

CALCASIEU PARISH POLICE JURY



PROCUREMENT POLICY

Service ★ Vision ★ Leadership

CALCASIEU PARISH POLICE JURY PROCUREMENT POLICY TABLE OF CONTENTS

Procurement Policy Receipt Acknowledgment	3
Section I - Conflict of Interest / Code of Conduct	4
Section II - Procurement Procedures	4
Section III - Methods of Procurement	6
Section III (A) - Non-Federal Purchases Including Purchases Funded with Local or State Sources	
Materials and Supplies (Commodities)	6
Services	8
Public Works Activities	9
Sole Source Purchases	11
Emergency Purchases	11
Section III (B) - Purchases Procured under a Federal Grant or Other Federal Funding Sources	
Federal Procurement Methods	
Small Purchases	12
Sealed Bids	12
Competitive Proposals (Requests for Proposals/Qualification Statements)	13
Noncompetitive Proposals or Sole Source Procurement	14
Cost or Price Analysis	14
Contractor Debarment and Suspension	14
Section IV - Contract and Insurance Requirements and Contract Costs	15
Section IV (A) - Code of Federal Regulations (CFR) – Specific Grantor Regulations	16
Section IV (B) - Specific Grantor Requirements	18
Section IV (C) - National Policy Requirements for Grant Programs	
Civil Rights Requirements	19
Labor and Construction Requirements	20
Environmental Protection Requirements	22
Other Requirements	22
Appendix A - Procurement Flowchart	24
Appendix B - “Non-Feasible” Service List.....	26

**CALCASIEU PARISH POLICE JURY
PROCUREMENT POLICY
RECEIPT ACKNOWLEDGEMENT**

This shall acknowledge my receipt of the 2011 edition of the Calcasieu Parish Police Jury's Procurement Policy. I have read this manual and understand its contents. I will contact the Finance Division, or my supervisor if applicable, if at any time in the future I do not understand any portion of the manual. I agree to be responsible for inserting any revisions and/or updates in the manual and deletion of any obsolete material therein. I also recognize that the Police Jury may alter, supplement, delete or amend any portion of this manual at any time at the Police Jury's sole discretion. My signature attests to the fact that I have read this manual, I am familiar with its contents, and I will perform my duties in compliance with this policy including, but not limited to the "Conflict of Interest / Code of Conduct" Section discussed on page 4 of this policy.

Procurement Employee's Signature

Procurement Employee's Printed Name

Date Signed

**THIS RECEIPT MUST BE RETURNED TO THE FINANCE DIVISION WITHIN 30 CALENDAR
DAYS FROM THE DATE YOU RECEIVE THE MANUAL**

CALCASIEU PARISH POLICE JURY PROCUREMENT POLICY

These policies and procedures are intended to serve as guidelines for the procurement of materials, supplies, equipment, construction activity and professional or other services for the Calcasieu Parish Police Jury, hereinafter referred to as the Parish. These guidelines are intended to address current local, state and federal procurement guidelines while obtaining the lowest possible cost consistent with the quality needed for each specific procurement activity. From time to time, it may be necessary to update the enclosed policy and may be done so either by formal amendment to this policy or interim policy operational changes to be formalized at a later date.

I. CONFLICT OF INTEREST / CODE OF CONDUCT

No employee, officer, or agent of the Calcasieu Parish Police Jury shall participate in the selection or in the award or administration of a contract of the Parish if a conflict of interest, real or apparent, would be involved. Such a conflict could arise if the employee, officer or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for award.

No officer, employee or agent of the Calcasieu Parish Police Jury shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the gift is an unsolicited item of nominal intrinsic value (promotional items), the unsolicited item complies with the food and drink exception of Louisiana Revised Statute 42:1115 or the unsolicited item complies with any other exception provided by Louisiana law or the Louisiana Board of Ethics.

Any alleged violations of these standards of conduct shall be referred to the Parish staff and/or legal counsel for further review. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal. Where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

II. PROCUREMENT PROCEDURES

The director or supervisor of each department of the Parish is responsible for procurement of materials, supplies, equipment, construction activity and professional or other services and shall review all proposed procurement actions for actual need in order to avoid the purchase of unnecessary or duplicative items. Such reviews shall consider initial project cost estimates, budget funding availability and possible consolidation or breaking out to obtain a more economical purchase without violating other state "bid splitting" prohibitions. The department should also determine the source of funding for the procurement activity (i.e. local, state or federal funds). Coordination with department grant managers when procurement involves grant activity is required.

While some type of initial cost estimate, even if informal, should be obtained on all procurements, Section III (B) (2) requires a documented cost or price analysis on all procurement actions involving federal funds. This detailed cost or price analysis must be performed by the department when federal grant funds are utilized for the procurement purchase and should also be considered with procurements using other state grant funds, if required by the grantor agency.

Once cost and budget issues are addressed, the director or supervisor of each department should then determine which procurement approach is required by applicable local, state or federal laws and regulations in addition to which approach would be the most beneficial and economical. Section III (A) identifies the local and state

procurement methods while Section III (B) (1) identifies the federal procurement methods available. Each department is responsible for identifying which procurement method would be required. Federal procurement requirements state that, if federal grant funds are involved, then the federal procurement methods are required unless the local or state procurement methods are more restrictive. **Please note that the most restrictive method should be utilized when federal grant funds are involved.** For example, local and state requirements necessitate that commodities must be formally bid with the proper advertisement at \$30,000 or more. The federal procurement methods establish a small purchases method for all purchases under \$100,000 which consists of obtaining an adequate number of quotes. The federal method would not be sufficient if federal grant funds are involved since local and state requirements establish a lower procurement level for commodities. As previously stated, if grant funds are involved, whether the funding source is local, state or federal, communication with the department grant manager, the grantor and/or referral to grant document information is recommended to ensure that all procurement compliance issues are addressed. The department should also ensure that communication with the Finance Division is always maintained in procurement activity since, for the majority of purchases, the Finance Division will issue separate purchase orders.

All procurement where the Parish is a direct party shall be carried out in a manner that provides maximum free and open competition. Specific procurement procedures will not restrict or eliminate competition. The Parish shall not place unreasonable requirements, such as unnecessary experience or bonding requirements, on firms in order for them to qualify to do business. Nor will the Parish encourage or participate in noncompetitive practices among firms. The Parish is alert to organizational conflicts which would jeopardize the negotiation process and limit competition.

After the procurement approach is determined, all actual solicitations of offers shall incorporate a clear accurate description of the technical requirements for the material, service, or product to be procured in accordance with state or federal law, whichever is applicable to the transaction. In competitive procurements, these descriptions shall not contain features which unduly limit competition. The description may include a statement of the qualitative nature of the material, product, or service and the minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications, which limit competition, shall be avoided whenever possible. A "brand name or equal" description may be used to define the performance or other prominent requirements of procurement. The specific features of the named brand which must be met by offerors shall be clearly stated.

All solicitations of offers shall clearly set forth all requirements which offerors must fulfill and all other factors to be used in evaluating bids, proposals, or statements of qualifications. Contracts shall be awarded to the responsible and/or responsive contractors/firms with the low quote/bid when qualifications and/or scoring criteria are not required. If the low quote/bid is not accepted then proper justification will be denoted in the procurement file. If qualifications and/or scoring criteria are utilized then the quote/bid that demonstrates the vendor's potential ability to perform successfully under the terms and conditions of the proposed procurement will be selected based on the scoring criteria. Some of the qualifications and/or scoring criteria may be, but are not limited to, such factors as the contractor's/firm's capacity, integrity, compliance with public policy, record of past performance, and financial and technical resources.

