



BRISTOL HOUSING AUTHORITY PROCUREMENT POLICY

Amended March 20, 2018

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STATEMENT OF PROCUREMENT POLICY

This Statement of Procurement Policy (“Statement”) complies with the U.S. Department of Housing and Urban Development’s Annual Contributions Contract, HUD Handbook 7460.8, “Procurement Handbook for Public Housing Agencies” and the procurement standards of **2 CFR 200.317 – 200.326**, 24 CFR 85.36 and *Connecticut General Statutes Ch.2 Sect.8-44 as revised*. This Statement and any later changes shall be submitted to the Board of Commissioners for approval. The Board appoints and delegates procurement authority to the Chief Executive Officer (CEO) as Contracting Officer and is responsible for ensuring that any procurement policies adopted are appropriate for the Bristol Housing Authority (BHA).

The purpose of this Procurement Policy is to ensure that all persons or firms involved in purchasing by the BHA are treated in a fair and equitable manner; to assure that supplies, services and construction bids are procured efficiently, effectively and economically; to promote competition in contracting; to provide safeguards for the purpose of maintaining a procurement system of quality and integrity; and to ensure that BHA purchasing actions are in full compliance with all Federal, State and Local regulations.

This Statement applies to all contracts for the procurement of supplies, services and construction entered into by the BHA after the effective date of this Statement. It shall apply to every expenditure of funds by the BHA for public purchasing, irrespective of the source of funds. Nothing in this Statement shall prevent the BHA from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with law. The term “procurement” as used in this Statement, includes both contracts and modifications (including change orders) for construction or services, as well as purchase, lease, or rental of supplies and equipment.

All procurement information shall be a matter of public record in accordance with the State of Connecticut Freedom of Information Act and shall be available to the public.

Exclusions

This policy does not govern administrative fees earned under the Section 8 Housing Choice Voucher Program, the award of vouchers under the Section 8 HCV Program, the execution of landlord Housing Assistance Payments contracts under that program, or non-program income, e.g., fee-for-service revenue under 24 CFR Part 990. These excluded areas are subject to applicable State and local requirements.

Changes in Laws and Regulations

In the event an applicable law or regulation is modified or eliminated, or a new law or regulation is adopted, the revised law or regulation shall, to the extent inconsistent with these Policies, automatically supersede these Policies. ETHICS IN PUBLIC CONTRACTING (24CFR85.35(iv))

General

The BHA hereby establishes this code of conduct regarding procurement issues and actions and shall implement a system of sanctions for violations. This code of conduct, etc; is consistent with applicable Federal, State, or local law.

Conflicts of Interest

No employee, officer, Board member, or agent of the BHA shall participate directly or indirectly in the selection, award, or administration of any contract if a conflict of interest, either real or apparent, would be involved. This type of conflict would be when one of the persons listed below has a financial or any other type of interest in a firm competing for the award:

- A. An employee, officer, Board member, or agent involved in making the award;
- B. His/her relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister);
- C. His/her partner; or
- D. An organization which employs or is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.

Gratuities, Kickbacks, and Use of Confidential Information

No officer, employee, Board member, or agent shall ask for nor accept gratuities, favors, or items of more than \$25.00 in value from any contractor, potential contractor, or party to any subcontract, and shall not knowingly use confidential information for actual or anticipated personal gain.

Prohibition against Contingent Fees

Contractors wanting to do business with the BHA must not hire a person to solicit or secure a contract for a commission, percentage, brokerage, or contingent fee, except for bona fide established commercial selling agencies.

Present or Former BHA Employees Who Attempt to Solicit BHA

A present or former BHA employee shall not engage in selling or attempting to sell supplies, services, or construction to BHA. For former employees this ban shall continue for one year following the date such employment ceases. The term “sell” means signing a bid or proposal, negotiating a contract, contracting any BHA employee for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract;

settling contract disputes; or any other liaison activity with a view toward the ultimate consummation of a sale, although the actual contract is negotiated by another person.

