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ADDENDA #1  
08.27.2024  
For  
Aids Care Group  
Site and Building Improvements  
2304 Edgmont Ave  
Chester, PA

1. Please see attached document for ACG's Procurement Policy.
2. All bids will be due no later than Thursday September 26<sup>th</sup>, 2024 at 3 pm.



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## **PROCUREMENT POLICY AND PROCEDURES**

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### **PROCUREMENT POLICY**

AIDS Care Group is committed to integrity and competition in its procurement of property and services under its federal awards. All such procurement activities shall be conducted in accordance with federal law, including the procurement standards promulgated at 2 C.F.R. §§ 200.317-200.326, and shall be conducted in a manner consistent with the terms and conditions of applicable awards. All Board members, managers, and employees shall comply with AIDS Care Group's Standards of Conduct in all procurement activities.

AIDS Care Group's Chief Financial Officer ("CFO") shall be principally responsible for ensuring compliance with procurement requirements imposed by federal law, the terms and conditions of awards, and AIDS Care Group's policies. With the exception of contract or waiver approval authority, the CFO may delegate responsibilities described in AIDS Care Group's procurement procedures.

AIDS Care Group's procurement procedures shall generally be applied to all AIDS Care Group procurements regardless of the source of funds used for the procurement. However, the CFO may waive on a case-by-case basis, prospectively and retroactively, any or all of AIDS Care Group's procurement procedures to the extent such waiver would not result in a violation of law or the terms and conditions of an award or subaward.

### **PROCUREMENT PROCEDURES**

The procedural requirements applicable to a particular AIDS Care Group procurement depend upon the estimated price and complexity of the procurement. Generally, for purchases up to \$10,000, AIDS Care Group's procedural requirements are minimal in order to maximize efficiency. Over \$10,000 AIDS Care Group's procedural requirements are more robust, including written request for proposal ("RFP") requirements for purchases over \$50,000, and requirements for formal publication and competition procedures for all purchases over \$250,000.

#### **I     Estimated Purchase Price of \$10,000 or Less (Micro-Purchases).**



To maximize AIDS Care Group flexibility and efficiency with respect to purchases of \$10,000 or less (termed “micro-purchases”), no formal procurement planning or process is required. Rather, the following basic requirements apply:

1. Purchases at certain dollar value thresholds are authorized as follows:

Item	Authorized Purchasers	Purchase Method
Routine items of \$1,000 or less and Non-routine items of \$200 or less	Manager level and above	Purchase against AIDS Care Group existing store account or with AIDS Care Group purchase card
Non-routine items of \$200 or more and all items over \$1,000	Manager level and above	Purchase against AIDS Care Group existing store account or with AIDS Care Group purchase card

2. Receipts for purchases must be provided to the Finance Department, who will retain such receipts in support of charges to grants.

3. Credit card statements shall be reviewed by the Finance Department, and matched to supporting receipts or other reliable supporting purchase documentation.

4. Employee travel expenses may be first paid by the employee and reimbursed in accordance with AIDS Care Group’s travel policy. Such reimbursed personal expenses are not procurements subject to this policy.

## **II. Estimated Purchase Price Over \$10,000.**

For procurements in excess of \$10,000, AIDS Care Group’s procurement process consists of four stages: (i) procurement planning, (ii) the competition process, (iii) contract management, and (iv) contract closeout. Attention to these procedures facilitates AIDS Care Group’s obtaining best value in the property and services (collectively “items”) it acquires.

Authorization for purchases depends upon the expected dollar value of the purchase. Authorization thresholds are as follows:



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<b>Purchase Equal to or Exceeding Amount</b>	<b>Authorizing Official</b>
\$ 20,000	Program Manager
\$ 50,000	CFO
\$ 100,000	Executive Director

Additionally, all purchases in excess of \$100,000 must be approved by the Board of Directors.

**1. Procurement Planning.** Procurement planning consists of identifying and articulating AIDS Care Group's need for a particular item, identifying potential sources of the item, and estimating the expected price of the item.

A. Identifying and Articulating Need.

(1) Any AIDS Care Group, manager, or employee (collectively "AIDS Care Group members") that desires that AIDS Care Group purchase an item shall submit a written request to the CFO on a AIDS Care Group Purchase Request Form (Appendix A).

(2) Purchase Request shall state:

(a) What good or service (hereinafter "item") is desired.