The Parish shall take affirmative steps to assure that small and minority firms, women's business enterprises, and labor surplus firms are solicited whenever they are potential qualified sources. In certain cases, the Parish will work to achieve affirmative action. The Parish shall also consider the feasibility of dividing total requirements into smaller tasks or quantities, without violating other state bid laws, so as to permit maximum participation by small and minority firms, women's business enterprises, and labor surplus firms. Where permitted by regulations, delivery schedules will be developed which will include participation by such businesses. The Parish shall assist the prime contractor whenever possible by providing copies of lists which identify qualified small and minority firms, women's business enterprises, and labor surplus area firms.

III. METHODS OF PROCUREMENT

Table 1 on page 7 contains a comparative analysis of the different procurement methods available under state law and federal law including a hybrid method that the Parish has created for primarily local uses which is identified as a “Request for Qualifications Quote.” Each department, in coordination with the Finance Division when needed, should determine the applicable procurement method depending on the item being purchased, the estimated cost of the item and the source of funding for the expenditure. Direct procurement by the Parish shall be made by using one of the following applicable methods.

(A) Non-Federal Purchases Including Purchases Funded with Local or State Sources

(1) Materials and Supplies (Commodities or Telecommunication Equipment and Software), Including Associated Installation Costs

(a) \$0 - \$2,499 ++

- No bid or quote requirement. Purchase orders are required for any: (1) item included in an annual, semi-annual or other time period standard bid, (2) state contract item or (3) fixed asset purchase
- Department is responsible for ensuring that a reasonable cost is obtained

(b) \$2,500 - \$29,999 ++

- Written quotes (preferably three), with vendor signatures, using the Parish’s “Request for Quote” documentation and delivery requirements or use state contract option – Oral quotes may be used on limited occasions after approval from the Finance Division – If less than three quotes are received, consideration should be given to how many requests were distributed to the vendors and any other circumstances justifying the use of less than three quotes
- Purchase order required which will serve as a written confirmation of accepted offer as required by state law

(c) \$30,000 or above

- Formal advertisement and electronic bidding with award to lowest responsive and responsible bidder or use state contract option
- Purchase order required which will serve as contract with successful bidder
- 5% bid bond required on fixed price commodity purchases even though state law only addresses bid bonds for public works activities
- For purchases of commodities of \$100,000 or more, consideration should be given to requiring payment and performance bonds if significant installation costs are applicable
- Consideration should be given to incorporating a requirement that all commodity solicitations for bid, as well as any resulting contract, state that the vendor represents that the prices charged on bid items do not exceed existing selling prices to other customers for the same or substantially similar items or services for comparable quantities under similar terms and conditions.

++ If on a parish-wide basis, the annual purchase costs for a particular commodity exceeds the \$30,000 formal bidding threshold then the Parish must procure the items through formal bidding procedures. This formal bid process is referred to above as a standard bid and includes purchases such as bulk oil, road base, automobile and equipment parts, food pantry items, etc.

TABLE 1 – COMPARATIVE ANALYSIS OF PROCUREMENT METHODS

Type of Local or State Procurement	Request for Quote (i.e. “Quote Request”)	Invitation to Bid (i.e. “Bid” or “Sealed Bid”)	Request for Proposal (i.e. “RFP”)	Request for Qualifications (i.e. “RFQ”)	Request for Qualifications Quote (i.e. “Qualifications Quote”)
How is procurement defined?	An informal offer of goods or services received by the Parish from a vendor in response to a “Quote Request”	A formal offer of goods or services received by the Parish from a vendor in response to a Invitation to Bid (BID)	A formal offer of goods or services received by the Parish from a vendor in response to a Request for Proposal (RFP) The request will establish grading criteria with price included as a scoring criteria	A formal vendor offer of services received by the Parish in response to a Request for Qualifications (RFQ) The request will establish grading criteria with price as either: (1) a factor (required for federal purposes on every non-A/E purchase) or (2) a part of a second sealed envelope to be evaluated only after the first scoring criteria is completed	An informal offer for services received by the Parish from a vendor in response to a “Qualifications Quote Request” The request will establish grading criteria with price included as a scoring criteria
Who receives award?	Low responsive and responsible bidder	Low responsive and responsible bidder	Bidder with highest score for pre-established criteria	Bidder with highest score for pre-established criteria	Bidder with highest score for pre-established criteria
When is method applicable?	<u>Public Works and Services</u> – \$2,500 or greater but less than \$100,000 <u>Commodities</u> - \$2,500 or greater but less than \$30,000	<u>Public Works</u> – \$100,000 or greater <u>Commodities (Including Installation)</u> - \$30,000 or greater	<u>Services</u> – \$100,000 or greater <u>Software, Telecommunications and Data Processing Equipment</u> - \$30,000 or greater	<u>Services</u> – \$100,000 or greater (Could be used for federal procurement < \$100,000 in lieu of the Request for Quote Qualifications)	<u>Services</u> – \$2,500 or greater but less than \$100,000 (See Note on Request for Qualifications for federal procurement)
What are the advertising requirements?	None	<u>Public Works Activity</u> – 1 time a week for 3 weeks beginning 25 days before opening <u>Commodities</u> – 2 times beginning 15 days before opening	<u>Services</u> – No legal requirement but advertise 1 time 15 days before opening based on RFP complexity <u>Software, Telecommunications and Data Processing Equipment</u> – 1 time 30 days before opening	<u>Services</u> – No legal requirement but advertise 1 time 15 days before opening based on RFQ complexity	None
What is the advantage(s)?	Advantage of speed and efficiency – Target responsive bidders	Allows for the procurement of large quantities of uniform items purchased on a recurring basis (i.e. aggregate material, auto/equipment parts, fuel, etc.)	Allows for the procurement of large volumes or large value of items or services where non-price criteria can be utilized	Allows for the procurement of various types of services where scoring criteria, including qualifications, can be considered	Advantage of speed and efficiency and ability to award to bidder with best potential to provide quality service
What is the disadvantage(s)?	Inability to discuss and negotiate with the bidder – Non-price factors cannot be considered	Inability to discuss and negotiate with the bidder – Non-price factors cannot be considered	Formal, time consuming process	Formal, time consuming process	None
What is the equivalent federal term?	Small Purchases Procedures < \$100,000	Sealed Bid Method	Competitive Proposals Method	Competitive Proposals Method	Not addressed in Federal Procurement

(2) Services, Inclusive of Repairs not classified as Public Works Activities, Consulting, Professional or Other

When non-federal funds are being utilized to fund a specific procurement, it is the intent of this policy to attempt to obtain competitive prices on service related activity whenever it is feasible to do so. However, there are certain services that are of such a specialized field, sensitive in nature, emergency related, covered by other eligibility program requirements or for another viable reason makes the procurement not susceptible to further procedures. Exhibit B presents a list of services that the Parish currently considers “non-feasible” in nature. This list will be updated as needed in order to properly address future services that qualify for this designation. Procedures for other service related procurements that are feasible will comply with the following guidelines.

