

**Federal Regulations for Nonprofit Agencies
24 CFR Part 84
Procurement Standards**

This information is provided as an outline and is not intended to be a complete summary of the regulations. Please read 24 CFR Part 84 to ensure compliance in all areas.

Section Name and Reference Number	Description
<p>Competition 84.43</p>	<ul style="list-style-type: none"> • Competition must be provided openly and freely • Awards are made to the bidder whose bid is responsive and most advantageous to the recipient in regard to factors such as: <ol style="list-style-type: none"> a. price; and b. quality. • Agencies must comply with Section 3 of HUD Act of 1968, directing economic opportunity generated by HUD to very low- and low-income persons
<p>Procurement Procedures 84.44</p>	<ul style="list-style-type: none"> • All recipients must establish written procurement procedures that address issues such as: <ol style="list-style-type: none"> a. avoiding the purchase of unnecessary items b. analyzing lease and purchase alternative to determine the most economical choice • Requirements for solicitations of goods and services <ol style="list-style-type: none"> a. recipients must make a positive effort to use: <ol style="list-style-type: none"> 1. small business 2. minority-owned firms 3. women’s business enterprises b. type of procuring instruments used may include: <ol style="list-style-type: none"> 1. fixed price contract 2. cost reimbursable contract 3. purchase orders 4. incentive contracts • In making contracts, consideration must be given to: <ol style="list-style-type: none"> a. contractor integrity b. compliance with public policy c. record of past performance d. financial and technical resources • If requested, recipients shall make available all procurement related documents for the federal awarding agency.

<p>Contract Administration 84.47</p>	<ul style="list-style-type: none"> • Recipients must maintain a system for contract administration to ensure: <ul style="list-style-type: none"> a. contractor conformance with terms, conditions and specifications to the contract; and b. adequate and timely follow-up of all purchase. • Recipients shall evaluate contractor performance • Recipients shall document whether contractors have met terms, conditions and specifications of the contract
<p>Contract Provisions 84.48 Appendix A to 84.48</p>	<ul style="list-style-type: none"> • Contracts must explain provisions that apply to all contracts and subcontracts • For contracts for construction or facility improvements which do not exceed \$100,000 the recipient should follow its own requirements relating to bid guarantees, performance bonds, and payment bonds. • If the contract exceeds \$100,000, HUD may accept the bonding policy and requirements of the recipient, provided HUD has made a determination that the federal government’s interest is adequately protected. If such a determination has not been made, the maximum requirements shall be as follows: <ul style="list-style-type: none"> a. bid guarantee from each bidder equivalent to 5 percent of the bid price b. performance bond on the part of the contractor for 100 percent of the contract price c. payment bond on the part of the contractor for 100 percent of the payment price • All contracts shall contain a provision requiring compliance with E.O. 11246, “Equal Employment Opportunity.” • All contracts and subgrants in excess of \$2,000 for construction or repair was awarded by recipients and subrecipients shall include a provision for compliance with the Copeland “Anti-Kickback” Act. • When required by Federal program legislation, all construction contracts awarded by the recipients and subrecipients of more than \$2,000 shall include a provision for compliance with the Davis-Bacon Act. • Where applicable, all contracts awarded by recipients in excess of \$2,000 for construction contracts and in excess of \$2,500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with Section 102 and 107 of the Contract Work Hours and Safety Standards Act. • Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the recipient in any resulting invention in accordance with 37 CFR part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under

Contract Provisions 84.48 (continued)	<p>Government Grants, Contracts and Cooperative Agreements.”</p> <ul style="list-style-type: none">• Contractors who apply or bid for an award of \$100,000 or more shall file the required certification in order to comply with 31 U.S.C. 1352, “Byrd-Anti-Lobbying Amendment.”• No contract shall be made to parties listed on the General Services Administration’s List of Parties excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, “Debarment and Suspension.”• The Drug-Free Workplace Act of 1988 requires grantees of federal agencies, as a prior condition of being awarded a grant, to certify that they will provide drug free workplaces.
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