(b) Why the item is needed by AIDS Care Group.

(c) Any known sources of supply.

(d) Any special features of the item required for compatibility with AIDS Care Group systems, equipment, or standard procedures.

(3) The Authorizing Official (or his or her designee) shall evaluate the request, including at a minimum:

(a) Whether the item is sufficiently described to facilitate acquisition.



(b) Whether the description of the needed item is overly restrictive (e.g., including unnecessary characteristics or capabilities).

(c) Whether the item is included in AIDS Care Group's approved budget, and whether the item is needed by AIDS Care Group.

(d) In the case of equipment, whether lease or purchase would result in better long-term value to AIDS Care Group.

(4) AIDS Care Group requirements shall not be stated in terms of a "brand name" unless such a description is the only efficient way in which to describe the requirement for potential offerors. Whenever a "brand name" is used as part of a description, the description shall call for a "brand name or equal" item (unless a sole-source procurement is justified and documented as described below), and the description shall list the desired salient characteristics AIDS Care Group associates with that brand name.

(5) The Authorizing Official (or his or her designee) shall document the item description and his or her evaluation on a "AIDS Care Group Procurement Planning Form" (Appendix B).

**B. Identifying Potential Sources and Estimating Expected Price.**

(1) The Authorizing Official (or his or her designee) shall research the availability and typical pricing of the requested item. For the purchase of services, equipment, and information technology, the Authorizing Official (or his or her designee) is encouraged to research typical contract types and common contract terms and conditions.

(a) "Cost plus percentage-of-cost" contracts shall never be used for any items. "Time and materials" contracts shall only be used when the requirements are described at 2 C.F.R. § 200.318(j)(1) are met. As "time and materials" contracts are currently commonplace in the service industry, it should not be unusual to find that such a contract type is the only suitable vehicle for a particular service contract.

(2) No particular method(s) of research is required for any of the above. Phone calls to vendors, internet research, review of trade publications,



examination of past AIDS Care Group procurement documents, and discussion with AIDS Care Group members or other persons with pertinent knowledge are, for example, all reasonable means.

(3) The Authorizing Official (or his or her designee) shall document the results on the AIDS Care Group Procurement Planning Form.

**2. Competition Process.** After identifying a need and researching generally what items are available in the marketplace to fill that need, offers or quotes must be solicited from vendors. Those offers or quotes must then be evaluated, and one (or from time to time none) selected. An adequate number of offers or quotes must be solicited to facilitate AIDS Care Group's obtaining a quality item at a reasonable price. The degree of formality of required competition procedures is dependent upon the expected price of the item.

A. Expected Price Over \$250,000.

(1) Procurement Documents. Prior to soliciting offers or quotes, the Authorizing Official (or his or her designee) shall ensure a written request for proposals ("RFP") and written source selection plan ("SSP") are prepared. The CFO shall also document on the Procurement Planning Form the manner in which AIDS Care Group will publicize the RFP.

(a) The SSP shall provide:

(i) The names of AIDS Care Group members who will evaluate offers or quotes received (herein "evaluation team"). To the extent practical, the evaluation team should include a representative of the intended item end users and any AIDS Care Group members with particular technical expertise or experience relating to the item. The Authorizing Official (or his or her designee) shall be on the evaluation team.

(ii) The factors the evaluation team members are to consider in selecting the offer or quote that represents the best value to AIDS Care Group. Factors may be broadly stated and should not be so numerous as to make evaluation unwieldy. Price must always be a factor.



(iii) The relative importance of the various factors. (e.g., Is price the most important factor?, Is price of relative equal importance to quality?, Are positive references more important than the number of years of experience an entity has?, etc.).

(iv) That, in addition to, and notwithstanding, the enumerated evaluation factors, no offer or quote from an entity that appears either incapable or unwilling to successfully perform the contract shall be selected.

(v) That the evaluation team shall make a recommendation to the Authorizing Official (or his or her designee) of which offers to select, that the Authorizing Official (or his or her designee) shall make the selection decision, subject to Board of Directors approval.

(b) The RFP shall provide:

(i) Sufficient detail about the item sought for interested vendors to prepare offers or quotes.

(ii) Any special contract terms and conditions, and sufficient detail about the type of contract desired (e.g., firm fixed price, cost reimbursement, time and materials), for interested vendors to prepare offers or quotes. If desired, a draft contract may be incorporated into the RFP.