(a) \$0 - \$2,499

- No bid or purchase order requirement
- Department is responsible for ensuring that a reasonable cost is obtained
- Louisiana Revised Statute 37:2150.1 and 2163 require a state licensed contractor when handling any hazardous material (i.e. asbestos, mold remediation, fuel spills, etc.) in excess of \$1 or involving any mechanical or electrical activities (i.e. a/c, plumbing, wiring, etc.) in excess of \$10,000

(b) \$2,500 - \$24,999***

- Whenever feasible, written quotes (preferably three), with vendor signatures, using the Parish’s “Request for Quote,” or “Request for Qualifications Quote” (RQQ), documentation and delivery requirements – Oral quotes may be used on limited occasions after approval from the Finance Division
- Louisiana Revised Statute 37:2150.1 and 2163 require a state licensed contractor when handling any hazardous material (i.e. asbestos, mold remediation, fuel spills, etc.) in excess of \$1 or involving any mechanical or electrical activities (i.e. a/c, plumbing, wiring, etc.) in excess of \$10,000

(c) \$25,000 - \$99,999***

- Whenever feasible, written quotes (preferably three), with vendor signatures, using the Parish’s “Request for Quote”, or “Request for Qualifications Quote” (RQQ), documentation and delivery requirements – If less than three quotes are received, consideration should be given to how many requests were distributed to the vendors and any other circumstances justifying the use of less than three quotes
- Approval required from Parish Administrator and Finance Division
- Purchase order and contract required
- Louisiana Revised Statute 37:2150.1 and 2163 require a state licensed contractor when handling any hazardous material (i.e. asbestos, mold remediation, fuel spills, etc.) in excess of \$1 or involving any mechanical or electrical activities (i.e. a/c, plumbing, wiring, etc.) in excess of \$10,000

(d) \$100,000 and above

- Competitive procurement is required
- Approval required from Parish Administrator and Finance Division
- Purchase order and contract required
- Louisiana Revised Statute 37:2150.1 and 2163 require a state licensed contractor when handling any hazardous material (i.e. asbestos, mold remediation, fuel spills, etc.) in excess of \$1 or involving any mechanical or electrical activities (i.e. a/c, plumbing, wiring, etc.) in excess of \$10,000

*** Architect and Engineer Services - Please note that Louisiana Revised Statute 38:2318.1, upheld by Attorney General Opinion 07-0185, states that for professional design services performed by an architect, engineer or landscape architect *“neither the state nor any of its political subdivisions or agencies may select providers of design services wherein price or price-related information is a factor in the selection.”* A pre-determined fee schedule, such as the “state fee curve” approved by the Office of Facility Planning and Control or some other industry standard can be utilized, but the original procurement may not contain a price element as a basis for selection. Coordination with federal agencies is required if architect or engineering services will be procured using the Federal Small Purchases Method for services under \$100,000 since that method may conflict with the above state law.

(3) Public Works Activities, Defined as the Erection, Construction, Alteration, Improvement or Repairs of any Public Facility or Immovable Property

(a) \$0 - \$2,499

- No bid or purchase order requirement
- Department is responsible for ensuring that a reasonable cost is obtained
- Louisiana Revised Statute 37:2150.1 and 2163 require a state licensed contractor when handling any hazardous material (i.e. asbestos, mold remediation, fuel spills, etc.) in excess of \$1 or involving any mechanical or electrical activities (i.e. a/c, plumbing, wiring, etc.) in excess of \$10,000

(b) \$2,500 – \$24,999

- Written quotes (preferably three), with vendor signatures, using the Parish’s Request for Quote documentation and delivery requirements - Oral quotes may be used on limited occasions after approval from the Finance Division - If less than three quotes are received, consideration should be given to how many requests were distributed to the vendors and any other circumstances justifying the use of less than three quotes
- Purchase order required which will serve as contractual agreement with vendor
- Louisiana Revised Statute 37:2150.1 and 2163 require a state licensed contractor when handling any hazardous material (i.e. asbestos, mold remediation, fuel spills, etc.) in excess of \$1 or involving any mechanical or electrical activities (i.e. a/c, plumbing, wiring, etc.) in excess of \$10,000

(c) \$25,000 – \$49,999

- Written quotes (preferably three), with vendor signatures, using the Parish’s Request for Quote documentation and delivery requirements - If less than three quotes are received, consideration should be given to how many requests were distributed to the vendors and any other circumstances justifying the use of less than three quotes
- Purchase order and separate contract required with contract to be filed at courthouse
- Payment and performance bonds are required for 100% of the contract total
- Louisiana Revised Statute 37:2150.1 and 2163 require a state licensed contractor when handling any hazardous material (i.e. asbestos, mold remediation, fuel spills, etc.) in excess of \$1 or involving any mechanical or electrical activities (i.e. a/c, plumbing, wiring, etc.) in excess of \$10,000

(d) \$50,000 – \$99,999

- Written quotes (preferably three), with vendor signatures, using the Parish’s Request for Quote documentation and delivery requirements - If less than three quotes are received, consideration should be given to how many requests were distributed to the vendors and any other circumstances justifying the use of less than three quotes – Note special handling requirements for quotes requiring a contractor’s license (sealed envelope with license number on front)
- Purchase order and separate contract required with contract to be filed at courthouse
- Payment and performance bonds are required for 100% of the contract total
- State licensed contractor is required by LA R.S. 37:2150.1 and 2163 which also require sealed quotes with contractor’s license number on the outside of the envelope
- Louisiana Revised Statute 37:2150.1 and 2163 require a state licensed contractor when handling any hazardous material (i.e. asbestos, mold remediation, fuel spills, etc.) in excess of \$1 or involving any mechanical or electrical activities (i.e. a/c, plumbing, wiring, etc.) in excess of \$10,000
- Substantial completion documentation must be filed at courthouse
- 45 day lien period must be satisfied before final payment is issued
- Advertising of substantial completion is not required

(e) \$100,000 and above (It is noted that this level is more restrictive than the state required level of \$150,000 in order to prevent any possible change orders from causing a procurement problem. Approval from the Finance Division is required if the State level of \$150,000 will be applied to an individual procurement activity in lieu of this \$100,000 level.)

- Formal advertisement and electronic bidding with award to lowest responsible bidder
- Purchase order and separate contract required with contract to be filed at courthouse
- Payment and performance bonds are required for 100% of the contract total
- State licensed contractor is required by LA R.S. 37:2150.1 and 2163 which also require sealed quotes with contractor’s license number on the outside of the envelope
- Louisiana Revised Statute 37:2150.1 and 2163 require a state licensed contractor when handling any hazardous material (i.e. asbestos, mold remediation, fuel spills, etc.) in excess of \$1 or involving any mechanical or electrical activities (i.e. a/c, plumbing, wiring, etc.) in excess of \$10,000
- Substantial completion documentation must be filed at courthouse
- 45 day lien period must be satisfied before final payment is issued
- Advertising of substantial completion is required
- 5% bid bond required

(4) Sole Source Purchases

Louisiana Revised Statute 39:1597 addresses sole source procurement and covers any purchase where there is “only one source for the required supply, service, or major repair item.” Please note that this definition differs from the sole source definition for federal procurement which is discussed later. The following items should be addressed on all sole source procurements:

- Completion of a justification form which can be obtained from the Finance Division
- Submission of a manufacturer’s price list or notarized price list
- Consultation with the Finance Division for all sole source procurements

(5) Emergency Purchases

Louisiana Revised Statute 38:2211(6)(a) defines an emergency as “an unforeseen mischance bringing with it destruction or injury of life or property or the imminent threat of such destruction or injury or as the result of an order from any judicial body to take any immediate action which requires construction or repairs absent compliance with the formalities of this Part, where the mischance or court order will not admit of the delay incident to advertising as provided in this Part.”

Louisiana Revised Statute 38:2211(6)(b) defines an extreme public emergency as a “catastrophic event which causes the loss of ability to obtain a quorum of the members necessary to certify the emergency prior to making the expenditure to acquire materials or supplies or to make repairs necessary for the protection of life, property or continued function of the public entity.”

Each of these certifications require that the Parish certify the emergency and publicize the notice of such emergency within ten days of the emergency, or as soon as practical in the cases of extreme emergencies.

(B) Purchases Procured under a Federal Grant or Other Federal Funding Sources

NOTE: WHEN LOCAL OR STATE PROCUREMENT GUIDELINES ARE MORE RESTRICTIVE THAN THE FEDERAL PROCUREMENT GUIDELINES LISTED BELOW, THE LOCAL OR STATE GUIDELINES SHOULD BE FOLLOWED. MOST FEDERAL GRANTS WILL INCLUDE A STATEMENT THAT SUB GRANTEES SHOULD FOLLOW THEIR OWN PROCUREMENT PROCEDURES WHICH REFLECT APPLICABLE STATE AND LOCAL LAWS AND REGULATIONS PROVIDED THAT THE PROCUREMENT CONFORMS TO APPLICABLE FEDERAL LAW AND STANDARDS. A PRIME EXAMPLE WOULD BE THE PURCHASE OF COMMODITIES. STATE LAW IS MORE RESTRICTIVE ONCE THE PURCHASE AMOUNT IS \$30,000.

