

# **Property Management & Procurement**

**Module II-6**

**Chapters II-11 & II-10**

# Property Management

- ◆ States & Government grantees
  - 29 CFR 97.31-34
- ◆ Non-governmental grantees
  - 29 CFR 95.30-37

# Real Property

- ◆ 29 CFR 97.31 or 95.32
- ◆ SCSEP - Acquisition costs unallowable
  - Source - proposed 20 CFR 641.847(d)
  - Ban includes capital leases
  - Exceptions - minor repair & rehab of:
    - ◆ Public facilities used for program
    - ◆ Low income housing
    - ◆ Other public facilities
  - ADA & §504 Rehabilitation Act

# Equipment

- ◆ CFR 97.32 or 95.34
- ◆ Acquisition cost of \$5000 or more
- ◆ Useful life of 1 year or more
- ◆ Prior approval requirements
- ◆ Title remains with grantee

# Equipment Utilization

- ◆ Use for SCSEP as long as needed
  - Can also use for other activities if no interference with SCSEP purposes
- ◆ When no longer needed for SCSEP, retain & use for other federally-funded activities
- ◆ When totally unneeded, dispose

# Management System?



# Management System

- ◆ Required of all grantees
- ◆ Acquisition costs
- ◆ Serial numbers
- ◆ Other identifying information
- ◆ % of Federal participation
- ◆ Condition & use data

# Management System

- ◆ Physical inventory
- ◆ Loss prevention & control system
- ◆ Maintenance procedures
- ◆ Disposition process
  - Awarding agency instructions
  - Use in other programs
  - Based on fair market value
  - Compensation to Federal funding agency



# Supplies

- ◆ Any tangible personal property other than equipment
- ◆ Title remains with grantee
- ◆ Disposition
  - Aggregate fair market value

# Other Intangible Property

## ◆ Copyrights

- Royalty-free, non-revocable rights
- Use, publish, authorize others to use
- Do not pass through to subgrantees

## ◆ Data

- Right to obtain, reproduce, publish or use

# Procurement

- ◆ Process to obtain goods and services
- ◆ 29 CFR 97.36
  - States & other governmental grantees
- ◆ 29 CFR 95.40-48
  - Non-profits, commercials, higher ed & hospitals
- ◆ Applies to grantees and subgrantees
- ◆ Full & open competition

# System Requirements

- ◆ States
  - State procedures for non-Federal procurements
- ◆ Other Governments
  - Own system if it conforms to Part 97 requirements
  - Maintain system for administration of contracts
- ◆ Part 95 grantees
  - Conform to standards

# Procurement Standards

- ◆ Written procedures
- ◆ System to ensure performance
- ◆ Written code of conduct
- ◆ Procedures to review procurements
- ◆ Process to promote use of Intergovernmental agreements/common goods & services

# Procurement Standards

- ◆ Cost or price analysis
- ◆ Awards only to responsible parties
- ◆ Documentation of award
- ◆ Settlement process and protest procedures
- ◆ Use of small businesses, minority-owned & women's businesses (Part 95 only)

# Procurement Methods

- ◆ Fair and open competition
  - 29 CFR 97.36(c) & 95.43
- ◆ Methods – 29 CFR 97.36(d)
- ◆ No methods specified in Part 95
  - Follow methods of Part 97
  - No prior approval for small purchase procurements

# Non-governmental Solicitations

- ◆ Clear description of goods/services
- ◆ Factors used in evaluating bids/proposals
- ◆ Technical requirements of procurement
- ◆ Specific features of “brand-name or equal”
- ◆ Acceptability of metric measurements
- ◆ Preference for ecologically & energy efficient products



# Small Purchase Method

- ◆ Federal threshold - \$100,000
- ◆ Informal method – primarily goods
- ◆ Rate comparisons
- ◆ Price is primary consideration

# Sealed Bids Method

- ◆ Complete specification of goods & services
- ◆ Usually requested through an Invitation for Bid (IFB)
- ◆ At least 2 bidders
- ◆ Award based primarily on price

# Competitive Proposals

- ◆ More than one bidder
- ◆ Price is not primary consideration
- ◆ Use of a Request for Proposal (RFP)
  - Publicized
  - Method to conduct technical evaluation
  - Awards based on price and program factors
  - Bids solicited from a number of providers
- ◆ Fixed-price or cost reimbursement

# Non-competitive Proposals

- ◆ Only if other methods infeasible
- ◆ Available from one source
- ◆ Public emergency precludes competition
- ◆ Awarding agency authorized
- ◆ Competition determined inadequate

# Non-competitive Proposals

- ◆ Cost analysis required
  - Verification of cost data
  - Evaluation of costs & profit
- ◆ Profit separately negotiated
- ◆ Fixed-price or cost reimbursement

# Not a Procurement Method



# Contract Clauses

- ◆ Agreements
  - Fixed-price or reimbursement
- ◆ Every agreement must contain clauses
- ◆ 29 CFR 97.36(i)
- ◆ 29 CFR 95.48
- ◆ 29 CFR Part 95, Appendix A

# Contract Clauses

- ◆ Breach of contract
- ◆ Termination for cause or convenience
- ◆ Access to records
- ◆ Reporting requirements



# More Contract Clauses

- ◆ Record retention requirement
- ◆ Applicability of regulations
- ◆ Audit requirements
- ◆ Patent rights, copyrights, rights in data

# The Rest of Contract Clauses

- ◆ Provisions requiring adherence to:
  - EEO requirements of 29 CFR 33 & 37
  - Sections 103/107 of CWH/SSA
  - Clean Air Act, Clean Water Act, & EPA regulations
  - Energy Conservation Act
  - Byrd Anti-Lobbying Amendment (Part 93)
  - Debarment & Suspension requirements (Part 98)

Questions?