(iii) The date by which offers or quotes are to be submitted.

(iv) The factors that AIDS Care Group will consider in selecting the successful offer or quote, always including price as a factor (this should conform to what is stated in the pertinent SSP).

(v) The relative importance of those factors (this should conform to what is stated in the pertinent SSP).

(vi) That, in addition to, and notwithstanding, the enumerated evaluation factors, no offer or quote from an entity that appears either incapable or unwilling to successfully perform the contract shall be selected.



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(2) Solicitation of Offers or Quotes. Notice of the RFP shall be formally publicized, and copies of the RFP provided to all requesters. The following must be observed in formal publication:

(a) Publication may be in the local newspaper, on AIDS Care Group's website, by distribution to vendors on vendor lists, through other means, or through any combination of means. The manner of publication for each procurement must be reasonably calculated to induce offers from an adequate number of sources to enable AIDS Care Group to obtain competition amongst multiple vendors offering quality products at reasonable prices.

(b) Notice of each RFP should be sent to every vendor that has elected to be included on AIDS Care Group's vendor list for the category within which the item falls.

(c) Notice of each RFP shall be sent to each known vendor within 50 miles of Chester, PA that appears on the Small Business Administration's Dynamic Small Business Search (DSBS) database as engaging in a business that makes it reasonably likely to offer the desired item.

(d) The Authorizing Official (or his or her designee) should note the date and manner of publication on a "AIDS Care Group Procurement Record Form" (Appendix C).

(3) Receipt of Offers. As offers or quotes are received, they shall be date-stamped. CFO shall note each offer on the Procurement Record Form. Each offeror shall be checked against the System for Award Management (SAM) database for suspensions, exclusions and outstanding federal debts. No contracts shall be entered into with entities with any such condition noted in SAM (and no further evaluation of such offers or quotes is necessary).

(4) Evaluation of Offers. The evaluation team shall evaluate offers or quotes in a manner consistent with the SSP.

(a) The evaluation team members may confer freely during the evaluation process and may consider information from sources outside the offers or quotes but should not contact the offerors. Questions for offerors should be provided to the Authorizing Official (or his or her designee), who shall follow up with offerors, treating each fairly and equally.





(b) The evaluation team shall conduct and document an analysis of the proposed prices.<sup>1</sup> Such analysis must include a comparison of the proposed price to AIDS Care Group's pre-solicitation price estimate and a comparison amongst prices offered by each offeror. The evaluation team must document his or her opinion of the reasonableness (taking all circumstances into account including possible inaccuracies in AIDS Care Group's initial price estimate) of each offered price.

(c) When satisfied that a thorough evaluation has been completed, the evaluation team shall make a joint selection recommendation to the Authorizing Official (or his or her designee). An offer may only be recommended for selection if, taking all circumstances into account, the price offered is reasonable.

(5) Selection. The Authorizing Official (without delegation) shall select the offer or quote that provides the best value to AIDS Care Group. The Authorizing Official shall indicate his or her rationale for the selection on the Procurement Record Form and sign the form.

(6) Board Approval When Required. For all contracts with a price equal to or greater than \$100,000, the Executive Director shall present the proposed expenditure and prospective award to the Board for approval.

(7) Contract Execution. The Authorizing Official shall notify the successful offeror and negotiate the specific terms of the contract as necessary, and the Executive Director or CFO will execute the contract. If the successful offeror declines to contract with AIDS Care Group, the evaluation team may make a new recommendation based on the offers received, or AIDS Care Group may seek additional offers or start the procurement process anew.

B. Expected Price Equal to or Less Than \$250,000 and over \$10,000.

(1) Procurement Documents. SSPs are not required.

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<sup>1</sup> The CFO may also utilize cost analysis methodologies. However, as AIDS Care Group generally procures standard commercial items, vendor cost data will normally be difficult to obtain, and the burden of cost analysis will usually be substantially outweighed by any insight the cost analysis may offer beyond that offered by price analysis.



(a) Though not required by federal regulation, formal written RFPs as described above shall be prepared for contracts with an expected price in excess of \$50,000.

(b) For contracts with an expected price equal to or less than \$50,000, oral or less-formal email RFPs may be used. Where the Authorizing Official (without delegation) determines that a particular procurement contains a level of complexity such that oral RFPs may result in unequal or insufficiently clear information being transmitted to potential offerors, RFP information should also be transmitted by email. Whether oral or by email, each RFP for a contract with an expected price of equal to or less than \$50,000 shall include:

(i) Description of item sought, including any features of particular importance.