(1) Federal Procurement Methods

Any procurement utilizing federal funds should comply with Office of Management and Budget’s (OMB) Circular A-87 – Cost Principles for State, Local and Indian Tribal Governments as well as OMB Circular A-102 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

The following are general guidelines to be followed when purchases are procured under a federal grant program or other federal funding sources. **Each of the federal programs may have specific procedures that must be followed. Each Parish departmental grant manager should communicate directly with their respective grantor agency as well as review the specific Code of Federal Regulations applicable to the federal agency acting as a grantor to ensure that the Parish is in compliance with all of that agency's procurement requirements.** An initial project cost estimate is to be completed for each federal procurement activity and is to be prepared by the Department requesting the procurement.

(a) Small Purchase Procedures (\$0 - \$99,999)

Small purchase procedures are relatively simple, informal procurement procedures that can be used when purchasing services, materials, supplies, equipment, and/or other property that will not cost in the aggregate more than \$100,000 except where further limited by state law or federal grant program requirements. Each responsible department must obtain an adequate number of quotes. Preferably, a minimum of three oral or written price or rate quotations from qualified sources should be received. Documentation on all quotations received (whether oral or written) shall be made a part of the procurement file. The Parish requests that the "Request for Quote", or the "Request for Qualifications Quote" (RQQ for services), documentation and delivery requirements be followed by the department. From a Parish standpoint, oral quotes may be used on limited occasions after approval from the Finance Division. Under federal procurement, if only one response is received then the procurement is considered to be a noncompetitive proposal or sole source procurement. Please refer to Section III(B)(1)(d).

(b) Sealed Bids (\$100,000 or more)

Under this procedure, bids are publicly advertised or solicited in accordance with the Parish procurement policy and the State Public Bid Law. A firm fixed price contract (either lump sum or unit price) shall be awarded to the responsible bidder whose bid is lowest in price and that conforms to all the material terms and conditions of the advertisement for bids.

The sealed bid method is the preferred method for procuring construction contracts. However, competitive sealed bids can be used only when the following criteria are met: (1) there are complete, adequate, and realistic specifications or purchase descriptions, (2) there are two or more responsible bidders who are willing and able to compete effectively, and (3) the procurement can be made utilizing a firm fixed price contract and selection of the successful bidder can appropriately be made on the basis of price (assuming that bidder is fully responsive).

When formal advertising is used the following conditions shall be met:

- The advertisement for bids shall be publicly advertised in accordance with state law.
- The advertisement for bids, including the specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the advertisement.
- All bids shall be opened publicly at the time and place specified in the advertisement for bids.
- A firm fixed-price contract award shall be made by written notice to the lowest responsible and responsive bidder whose bid conforms to the advertisement for bids. Where specified in the bid documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts shall only be used to determine low bid when prior experience indicates that such discounts are generally taken.
- Notwithstanding the above, any or all bids may be rejected when there are sound, documented business reasons in the best interest of the Parish and/or federal grant program.

(c) Competitive Proposals (Requests for Proposals/Qualification Statements)

The technique of competitive proposals is normally conducted with more than one source submitting an offer. This method may be used when the sealed bid and small purchase methods are not appropriate. Adherence to individual grant program requirements is a necessity therefore the Parish departmental grant manager should review those requirements. Some programs (i.e. Community Development Block Grant - CDBG) require that architectural and engineering services be procured via requests for qualification statements while administrative consulting services must be procured via requests for proposals. CDBG program requirements also provide that other professional services may be procured by requests for proposals. However, other federal programs may allow administrative grant consulting services to be procured via requests for qualification statements where price is a factor. When price is not part of the "selection criteria" (i.e. architect and engineering services), consideration should be given to having any price information placed in a secondary sealed envelope to be opened after the qualification portion of the scoring is completed. There again, the Parish departmental grant manger must review the specific program requirements.

The following procedures will be used for competitive proposals:

- Requests for proposals or qualification statements must be publicized or solicited in accordance with the rules of the Parish and/or federal grant program funding the purchase. All responsive submittals will be honored and entered into the competition.
- The request for proposals or qualification statements shall identify all significant evaluation factors or selection criteria, including the corresponding point system that will be used to rate the proposals/qualification statements.
- The selecting official (or committee, if one is designated) shall review all proposals and statements received and make a technical evaluation of each. This shall also include a written statement that identifies the basis upon which the selection was made.
- Contract award will be made to the responsible offeror whose submission is deemed most appropriate to the Parish with consideration for price, qualifications, and other factors set by the local governing body. Unsuccessful offerors shall be notified in writing within ten working days of contract award. Documentation of notification shall be maintained in the contract selection file for the individual project.

Architectural and engineering services are procured via requests for qualification statements or requests for proposal responses from an adequate number (hopefully three) of qualified sources. (Please note that some grant program requirements – i.e. CDBG - may specifically state that three proposals should be solicited in lieu of an adequate number of qualified sources.) This qualifications-based procurement of architectural/engineering (A/E) professional services includes the evaluation of competitors' qualifications with the most qualified competitor being selected without reference to price. The Parish would then enter into contract negotiations with the most qualified competitor which will include negotiation of price to ensure cost reasonableness. At the conclusion of successful negotiation, the competitor shall be invited to enter into a contract.

In addition to architectural and engineering services, administrative consulting services or other professional services may be procured via requests for proposals/qualifications, if allowed by federal program requirements. However, those requests must include an evaluation of price factors.

(d) Noncompetitive Proposals or Sole Source Procurement

Noncompetitive proposals (negotiations) shall be used when: (1) the small purchase, competitive sealed bids, or competitive proposal (negotiations) procedures are not feasible, (2) the item or service being procured is available only from a single source, (3) the noncompetitive proposals (negotiations) will involve the solicitation of a proposal from only one source or (4) if after solicitations under one of the first three federal procurement methods, the procurement resulted in only one response, proposal, or qualification statement. Coordination with the grantor of the federal program should be made when noncompetitive negotiation is used (CDBG requires written authorization).

As a recap, in order to qualify for this type of procurement, one of the following circumstances must apply:

- The item or service is available only from a single source.
- Procurement is determined to not be feasible under of the other three methods of procurement or it is determined that a public urgency or emergency exists and the urgency will not permit the delay beyond the time needed to employ one of the other three methods of procurement.
- After solicitation of a number of sources, competition is determined to be inadequate (i.e. received only one response).

(2) Cost or Price Analysis

Federal procurement guidelines require that grantees and sub grantees perform a cost or price analysis in conjunction with every procurement action including any contract modifications. The purpose of this analysis is to ensure that the resulting price paid is reasonable. Cost analysis is the review and evaluation of each element of cost, which aggregate to the overall price, in order to determine reasonableness. This is traditionally used in conjunction with sole source contracts or construction contracts that have labor, material and profit components all of which should be considered for reasonableness. Price analysis is the preferred Parish method of analysis due to its efficiency, fairness and compliance with government and commercial practices. Price Analysis includes the comparison of price quotations and is used in conjunction with purchases of materials, supplies or other fixed price purchases. For federal grant purposes, costs or prices based on estimated costs shall be allowed only to the extent that the costs incurred or the cost estimates included in negotiated prices are consistent with federal cost principals.

