or weekly logs, records of performance meetings, etc.); and <input type="checkbox"/></p> <p>A transition to a more appropriate contract type as soon as possible (if applicable). <input type="checkbox"/></p>
<p>Is the price fair and reasonable? Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Evidence of market research <input type="checkbox"/></p> <p>Short narrative on letterhead <input type="checkbox"/></p> <p>Cost or Price Analysis <input type="checkbox"/></p> <p>Other: (ex: receipt, invoice) <input type="checkbox"/></p>
<p>If the contract is in excess of \$250,000, was a cost or price analysis conducted? See 2 C.F.R. § 200.324(a). Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Market research <input type="checkbox"/></p> <p>Historical data <input type="checkbox"/></p>
<p>Did your organization ensure that a cost plus a percentage of cost contract (CPPC) type was not used? CPPC contracts are prohibited by the federal procurement rules. See 2 C.F.R. § 200.324(d) and pg. 71 of the PDAT Field Manual. Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>Review the below to ensure they do not contain elements of CPPC contracts:</p> <p>Contract <input type="checkbox"/></p> <p>Pricing schedule <input type="checkbox"/></p>

Roadmap to Procurement Compliance: Micro-Purchase Procurement Checklist

<p>If the contract is in excess of \$250,000 and for construction or facility improvement work, does the solicitation outline and require all applicable federal bonding requirements? Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>See 2 C.F.R. § 200.326 for additional information on the applicable bonding requirements. N/A <input type="checkbox"/></p>	<p>Bond Certificates <input type="checkbox"/></p>
<p>Required Contract Provisions</p>	
<p>Note: the federal rules require that NFE contracts contain the applicable provisions described in Appendix II to Part 200 of the Uniform Rules (Contract Provisions for Non-Federal Entity Contracts Under Federal Awards).</p>	
<p>If the contract is more than \$250,000, did your organization include a Remedies clause? Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Note: AFG must include a penalty clause in all contracts for any AFG-funded vehicle. N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is more than \$10,000, did your organization include a Termination for Cause and Convenience clause? Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for construction work, did your organization include the required Equal Employment Opportunity clause? Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for construction work and more than \$2,000, did your organization include the required Davis-Bacon Act Clause? Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Note: This clause only applies to the EMPG, HSGP, NSGP, THSGP, PSGP, IPR, HHPD, and TSGP. N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for construction or repair work more than \$2,000, did your organization include the required Copeland Anti-Kickback Act Clause? Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Note: This clause is only required in situations where the Davis Bacon Act also applies. N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>

Roadmap to Procurement Compliance: Micro-Purchase Procurement Checklist

<p>If the contract meets the definition of “funding agreement”, did your organization include the required Rights to Inventions Made Under a Contract or Agreement clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p> <p>Note: This clause is not required under the PA, HMGP, FMAG, CCP, DCM, or IHP-ONA programs, as FEMA Awards under these programs do not meet the definition of “funding agreement”.</p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract involves the employment of mechanics or laborers, and is in excess of \$100,000, did your organization include the required Contract Work Hours and Safety Standards Act clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is in excess of \$150,000, did your organization include a Clean Air Act clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is in excess of \$150,000, did your organization include a Federal Water Pollution Control Act clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is in excess of \$25,000, did your organization include a Suspension and Debarment clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>See 2 C.F.R. § 180 for additional requirements.</p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is in excess of \$100,000, did your organization include the required clause and Byrd Anti-Lobbying Certification to be signed and filed by the contractor?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>Did your organization include a Recovered Materials clause?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Note: This clause is only applicable to state agencies and political subdivisions of a state. See 2 C.F.R. § 200.323.</p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>

Roadmap to Procurement Compliance: Micro-Purchase Procurement Checklist

<p>Have you included a clause restricting use of covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>See 2 C.F.R. § 200.216 for additional requirements.</p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>If the contract is for the purchase of goods, materials, or products, have you included a domestic preference clause? See 2 C.F.R. § 200.322.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>	<p>Indicate the page number where a FEMA representative can locate the clause in contract document.</p> <p>Pg.:</p>
<p>Did your organization consider including the FEMA recommended provisions outlined in PDAT's Contract Provision's Guide? Note: This is not a requirement and contracts will not be deemed noncompliant for failure to include these provisions.</p>	