(ii) The importance of price, any particular feature, and overall item quality in AIDS Care Group's selection decision.

(2) Solicitation of Offers or Quotes. Formal publication is not required (including when using an RFP as the solicitation document for contracts valued between \$50,000 and \$250,000). Rather, the Authorizing Official (or his or her designee), shall solicit offers or quotes (collectively "proposals") from such a number of potential sources that AIDS Care Group may reasonably expect to obtain a quality item at a reasonable price. Generally, solicitation of three proposals will generate sufficient competition without creating undue administrative burden to AIDS Care Group.

(3) Receipt of Proposals. The Authorizing Official (or his or her designee) shall note each proposal on a Procurement Record Form. Each entity submitting a proposal shall be checked against the System for Award Management (SAM) database for suspensions, exclusions and outstanding federal debts. No contracts shall be entered into with entities with any such condition noted in SAM.

(4) Evaluation of Proposals. Evaluation shall be informal so as to avoid undue burden to AIDS Care Group. The Authorizing Official (or his or her designee) shall informally evaluate proposals and may obtain assistance or delegate evaluation as desired. Price and quality must be considered.



(5) Selection. The Authorizing Official (without delegation) shall select the proposal that provides the best value to AIDS Care Group. The approving official shall indicate his or her rationale for the selection on the Procurement Record Form and sign the form.

(6) Authorization of Purchase / Contract Execution. If the purchase will not entail a formal contract document, the Authorizing Official shall authorize the purchase in writing (email is sufficient). If the purchase will entail a formal contract document, the Authorizing Official shall notify the successful entity and negotiate the specific terms of the contract as necessary. The CFO or Executive Director will execute the contract. If the successful entity declines to contract with AIDS Care Group, the evaluator(s) may make a new recommendation based on the proposals received, or AIDS Care Group may seek additional proposals or start the procurement process anew.

### **3. Contract Management.**

A. The CFO is responsible for oversight of AIDS Care Group contracts, regardless of contract value. A contract file shall be maintained within AIDS Care Group's electronic file system for each contract. The CFO may delegate oversight responsibility for individual contracts, however any delegee shall report contract status to the CFO no less than monthly. Appropriate contract oversight activities differ greatly depending upon the nature and value of a particular contract. Such activities generally include:

(1) Inspection of delivered property or services and continuous evaluation of contractor progress.

(2) Review of invoices, and initial certification of such invoices for payment.

B. Additionally, the CFO shall be responsible for:

(1) Invocation of contractual remedies where necessary.

(2) Maintenance of the contract file, including ensuring that copies of all invoices, reports, and major correspondence relating to the contract are properly filed.



**4. Contract Closeout.** For each contract in excess of \$10,000, within fifteen (15) calendar days of completion of the required effort by a contractor, whether by delivery of required goods or completing performance of a required service, the CFO shall commence review of the contract file. For contracts for goods and services, including construction, the CFO shall confirm through reasonable means that the delivered goods or service met the requirements of the contract. If it did, the CFO shall ensure final payment is made to the contractor. If it did not, the CFO shall inform the Executive Director of the failure and of any available contractual remedies. If a determination cannot yet be made, the CFO shall proceed with a follow-up review when appropriate and shall reserve any contractual remedies to the extent practical.

The CFO shall further confirm the contract file is complete, including a completed Procurement Planning Form, completed Procurement Record Form, copy of the contract, copies of each invoice or statement, and copy any documents ancillary to the contract (e.g., warranty policy). The contract file shall be retained in accordance with AIDS Care Group's record retention policy.

The CFO may delegate administration of closeout authority but is responsible for ensuring they are accomplished.

### **III. Special Considerations and Contracting Methods.**

**1. Small Businesses, Minority Businesses, Labor Surplus Area Concerns, and Women-Owned Businesses.** The CFO shall ensure that the following affirmative steps are taken in AIDS Care Group's procurements, when possible, to facilitate participation by Small Businesses, Minority Businesses, Labor Surplus Area Concerns, and Women-Owned Businesses:

- A. Placing such entities on AIDS Care Group's solicitation lists;
- B. Soliciting such entities whenever they are known to be potential sources;
- C. Dividing requirements as described in paragraph 2(C) below;



- D. Establishing delivery schedules, where requirements permit, that encourage participation by such businesses;
- E. Using the services of regional Small Business Administration (“SBA”) offices, and the Dynamic Small Business Search (“DSBS”) tool;
- F. Requiring AIDS Care Group’s contractors to take the steps listed above when it is expected that such contractors will use subcontractors to carry out work under AIDS Care Group’s contracts.