Initially each department is required to prepare a cost or price estimate prior to procurement. For construction contracts, a probable cost opinion is provided by the architect or engineer and can be used for federal procurement purposes. For commodities, a price estimate from the internet, a catalog, a vendor, etc. may be utilized. A formal cost or price analysis is required after procurement in all sole source procurements, with all contract modifications (i.e. change orders) and in any case where competition was lacking after a formal procurement process was undertaken (i.e. only one bid was received). As with the pre-procurement cost or price estimate, each department is responsible for completing this analysis.

(3) Contractor Debarment and Suspension

Federal procurement guidelines prohibit contracting with any parties that are listed on the “Excluded Parties List System (EPLS.gov).” This list identifies all parties that have previously been debarred, suspended or otherwise excluded from receiving any solicitations for procurement activities in addition to contracting on any projects involving federal funds. The department grant manager is responsible for ensuring that the Parish does not contract with any debarred or suspended individual or company.

IV. CONTRACT AND INSURANCE REQUIREMENTS AND CONTRACT COSTS

The Parish shall maintain contract administration systems that ensure contractors perform in accordance with the terms, conditions, and specifications of any contracts or purchase orders. Individual departments should assign a specific employee with the responsibility to oversee all procurement functions from the initial communication of a procurement need to the final vendor payment for that procurement. Records sufficient to detail the history of the procurement and contract compliance should be maintained. Problems with record keeping could affect the Parish's ability to receive subsequent grant awards, if applicable. It is the responsibility of each department to ensure that Certificates of Insurance, when required by procurement specifications, are received and in sufficient amounts. Not only should the amounts of insurance be sufficient but the Parish should be listed as an additional insured, when applicable. The department should also note the expiration dates on the Certificates of Insurance so that new Certificates are received for the new policy period if the project is still ongoing; otherwise, the contractor will be in default of the contract. Current insurance requirements related to procurement activities may be obtained from the Finance Division.

For the majority of purchases (some exceptions apply), the Parish will require either a purchase order or formal contract utilizing a fixed price type of arrangement which is discussed further in the next paragraph. A purchase order is the vendor's authorization to ship equipment, materials, supplies, or perform services specified. It constitutes a legal contract between the Parish and the vendor and should not be changed by anyone other than the Finance Division. For formal contracts, besides the major construction contracts and architectural and engineering contracts which may utilize industry contracts, the Parish is also attempting to utilize standardized contract language for the majority of its written contracts. The purpose in developing standardized contracts is to ensure that the contracts cover all required statutory guidance, are professional in development and content, and present a common ground for contract work. The standardized contract language has been reviewed by the Finance Division, including Risk Management, as well as the Parish Legal Counsel. The department should coordinate with the Finance Division to ensure that the standardized contract is utilized. If the department believes that additional language should be added to the standardized contract then further coordination should be made with the Finance Division and the Parish Legal Counsel.

A fixed price purchase order or contract is effective when a complete project description, or scope of work, is available along with well defined requirements and/or specifications. A fixed price contract must establish a guaranteed price that may not increase unless there is a contract amendment that increases the scope of work. Fixed price purchases are the preferred type of Parish agreement due to its ability to limit risk to the Parish. The second type of procurement arrangement is a cost reimbursement procurement that should be utilized in a limited number of instances when a fixed price arrangement is not feasible. It is most appropriate when the scope and extent of the work to be performed are not clearly defined. Labor, materials and profit must be considered in order to determine reasonableness of this type of contract. It is strongly recommended that a maximum contractual amount be established when utilizing this type of procurement and that any profit factor not fluctuate unless the scope of work is increased for some reason. Any increase in the maximum amount or profit factor due to a scope of work increase should be documented by a contract amendment. A third type of procurement arrangement is a cost plus percentage of cost and percentage of construction cost methods and **should not** be used. Louisiana Revised Statute 38:2221 discusses cost plus contracts and, in fact, prohibits them except in certain specifically authorized situations. A combination of the first two arrangements is possible when the circumstances warrant it.

Regardless of funding source (i.e. local, state or federal), the Parish utilizes standard purchase orders as written agreements in the majority of the smaller procurements. Contracts are utilized with the larger procurements. However, when federal funds are involved, the department grant manager should exercise additional caution and coordinate with the Finance Division regarding the proper procurement procedure to follow in addition to ensuring that the appropriate contractual provisions and conditions requirements of grants are addressed. The

contractual and grant condition requirements referred to in the previous statement will be affected by the following three sources of laws and/or regulations: (1) Code of Federal Regulations (CFR), (2) specific grantor requirements, and (3) national policy requirements for grant programs.

(A) Code of Federal Regulations (CFR) – Specific Grantor Regulations

As previously stated, any procurement utilizing federal funds should comply with Office of Management and Budget's (OMB) Circular A-87 – Cost Principles for State, Local and Indian Tribal Governments as well as OMB Circular A-102 – Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments. However, the Code of Federal Regulations (CFR) also provides another significant source of information related to individual grant programs.

Traditionally the Parish has received the majority of its recurring federal funding from the federal agencies listed below whose procurement guidelines are referenced and were previously discussed in Section III(B)(1) above.

- Agriculture Department – 7 CFR 3016.36
- Energy Department - 10 CFR 600.236
- Department of Housing and Urban Development – 24 CFR 85.36
- Justice Department – 28 CFR 66.36
- Department of Labor – 29 CFR 97.36
- Interior Department - 43 CFR 12.76
- FEMA, Homeland Security Department - 44 CFR 13.36
- Department of Health and Human Services – 45 CFR 92.36
- Department of Transportation – 49 CFR 18.36

As part of the Parish requirement to maintain sufficient records, all contracts should contain the following thirteen specific contractual provision requirements which are subject to applicability and change by the federal agency and are listed as item (i) in each of the above CFR references:

(1) Administrative, Contractual or Legal Remedies Provision

For federal procurements in excess of the simplified acquisition threshold which is currently at \$100,000, procurement contracts should contain a provision that allows for administrative, contractual, or legal remedies if contractors violate or breach contract terms and, when the circumstances are appropriate, the contract can address sanctions and penalties.

(2) Termination Provision

All federal procurement contracts in excess of \$10,000 should allow the Parish to terminate the contract for cause and for convenience including the manner in which it will be done and the basis for settlement.

(3) Equal Employment Provision

For all construction contracts in excess of \$10,000, a provision should be included in the contract for compliance with Executive Order 11246, Equal Employment Opportunity, as amended by Executive Order 11375, and as supplemented in DOL regulations (41 CFR Part 60) which prohibits discrimination in employment under federal contracts.

(4) Copeland “Anti-Kickback” Act Provision

All contracts and sub-grants for construction or repair should contain a provision for compliance with the Copeland “Anti-Kickback” Act (18 USC 874) as supplemented by DOL regulations (29 CFR Part 3) which states that each contractor or sub-recipient shall be prohibited from inducing, by any means, any person employed in the construction, completion or repair of public work to give up any part of the compensation to which he is otherwise entitled. (Note that 2 CFR Part 215 applies to non-governmental agencies and specifies “Anti-Kickback” compliance for contracts in excess of \$2,000 which was amended to \$100,000 by the Federal Acquisition Streamlining Act (FASA) of 1994. Local governments follow OMB Circular A-102 which requires compliance at any dollar level. It is the Parish’s interpretation that A-102 was not amended by FASA.)

(5) Davis-Bacon Act Provision

When a grant program specifically requires compliance with Davis-Bacon Act then all construction contracts in excess of \$2,000 should contain a provision for compliance with this Act (40 USC 276a to a-7) as supplemented by DOL regulations (29 CFR Part 5). This Act provides for the payment of prevailing wage rates among other compliance requirements. (Note that not all federal grant programs are required to comply with Davis-Bacon Act even if the activity involves construction work. Communication with the grantor is required.)

