

CITY OF SAN RAFAEL PROCUREMENT CHECKLIST FOR FEDERAL GRANTS

Project Name:	Click or tap here to enter text.
Project Number:	Click or tap here to enter text.
Grant Source (Federal Awarding Agency):	Click or tap here to enter text.

This checklist is intended to provide general guidance relating to complying with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, also known as the Uniform Guidance (2 CFR § 200), for procurement using federal award monies. To understand the requirements fully, review the provisions of [2 CFR § 200.317-326](#), which is the source of these requirements.

Instructions: Read and respond to all the standards below and indicate your response by checking “Yes” or “No”, or in some cases, “N/A (Not Applicable)”. Except for standards that include a block for “N/A”, all standards must be responded to. Red font is used to indicate the response which, if checked, indicates that the contract does not comply with federal requirements.

1. State Agency Requirements	
Does the procurement comply with any applicable State of California’s procurement laws, rules, and procedures? § 200.317	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Contract Provisions	
a. <i>If the contract amount exceeds \$250,000</i> , does it address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for sanctions and penalties?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
b. <i>If the contract amount exceeds \$10,000</i> , does it address termination for cause and for convenience, including how it will be affected and the basis for settlement ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
c. <i>If the contract is for construction</i> , does it include the required Equal Employment Opportunity clause ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
d. <i>For construction contracts exceeding \$2,000 awarded under a Federal grant</i> , does the contract include a Davis-Bacon Act clause and Copeland “Anti-Kickback” Act clause addressing prevailing wage rates?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
e. <i>If the contract amount exceeds \$100,000 and involves the employment of mechanics or laborers</i> , does the contract include a Contract Work Hours and Safety Standards clause ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
f. Does the contract include a Rights to Inventions Made Under a Contract or Agreement clause ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
g. <i>If the contract or subgrant amount exceeds \$250,000</i> , does the contract include clauses addressing the Clean Air Act and the Federal Water Pollution Control Act ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
h. Does the contract include a Suspension and Debarment clause ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

i. Does the contract include an Anti-Lobbying clause ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. General Requirements	
a. <i>Does the procurement comply with the City of San Rafael's Purchasing Policy, as well as applicable procurement laws, rules, and procedures?</i> § 200.318(a)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. <i>Does the City of San Rafael maintain contract oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders?</i> §200.318(b)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
c. <i>Does the City of San Rafael have:</i>	
i. Written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts? § 200.318(c)(1)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Any employee, officer, or agent participating in the selection, award, or administration of a contract supported by a Federal award that has an actual or apparent conflict of interest?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Any employee, officer, or agent that has solicited and/or accepted gratuities, favors, or anything of monetary value from contractors or parties to subcontracts?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iv. Written standards of conduct that provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the City of San Rafael.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. The City of San Rafael must avoid acquisition of unnecessary or duplicative items. Has the City of San Rafael <i>considered</i> consolidating or breaking out procurements to obtain a more economical purchase? Where appropriate, has the City of San Rafael considered lease versus purchase alternatives? § 200.318(d)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e. <i>Is the contract 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, record of past performance, and financial and technical resources?</i> § 200.318(h)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f. <i>Is the City of San Rafael keeping records sufficient to detail the history of the procurement, including, but not limited to, records documenting the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price?</i> § 200.318(i)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. <i>Is the contract a time-and-materials contract?</i> § 200.318(j)	<input type="checkbox"/> Yes <input type="checkbox"/> No
i. If so, has the City of San Rafael documented why no other contract is suitable?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Does the contract include a ceiling price that the contractor exceeds at its own risk?	<input type="checkbox"/> Yes

	<input type="checkbox"/> No
h. <i>Is the City of San Rafael alone</i> responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements? § 200.318(k)	<input type="checkbox"/> Yes <input type="checkbox"/> No
i. <i>Is the City of San Rafael using the encouraged</i> , but not required, standards outlined in § 200.318(e), (f), and (g)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Competition	
a. All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. <i>Does the procurement involve any of the following:</i> § 200.319(a)	
i. Placing unreasonable requirements on firms in order for them to qualify to do business?	<input type="checkbox"/> Yes <input type="checkbox"/> No
ii. Requiring unnecessary experience and excessive bonding?	<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Noncompetitive pricing practices between firms or between affiliated companies?	<input type="checkbox"/> Yes <input type="checkbox"/> No
iv. Noncompetitive contracts to consultants that are on retainer contracts?	<input type="checkbox"/> Yes <input type="checkbox"/> No
v. Organizational conflicts of interest?	<input type="checkbox"/> Yes <input type="checkbox"/> No
vi. 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
vii. Any arbitrary action in the procurement process?	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. Was the contractor that is bidding on the contract also 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) § 200.319(a)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
c. <i>Does the contract include</i> a state or local geographic preference for local contractors? § 200.319(b)	<input type="checkbox"/> Yes <input type="checkbox"/> No
d. Do the City of San Rafael’s written procurement procedures ensure that all solicitations comply with the following: § 200.319(c)	
i. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured? § 200.319(c)(1)	<input type="checkbox"/> Yes <input type="checkbox"/> No
ii. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals? § 200.319(c)(2)	<input type="checkbox"/> Yes <input type="checkbox"/> No
e. If the City of San Rafael is using a prequalified list of persons, firms, or products which are used in acquiring goods and services: § 200.319(d)	<input type="checkbox"/> Yes <input type="checkbox"/> No
i. Is the list current?	<input type="checkbox"/> Yes