**2. Aggregating or Separating Purchases of Like Items.** For products that AIDS Care Group purchases repeatedly, the CFO should consider aggregate purchases and “indefinite delivery/indefinite quantity (IDIQ)” contracts. Where it would facilitate local and Small Business competition and would not create undue burden or increase overall price, the CFO should consider separating purchases of like items.

A. Aggregate Purchases. AIDS Care Group may determine that advance purchasing of a larger quantity of a particular item than is required for immediate deployment is advantageous because the purchase of a greater quantity will result in a better price. Such aggregate purchases are authorized only upon a written determination of the CFO of each of the following:

(1) The full quantity is needed by AIDS Care Group over a particular period of time.

(2) The aggregate items will not be wasted through spoilage or other loss.

(3) The internal storage and handling (e.g., warehousing and transport) costs for any items delivered in advance will not exceed the savings realized by the aggregate purchase.

B. IDIQ Contracts. IDIQ contracts are contracts under which AIDS Care Group agrees to purchase a minimum amount of a particular item from a particular



source, and that entity agrees to provide additional amounts up to a stated limit at the same per unit price. IDIQ contracts, if any, should be implemented as follows:

(1) The initial contract will be let in accordance with AIDS Care Group procurement procedures.

(2) To promote competition in AIDS Care Group procurements, IDIQ contracts shall be limited to a minimum of one year in duration, with two one-year option periods.

(3) The CFO shall designate AIDS Care Group members authorized to make orders against each IDIQ contract.

(4) Generally, it is AIDS Care Group policy that no more than one IDIQ contract covering the same item during the same period of time should be let. If multiple contracts are appropriate for any reason, such as due to geographical considerations, the CFO should document the basis in the procurement file of each similar contract as well as which contract should normally be used under particular circumstances (e.g., certain sites use contract A and certain sites use contract B, except when contract A or B is unable to expeditiously provide the item and the other contract must therefore be used as a substitute).

C. Separating Purchases of Like Items. AIDS Care Group may determine that it is able to foster local and Small Business competition by separating purchases of like items into smaller quantity purchases. The CFO may authorize or direct such separation when it would not increase overall price to AIDS Care Group and when such separation of purchases will not create undue burden under AIDS Care Group's procurement procedures. Purchases shall never be separated for the purpose of avoiding the requirements of AIDS Care Group's procurement procedures.

**3. Shared Use and Joint Purchasing.** From time to time, AIDS Care Group may identify areas in which shared use of the assets or services of an affiliated organization will reduce organizational costs. It may similarly, from time to time, identify areas where joint purchasing with affiliated organizations will maximize purchase power and reduce transaction costs. Such joint use of assets or services and joint purchasing is authorized but must be balanced against risks of possible reduced control over procurement activities and possible Organizational Conflict of



Interest. Prior to shared use or joint purchasing, the CFO shall reduce to writing a business case which includes the below described elements. The Executive Director must approve all shared use of assets or services and joint purchasing arrangements.

A. Shared Use.

(1) Expected cost of shared use, including any shared maintenance costs or storage costs. The expected cost figure must be supported by documentation, such as historical cost data for each component of cost in the expected shared use relationship.

(2) Expected cost of obtaining the same asset or service independently. The expected cost figure must be supported by documentation, such as market research.

(3) A statement of any apparent conflict of interest risk, including Organizational Conflict of Interest risks, and a description of any mitigating factors or implemented mitigating controls.

B. Joint Purchasing.

(1) A description of the procurement procedures to be used. The procedures must meet the minimum requirements of AIDS Care Group's procurement procedures. The final decision to execute any contract (or any option under such contract) under the joint purchase must be subject to approval of the CFO.

(2) A description of the relationship between AIDS Care Group and the joint purchaser in contract management, including a description of corresponding authorities for inspection, acceptance, and enforcement.

(3) A cost-benefit analysis of savings expected as compared to the risks of any reduced contractual control and any negative impact upon competition.