(6) Contract Work Hours and Safety Standards Act Provision

For all non-construction contracts in excess of \$2,500 which involve the employment of mechanics or laborers as well as all construction contracts in excess of \$2,000, a provision for compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 USC 327-330) as supplemented by DOL regulations (29 CFR Part 5) should be included in the contract. NOTE: The Federal Acquisition Streamlining Act (FASA) of 1994 amended that applicable amount to \$100,000. FASA states that if the related law is on the list (which Contract Work Hours is) then any contracts under \$100,000 are not subject to the Contract Work Hours provision. However, since OMB Circular A-102 was not amended, the lower amounts of \$2,500 and \$2,000 will be implemented.

(7) Reporting Provision

All contracts should include a requirement that the contractor assist the Parish, when applicable, with any awarding agency requirements and regulations pertaining to reporting.

(8) Patent and Invention Rights Provision

All contracts should include a provision notifying the contractor about any awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract as well as any state requirements pertaining to copyrights and rights in data, if applicable.

(9) Copyrights and Rights in Any Data Produced Provision

All contracts should include a provision notifying the contractor about any awarding agency requirements and regulations pertaining to copyrights and rights in any data produced or utilized during completion of the contract.

(10) Records Access Provision

All negotiated contracts shall include a provision that makes it possible for the Parish, state or federal grantors, the Comptroller General of the United States, or any of their duly authorized representatives, to have access to any books, documents, papers, or records of the contractor/firm that are directly pertinent to the contract, for the purpose of making audit examination excerpts and transcriptions.

(11) Record Retention Provision

Any contract executed must include a provision that all required records will be maintained by the contractor/firm for a minimum period of three years after the Parish formally closes out each federal program. Parish grant managers should verify the three year record retention period with each respective grant agency to ensure that a longer period is not required. (CDBG requires a four year retention period.)

(12) Environmental Acts Provision

When specifically applicable, all contracts, subcontracts, and sub-grants in amounts in excess of \$100,000 shall contain a provision which requires compliance with the requirements of Section 306 of the Clean Air Act (42 USC), Section 508 of the Clean Water Act (33 USC), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR).

(13) Energy Policy and Conservation Act Provision

All contracts should include a provision that states the contractor will comply with the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat.871). More specific requirements relating to energy, other than the above general statement, may have to be addressed when required by the grantor.

The Parish shall maintain contract administration systems that ensure contractors (or vendors) perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Remedial action by the Parish through legal processes shall be considered in instances of identified significant nonperformance. Changes to the contract provisions will be considered and, if necessary, approved by the federal grantor agency.

(B) Specific Grantor Requirements

When the Parish is allocated a federal grant, a written cooperative endeavor (or sub-grant) agreement is routinely issued with the federal or state grantor agency regarding the specific operational and compliance issues that are applicable to that particular program. In addition to this agreement, the federal agency will also identify each of its program requirements in the previously referenced CFR but in different part numbers as opposed to the above disclosed section that relates only to procurement activities. The federal or state agency may have also created a program guidance manual which should be utilized by the Parish department grant manager to ensure that all compliance requirements of the program are in fact adhered to by both the Parish and its contractors.

Before any purchase order is issued or any contract negotiated, the department grant manager should ensure that all specific grantor requirements are known, implemented and incorporated into the contract, when required. Any contracts executed should specifically refer to this grant guidance and/or identify the specific requirements that must be followed.

An example of the above requirement is related to the Department of Housing and Urban Development (HUD). HUD's grant requirements include provisions for compliance with the following laws which are not all inclusive but primarily applicable to HUD programs: (1) Housing and Community Development Act of 1974 which provides that no person shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program funded in whole or in part with HUD funds, and (2) Housing and Urban Development Act of 1968 which ensures employment and other economic opportunities be directed to low and very low income persons when HUD funding is provided. Other federal agencies will refer to other laws that impact only certain grants. Reference to agency guidelines published in the Code of Federal Regulation (CFR) and grant agreements should be reviewed by the department grant managers prior to the commencement of any procurement activity.

(C) National Policy Requirements for Grant Programs

In addition to the above two sources of grant or program laws and regulations, there are certain national policy requirements that are applicable to grants that the Parish may receive. These national policy requirements are, in fact, laws and regulations that must be followed by the Parish and its contractors when applicable. Failure to adhere to the regulations may result in fines, denial of current or future grant funding, or other disallowance of costs incurred.

The following list, which may not be all-inclusive for all federal programs, identifies some of the national policy requirements that may be applicable to a Parish contract when funded by a federal grant and should, therefore, be referenced in any contract executed when applicable or specifically required by the grantor agency. (Those requirements marked with an ** must be included in all procurement contracts).

(1) Civil Rights Requirements

(a) Civil Rights Act of 1964

- (i) (When specifically required by the grantor agency) Title III** prohibits state and municipal governments from denying access to public facilities on grounds of race, religion, gender or ethnicity.
- (ii) **Title VI** prohibits a person from being (a) excluded from participation in, (b) denied the benefits of, or (c) subjected to discrimination based on race, color or national origin in federally funded programs.
- (iii) (When specifically required by the grantor agency) Title VII** prohibits discrimination by employers on the basis of race, color, religion, sex or national origin including discrimination against an individual because of his or her association with another individual with the above protected rights.
- (b) (When applicable) Civil Rights Act of 1968 - Title VIII** - prohibits discrimination based on race, color, religion, sex, handicap, familial status or national origin in sale, rental or financing of housing.
- (c) (When applicable) Title IX of the Education Amendments of 1972** prohibits discrimination on the basis of sex in any federally funded education program or activity.
- (d) **Age Discrimination Act of 1975** prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance.

- (e) **(When applicable) Americans with Disabilities Act of 1990** is applicable for building construction or alteration and prohibits discrimination based on a disability defined as a physical or mental impairment that substantially limits a major life activity and includes the following provisions:
 - (i) **Title I** prohibits discrimination against the disabled in employment activities (i.e. application procedures, hiring, advancement, training and discharge) and is regulated by the Equal Employment Opportunity Commission (EEOC).
 - (ii) **Title II** prohibits discrimination against the disabled by all public entities at the local and state level including access to all programs and services offered by the public entity as well as physical access to public buildings and is regulated by the Department of Justice (DOJ).
 - (iii) **Title III** prohibits discrimination against the disabled with regards to full use and enjoyment of any place of public accommodation and is regulated by the Department of Justice for public accommodations and Department of Transportation for transit activity.
 - (iv) **Title IV** requires the telecommunications industry to provide functionally equivalent services and is regulated by the Federal Communications Commission (FCC).
 - (v) **Title V** addresses other miscellaneous provisions related to discrimination including but not limited to retaliation prohibitions.
- (f) **(When specifically required by the grantor agency) Section 504 of the Rehabilitation Act of 1973** prohibits the discrimination of an otherwise qualified individual solely because of a disability from programs receiving federal financial assistance including program accessibility, accessible new construction and alterations, reasonable accommodations, and effective communication by the hearing and visually disabled.
- (g) **(When specifically applicable) Intergovernmental Personnel Act of 1970** addresses the merit system for recruiting, selecting and advancing state and local government personnel which are funded by specific federal grant programs.
- (h) **(When specifically applicable) Drug Abuse Office Treatment Act of 1972, Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment and Rehabilitation Act of 1970 and the Public Health Service Act of 1912** prohibit discrimination on the basis of drug abuse, alcohol abuse or alcoholism and provides for confidentiality of alcohol and drug abuse patient records.

(2) Labor and Construction Requirements

- (a) **CFR Requirements from Section IV(A)** above that are applicable to this section and are thus reproduced as a Labor and Construction Requirement as well:
 - (i) **(When applicable) Executive Order 11246, Equal Employment Opportunity** (as previously discussed in Section IV(A)(3) above) which applies to all construction contracts in excess of \$10,000 and prohibits discrimination in employment under federal contracts with respect to race, color, religion, or national origin. **Executive Order 11375** added the sex/gender classification to the coverage list.