	<input type="checkbox"/> No
ii. Does the list include enough qualified sources to ensure maximum open and free competition?	<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Were any potential bidders precluded from qualifying during the solicitation period?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Method of Procurement	
a. Is the City of San Rafael using one of the following acceptable methods of procurement? § 200.320	
i. Micro-purchase (i.e., purchases below \$10,000, see, §200.67 Micro-purchases). § 200.320(a)	<input type="checkbox"/> Yes <input type="checkbox"/> No
1. [Note: Micro-purchases may be awarded without soliciting competitive quotations if the City of San Rafael considers the price to be reasonable.]	
2. To the extent practicable, is the City of San Rafael distributing micro-purchases equitably among qualified suppliers?	<input type="checkbox"/> Yes <input type="checkbox"/> No
ii. Small purchase procedures. § 200.320(b)	<input type="checkbox"/> Yes <input type="checkbox"/> No
1. [Note: Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the lesser of either (1) the federal small purchase threshold (i.e., \$250,000), or (2) whatever amount State or local procurement rules set as the small purchase threshold – <i>if more restrictive than the federal threshold</i> . For goods, services, and professional services: The City of San Rafael must use the more restrictive City threshold of \$75,000 instead of \$250,000 Federal threshold. For public works: The City of San Rafael must use more restrictive \$175,000 City threshold.]	
2. Did the City of San Rafael obtain price or rate quotations from an adequate number of qualified sources?	<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Sealed bids § 200.320(c)	<input type="checkbox"/> Yes <input type="checkbox"/> No
1. [Note: Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. Sealed bidding is the preferred method for procuring construction]	
2. Are <i>all</i> of the following conditions to use sealed bidding present? § 200.320(c)(1)	<input type="checkbox"/> Yes <input type="checkbox"/> No
a. A complete, adequate, and realistic specification or purchase description is available	<input type="checkbox"/> Yes <input type="checkbox"/> No
b. Two or more responsible bidders are willing and able to compete effectively for the business	<input type="checkbox"/> Yes <input type="checkbox"/> No
c. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price	<input type="checkbox"/> Yes <input type="checkbox"/> No

3. <i>If sealed bids are used, the following requirements apply: § 200.320(c)(2)</i>	
a. Did the City of San Rafael solicit bids from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b. Was the invitation for bids publicly advertised?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
c. Did the invitation for bids include any specifications and pertinent attachments, and define the items or services in order for the bidder to properly respond?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d. Did the City of San Rafael open all bids at the time and place prescribed in the invitation for bids?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
e. Were the bids opened publicly?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
f. Did the City of San Rafael award a firm fixed price contract award in writing to the lowest responsive and responsible bidder?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. If any bids were rejected, was there a sound documented reason supporting the rejection?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
iv. Procurement by competitive proposals § 200.320(d)	<input type="checkbox"/> Yes <input type="checkbox"/> No
1. [Note: The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids.]	
2. Did the City of San Rafael publicize the Requests for Proposals (RFPs) and identify all evaluation factors and their relative importance?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Did the City of San Rafael solicit proposals from an adequate number of qualified sources?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Did the City of San Rafael have a written method for conducting technical evaluations of the proposals received and for selecting recipients?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Did the City of San Rafael award the contract to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6. [Note regarding architectural/engineering (A/E) professional services: The City of San Rafael may use competitive proposal procedures for qualifications-based procurement of A/E professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional	

<p>services. It cannot be used to purchase other types of services though A/E firms that are a potential source to perform the proposed effort.]</p>	
<p>v. Noncompetitive proposals § 200.320(f)</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>1. [Note: Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one (or an improperly limited number of) source(s)]</p>	
<p>2. Do one or more of the following circumstances apply?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>a. The item is available only from a single source</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>c. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the City of San Rafael</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>d. After solicitation of a number of sources, competition is determined inadequate.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>6. Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms</p>	
<p>a. Has the City of San Rafael taken the following affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible? § 200.321</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A (document)</p>
<p>i. Placing qualified small and minority businesses and women's business enterprises on solicitation lists?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A (document)</p>
<p>ii. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A - no potential sources (document)</p>
<p>iii. Dividing total requirements, <i>when economically feasible</i>, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A - not economically feasible (document)</p>
<p>iv. Establishing delivery schedules, <i>where the requirement permits</i>, which encourage participation by small and minority businesses, and women's business enterprises?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A - the requirement does not</p>

	permit (document)
v. Using the services and assistance, <i>as appropriate</i> , of such organizations as the U.S. Small Business Administration and the Minority Business Development Agency of the U.S. Department of Commerce.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A - not appropriate (document)
vi. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A - no subcontracts will be let (document)
7. Contract Cost and Price	
a. <i>If the contract amount (including contract modifications) exceeds \$250,000, did the City of San Rafael perform a cost or price analysis? § 200.323(a)</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
b. Did the City of San Rafael negotiate profit as a separate element of the price for each contract in <i>which there is no price competition and in all cases where cost analysis is performed? § 200.323(b)</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
c. Is the contract a “cost plus a percentage of cost” or “percentage of construction cost” contract?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
8. Bonding Requirements for Construction or Facility Improvement Contracts Exceeding \$250,000	
a. [Note: <i>For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold (i.e., \$250,000), the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the City of San Rafael, provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected.</i>]	
b. If such a determination (see above) has not been made, does the procurement include the following?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
i. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
1. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.	
ii. A performance bond on the part of the contractor for 100 percent of the contract price?	<input type="checkbox"/> Yes

	<input type="checkbox"/> No <input type="checkbox"/> N/A
1. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.	<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. A payment bond on the part of the contractor for 100 percent of the contract price.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
1. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.	

Note: This checklist was last updated on 6/14/2019.