(4) A statement of any apparent conflict(s) of interest in the process of making the joint purchase or in the management of any resulting joint



contract, including Organizational Conflict of Interest risks, and a description of any mitigating factors.

#### **4. Sole-Source Contracting.**

A. For all purchases with an expected price of greater than \$10,000, competition must be sought whenever possible. No sole-source purchases over \$10,000 may be made, except as approved (without delegation) by the CFO. The CFO may authorize sole-source procurements in only the following three exceptional situations, and only upon documenting the applicability of the exception:

(1) There is only one source for the item. This exception may be used for items where technical compatibility with existing systems necessitates purchase from a particular vendor (e.g., purchase required from original equipment manufacturer (“OEM”), creator of specialized software, etc.). Where a need is for a particular make or model of item, but that item is carried by multiple suppliers, competition amongst such suppliers should be sought. This exception may also be used for follow-on services of a professional or technical nature where continued performance by an existing contractor is preferred due to “know how” that is not easily transferable, and the transfer of which would result in substantial increased inefficiency and associated cost to AIDS Care Group.

(2) A public emergency will not permit delay resulting from competitive solicitation. As this exception is reserved to “public” emergencies, it is not an excuse for lack of advance planning on the part of AIDS Care Group and should only rarely, if ever, be utilized.

(3) The entity that awarded the funds for the program under which the item is being purchased has provided written authorization for the sole-source procurement.

B. For each sole-source contract in excess of \$150,000, the CFO must separately negotiate profit as an element of price. To establish a fair and reasonable profit, consideration should be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor’s investment, the amount of subcontracting, the quality of the contractor’s record of past performance, and industry profit rates in the local trade area for similar work.





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## **5. Prior Approvals from Funding Entity for Capital Purchases with Federal Funds.**

A. Generally, prior written approval of a funding entity is required under the federal Cost Principles (2 C.F.R. Part 200, Subpart E) before federal funds may be used for purchase of:

- (1) General purpose equipment, buildings, and land.
- (2) Special purpose equipment in excess of \$5,000.
- (3) Improvements to land, buildings, or equipment which materially increase their value or useful life.

B. Prior written approval may be obtained by AIDS Care Group expressly including the item in its grant/budget proposal when such proposal is subsequently approved by the funding entity or may be received separately. A copy of the prior approval (which may be in the form of an excerpt from the approved budget) shall be placed in the contract file for any such purchase.

**6. Construction Contracts.** All contracts for construction<sup>2</sup> shall be procured using the procedures described above, except that additional requirements listed below shall apply:

A. The CFO or Executive Director shall be the Authorizing Official regardless of price.

B. Sealed bidding is the preferred method of soliciting offers, where feasible. For sealed bidding to be feasible, the construction effort must be such that a competition among qualified offerors may be conducted on the basis of only price. It must also be such that no opportunity for negotiation between AIDS Care Group and offerors of the scope of work, contract approach, or price is needed. If sealed bidding is feasible, the CFO (or Executive Director) shall refer to 2 C.F.R. § 200.320(c) for specific procedural requirements.

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<sup>2</sup> "Construction" means construction, alteration, or repair (including painting) of buildings, structures, or other real property.



C. To the extent required by 2 C.F.R. § 200.325, a bid guarantee, performance bond, and payment bond meeting the requirements of that section must be obtained from each offeror.

D. As part of procurement planning, the CFO or Executive Director must determine whether the requirements of the Davis Bacon Act apply to the work. The Davis Bacon Act provides for certain minimum wages to be paid by the construction contractor and requires the contractor to maintain detailed documentation of the wages it pays. Generally, the Davis Bacon Act is made applicable to construction efforts of federal grantees and subgrantees, if at all, through the statute authorizing the program under which federal funds are provided. The CFO may determine applicability by inquiry to the pertinent funding entity. If the Davis Bacon Act applies to the solicited work, the RFP shall state and the resulting contract shall include the clause prescribed by the Department of Labor at 29 C.F.R. § 5.5 (Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction, Contract Provisions and Related Matters).

#### **IV. Standards of Conduct.**

All procurement activities shall comply with AIDS Care Group's Standards of Conduct Policy. At a minimum, the following restrictions apply to all AIDS Care Group contracting activities. Where a procurement is funded with federal funds, these prohibitions are mandatory conditions attached to expenditure of such funds and (see 2 C.F.R. § 200.318(c) and *cannot* be waived by any means, including by Board action.