- (ii) **(When applicable) Copeland “Anti-Kick-Back” Act (18 USC 874)** as supplemented by DOL regulations (29 CFR Part 3) requires all contracts and sub-grants for construction or repair to contain a provision that prohibits a contractor or sub-recipient from inducing, by any means, any person employed in the construction, completion or repair of public work to give up any part of the compensation to which he is otherwise entitled.
- (iii) **(When applicable) Davis-Bacon Act** requires all construction contracts in excess of \$2,000 to provide for the payment of prevailing wage rates to laborers and mechanics among other compliance requirements. (Note that not all federal grant programs are required to comply with Davis-Bacon Act even if the activity involves construction work. Communication with the grantor is required.)
- (iv) **(When applicable) Contract Work Hours and Safety Standards Act (Sections 103 and 107)** applies to all construction contracts in excess of \$2,000 and contracts in excess of \$2,500 that involve the employment of mechanics or laborers and requires that the wages of every mechanic and laborer be computed on the basis of a standard work week of 40 hours with work in excess of 40 hours per week being compensated at a rate of not less than one and one-half times the basic rate of pay. The Act also prohibits working conditions that are unsanitary, hazardous or dangerous to the employee’s health or safety. The Federal Acquisition Streamlining Act (FASA) of 1974 raised the threshold to contracts exceeding \$100,000 however, the Office of Management and Budget (OMB) Circular A-102 has not yet been amended to reflect the higher amounts therefore the \$2,000 and \$2,500 levels will be implemented.
- (b) ****31 USC 1352 Lobbying Prohibition** requires that grant funds not be used to influence or attempt to influence any person with respect to the awarding, making or modification of any federal contract, grant, loan or cooperative agreement. Procurement contracts should always include the above provision but the reporting requirements of this law are only applicable to contracts over \$100,000.
- (c) **(When applicable) Hatch Act** which specifically prohibits state or local government employees (whose principal employment is in connection with any federal loan or grant activity) from using his official authority to influence for purpose of affecting an election or from advising directly or indirectly the payment, lending or contributing anything of value to a political purpose or becoming a candidate for elective office. (This traditionally applies to sub-recipients of grants and not contractors unless the contractor is a state or local government entity.)
- (d) **(When applicable) Lead Based Paint Poisoning Prevention Act** prohibits the use of lead-based paint in construction or rehabilitation of residential structures.
- (e) **(When specifically required by the grantor agency) Architectural Barriers Act of 1968** requires the design, construction and alteration of buildings and facilities financed with federal funds to accommodate physically handicapped persons with access to and use of such buildings.

(3) Environmental Protection Requirements

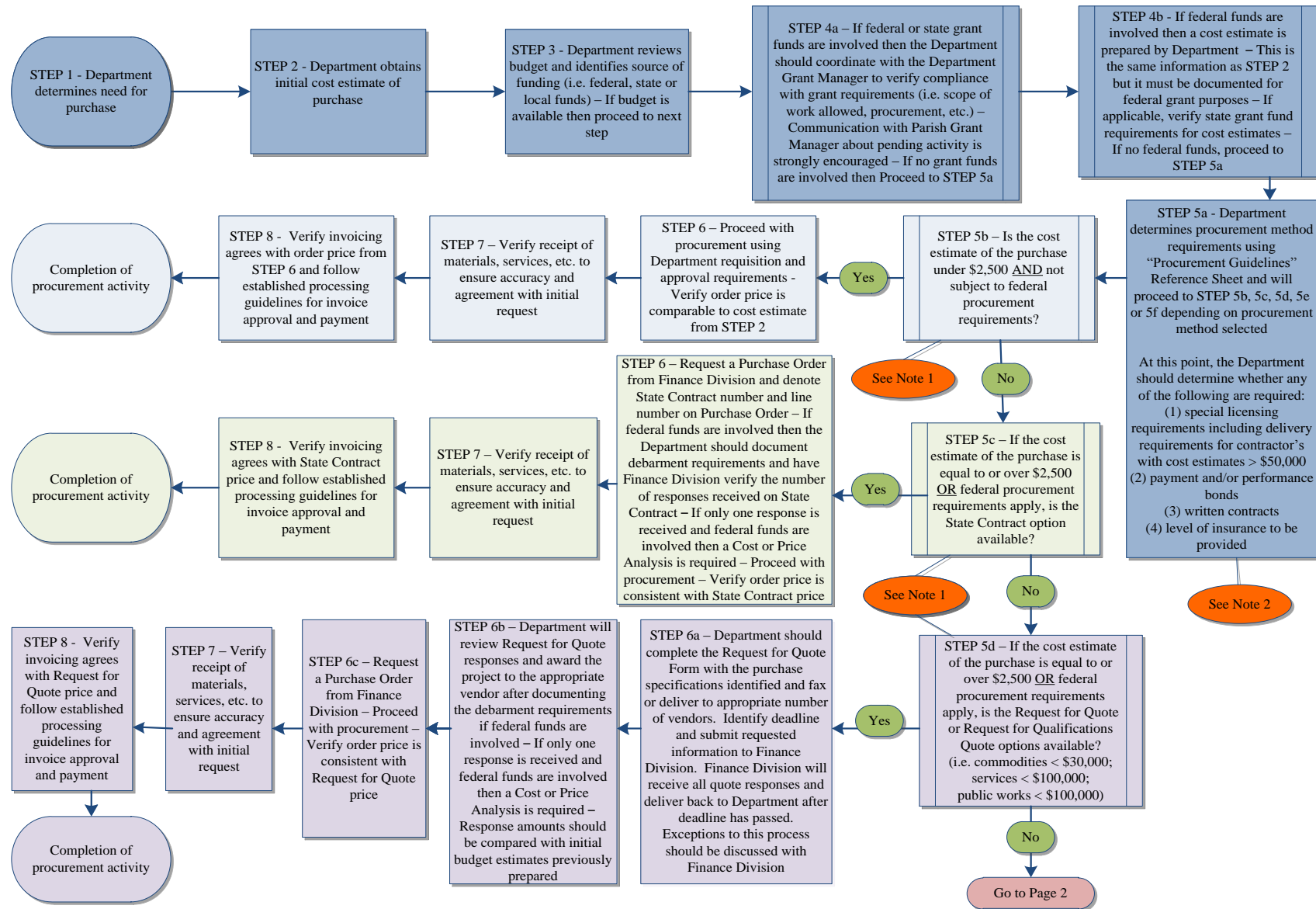
- (a) **(When applicable) Clean Air Act, as amended by Executive Order 11738**, regulates air emissions from stationary and mobile sources in order to address the public health and welfare risks posed by air pollutants and is required for contracts in excess of \$100,000.
- (b) **(When applicable) Clean Water Act, as amended by Executive Order 11738**, regulates the discharge of pollutants into waters as well as the quality standards of surface water and is required for contracts in excess of \$100,000.
- (c) **(When specifically required by the grantor agency) Safe Drinking Water Act of 1974** protects public health by regulating the nations' public drinking water supply and its sources including rivers, lakes, reservoirs, springs and ground water wells.
- (d) ****Energy Policy and Conservation Act** is a broad sweeping energy related requirement that all contracts should reference that states the contractor will comply with the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan. In addition to this generic requirement, each individual grant will identify the specific environmental actions or reviews that must be complied with in order to complete the scope of work for the grant.
- (e) **(When applicable) National Environmental Policy Act (NEPA)** establishes regulations protecting the environment and ensuring that all branches of government, including grant sub recipients, take no action that will have an adverse impact on the environment.
- (f) **(When specifically required by the grantor agency) Coastal Zone Management Act of 1972** requires that federally funded activities be conducted in a manner so as to preserve, protect, develop and restore the resources of the Nation's coastal zone in accordance with federal and state plans.
- (g) **(When applicable) Resource Conservation and Recovery Act of 1976** governs the disposal of solid waste and hazardous waste from "cradle to grave", encourages recycling and requires that federal agencies assess the impact of waste on air and water quality.