##### **1. Procurement and Contract Management.**

A. No individual affiliated with AIDS Care Group may participate in the selection, award, or administration of a contract if a real or apparent conflict of interest would be involved. At a minimum, there will arise a conflict of interest in AIDS Care Group procurement when any individual affiliated with AIDS Care Group, or any member of such person's immediate family, or such person's partner, or any organization which employs or is about to employ any of the foregoing, has a financial or other interest in or derives any tangible personal benefit from a firm considered for a contract.



B. AIDS Care Group will seek to identify and avoid or mitigate organizational conflicts of interest (“OCI”). OCI’s exist when, because of relationships with a parent company, affiliate, or subsidiary organization, AIDS Care Group is unable, or appears to be unable, to be impartial in conducting a procurement action involving the related organization.

C. In order to ensure objective contractor performance and eliminate unfair competitive advantages, contractors or consultants that develop or draft contract specifications, requirements, statements of work, invitations for bids and/or requests for proposals shall be excluded from competing for such procurements.

## **2. Gifts and Gratuities.**

A. Individuals affiliated with AIDS Care Group may neither solicit nor accept gifts, gratuities, favors, or anything of monetary value from current or prospective AIDS Care Group contractors, subcontractors, or sub-grant recipients (“subrecipients”). This prohibition applies regardless of whether the individual is personally involved in any way with the contract, subcontract, or sub-grant.

B. Notwithstanding the foregoing, individuals affiliated with AIDS Care Group may accept *unsolicited* items of monetary value from AIDS Care Group contractors, subcontractors, and subrecipients, when both of the following conditions are met: (1) the item is less than or equal to \$20.00 in value, *and* (2) the item was not given to the individual affiliated with AIDS Care Group for the purpose of influencing him or her in the performance of his or her AIDS Care Group duties.



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**Purchase Request****Requested Item:**

***\*Any Necessary Special Features or Characteristics Required for Compatibility with Existing Systems, Equipment, or Standard Procedures:***

**Description of Need:****Is the Item a Budgeted Item?**☐ **Yes**☐ **No**☐ **Unknown****All Known Sources of Supply:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Approximate Anticipated Price:**

\_\_\_\_\_  
**Requester (print)**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature**



**Procurement Planning Form  
(For All Procurements Over \$10,000)**

**Requirement:**

*If brand name or equal, salient characteristics are:*

**Market Research:**

Research Method: ☐ Internet ( \_\_\_\_\_ )  
☐ Prior procurement files ( \_\_\_\_\_ )  
☐ Personal Knowledge of Local Trade Area  
☐ Other: \_\_\_\_\_

Potential Sources: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Estimated Purchase Price: \_\_\_\_\_

<b>Additional Considerations:</b>	Considered	Notes
Aggregate or Break Up Purchases	<input type="checkbox"/>	
Lease vs. Purchase	<input type="checkbox"/>	

**Planned/Expected Contract Type:**

☐ Fixed Price (including fixed price per unit) ☐ Other: \_\_\_\_\_  
☐ Cost Reimbursement plus fixed fee/profit

*Note: Cost Plus Percentage-of-Cost is Prohibited; Time and Materials has restrictions (§ 200.318(j)(1))*

**Procurement Method:**

☐ Small Purchase Procedures  
☐ Written Solicitation of Price Quotes  
☐ Oral Solicitation of Price Quotes  
☐ Competitive Proposals  
☐ Sealed Bids

☐ Sole Source  
Justification:

**Is Item Budgeted in AIDS Care Group's Annual Budget:****Notification/Publication Plan:**

\*Note: If "Estimated Purchase Price" in excess of \$250,000, must formally publicize.



**Procurement Record Form**  
**(For All Procurements Over \$10,000)**

**Solicitation Issue Date:**

**Requirement:**

Offers Received			
Offeror	Date Received	Price	Date Checked SAM

**Offer Selected:**

**Selection Rationale:**

[Offeror]'s proposal was most advantageous to AIDS Care Group, price and other factors considered, because \_\_\_\_\_.

**Price Reasonableness Assessment:**

\_\_\_\_\_  
**Signature**

*\*Rationale Should be Consistent with RFP's Stated Evaluation Factors*

*\*Rationale Should be Consistent with Written Evaluation Plan Where Such Plan Required by Policy*