(4) Other Requirements

- (a) ****Debarment and Suspension Prohibition** (as previously discussed in Section III(B)(3) above) requires that all contracts contain a provision that the Parish will not issue a contract with any party listed on the "Excluded Parties List System" or that the Parish will verify that the proposed vendor is not on this list or both. This list identifies all parties that have previously been debarred, suspended or otherwise excluded from contracting on any projects involving federal funds.
- (b) **(When specifically required by the grantor agency) Metric Conversion Act of 1975 and Executive Order 12770** states that the metric system is the preferred measurement system for U.S. trade and commerce.
- (c) **(When applicable) National Flood Insurance Act of 1968 and Flood Disaster Protection Act of 1973** require the purchase of available flood insurance on property constructed, acquired or repaired with federal funding if the property is located in a special flood hazard area. These are applicable to all acquisitions, construction contracts in excess of \$10,000 or to any project specifically required by grantor agency.

- (d) **(When specifically required by the grantor agency) Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970** provides equitable and fair treatment of persons displaced or whose real property is acquired as a result of a federal or federally-assisted program.
- (e) **(When applicable) National Historic Preservation Act of 1966 as amended by Executive Order 11593 and Archaeological & Historic Preservation Act of 1974** requires an impact review of all federally funded or permitted projects on historical buildings, archaeological sites, or other historical resources.
- (f) **(When specifically required by the grantor agency) Wild and Scenic Rivers Act of 1968** protects free-flowing streams and any adjacent land areas that are included in the National Wild and Scenic Rivers System.
- (g) **(When specifically required by the grantor agency) Endangered Species Act of 1973** protects species that are listed as endangered and threatened.

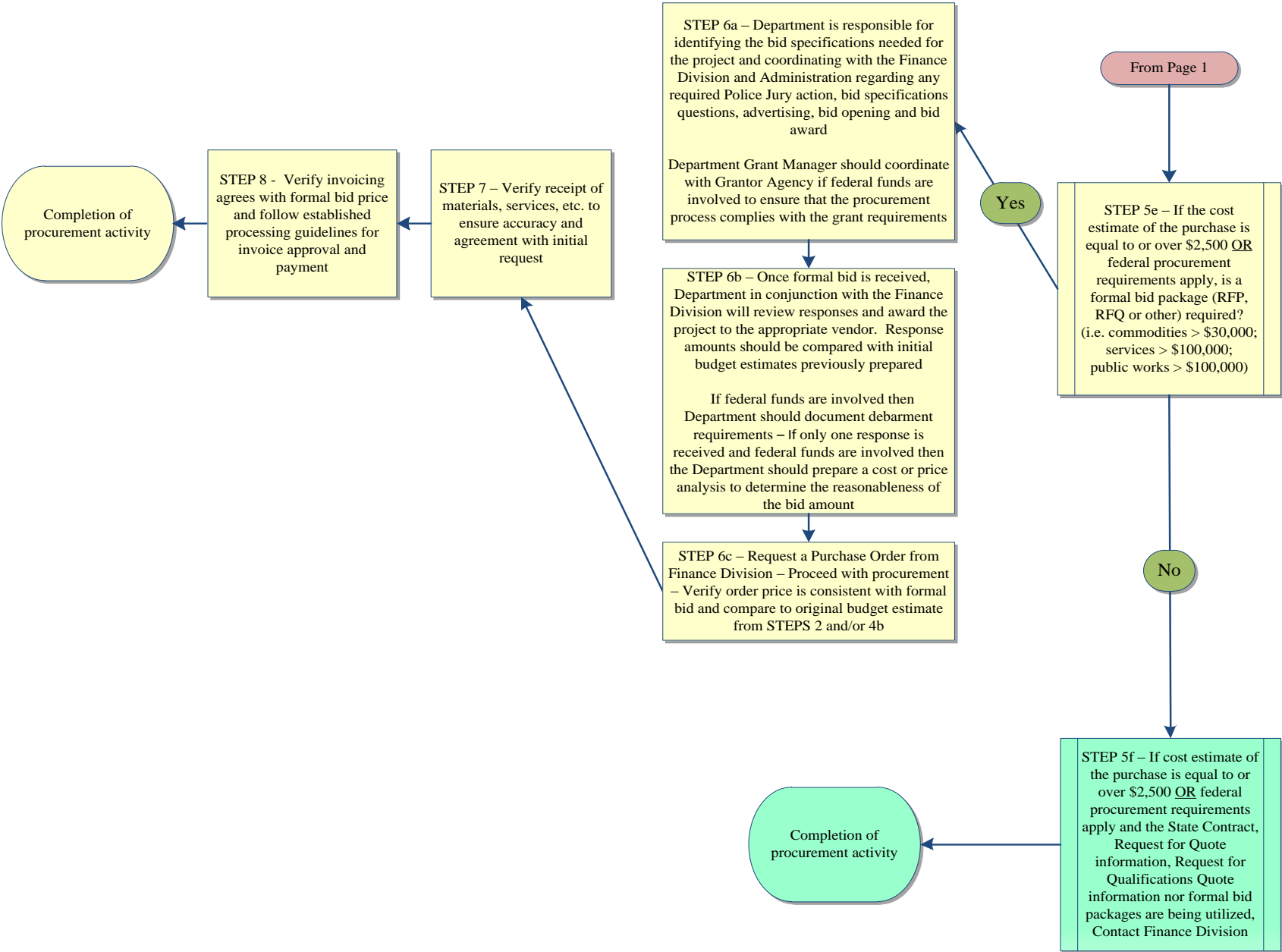
APPENDIX A – PROCUREMENT FLOWCHART



Note 1 - The \$30,000 formal competitive bid requirement for commodity purchases is applied to the Parish’s annual purchases for that commodity type not just each individual department’s annual purchase amount.

Note 2 - Templates for standard contracts, as well as current insurance requirements, are located on the “P” Drive. Since these forms are updated periodically to address immediate issues that are brought to our attention, please ensure that you are using the most current applicable version posted to the “P” Drive.

APPENDIX A – PROCUREMENT FLOWCHART



APPENDIX B – “NON-FEASIBLE” SERVICES LIST

When non-federal funds are being utilized to fund a specific procurement, it is the intent of this policy to attempt to obtain competitive prices on service related activity whenever it is feasible to do so. However, there are certain services that are of such a specialized field, sensitive in nature, emergency related, covered by other eligibility program requirements or for another viable reason makes the procurement not susceptible to further procedures. The following is a list of services that the Parish currently considers “non-feasible” in nature. This list will be updated as needed in order to properly address future services that qualify for this designation.

Attorneys – Parish and Litigation
Architectural, Engineering and associated services
Aviation related services
Contract Labor for certain “employee type” activities (Case by case basis)
Cooperative Endeavor Agreements with other entities for service related projects
Court related services
Deputy Coroner and related services
Disabled vehicles/equipment services (i.e. avoid further towing)
Emergency Response Equipment or Network Security related services (911, various critical systems)
Employment related services (Drug Screening, Medical and Background Screenings, Employee Counseling)
Federal or State Program Recipient related services (LAJET, Housing, Day Care, etc.)
Financial or Specialized Service Software (Bloomberg, Credit Card, Engineering, etc.)
Instructors for certain program activities
Maintenance contracts (Technical Hardware or Software)
Medical related services (Health and Worker’s Compensation, Prisoner Care)
Security related services from the Calcasieu Parish Sheriff’s office or the Marshall’s office
Social Services Contracts (Services for Shelter Care, Juvenile Consulting, etc.)
Veterinary Services