Contractor Preferences

The BHA will encourage Small Business, Minority Business, Woman-Owned Business, and Local Business Entities, along with HUD Section 3 employers to submit proposals in procurement. The BHA will not allow preferential selection based solely on any of that criteria.

Contractor Conduct

Contractors shall not engage in any improper or unlawful conduct with respect to BHA bidding and/or contracting, as defined by any law. Violation of this prohibition may result in default, debarment or whenever other remedies exist under the law or the contract.

AUTHORITY AND ADMINISTRATION

GENERAL

Contractors shall not retain a person to solicit or secure a contract with the BHA for a commission, percentage brokerage or contingent fees, except for bona fide employees or bona fide established commercial selling agencies.

Procurements for State developments shall be made in accordance with Chapter 129 Section 8-44 and Section 8-121.c of the Connecticut General Statutes *as revised* July 1, 2002 and DOH-HM-125 (current 2013).

- A. All proposed work, for improvements and/or renewal of major contracts must be reviewed with the Board's designated Committee after being recommended to the CEO for review and approval. Once it is presented and approved by the Board, the contract is presented to the General Counsel for review. The new contract must be signed only by the CEO or his/her designee.
- B. While the CEO is responsible for ensuring that the BHA procurements comply with this Policy, the CEO may delegate all procurement authority as is necessary to assign all or a portion of that responsible to positions or individuals based on the organization and staffing of the BHA.
- C. Procurement requirements for standard materials and supplies may be reviewed and ordered on an annual basis to ensure economical ordering quantities.
- D. All contracts and modifications shall be in writing and shall clearly specify the necessary supplies, services or construction. All backup documentation shall be maintained in the procurement file and shall include such information as method of procurement, selection of contract type, rationale for accepting or rejecting offers and the basis for the contract price.

- E. **Individual Expenditures of \$50.00** and under may be made from petty cash and supported by receipts. Only authorized individuals shall have access to this account and shall perform reconciliation periodically.
- F. When possible, procurements shall be made in conjunction with the City of Bristol and State of Connecticut, DAS, agreements, to economize purchases.
- G. When feasible, purchases of State and Federal excess and surplus property shall be made in lieu of new equipment.
- H. When a Public Notice is deemed desired or as required for procurements, Advertisement must be given within ten days before solicitation documents (*i.e. rfps, rfqs, and rfs*’) are released. Contractors shall be allowed a minimum of fifteen days to submit quotes, proposals and/or bids. All contract awards shall be made public information.
- I. An independent cost estimate shall be prepared before solicitations are made. A cost analysis will be prepared for all quotes, proposals and/or bids.
- J. All solicitation procedures for procurements over \$150,000 shall follow this minimum format:
 - Bids must be publicly advertised in at least one newspaper of general circulations; **OR**
 - Invitations to bid shall be mailed to available dealers and posted in a Public place, through NAHRO, e-procurement; **OR**
 - A combination of the above.
- K. Contract award shall be made, in the case of sealed bids, to the lowest qualified and responsible bidder. For contracts based on competitive proposals, contract award shall be based upon the proposal that has the best economic value for goods or services, whose price is within anticipated budget amounts and other factors specified in the solicitation. Unsuccessful bidders shall be notified within ten working days after contract award.
- L. The BHA must comply with all applicable HUD review requirements.
- M. There shall be sufficient unencumbered funds to cover anticipated costs before contract award or modification.
- N. All work shall be inspected before any payment is made, and payment is to be made promptly, per payment standards, upon acceptance of contract work.

- O. No member, officer or employee of the BHA during his/her tenure or for a period of one year thereafter, shall have any interests, direct or indirect, in this contract or the proceeds thereof.
- P. A financial management system will be maintained in compliance with 24 CFR 85.20 and 2 CFR 200. A contract administration system will be maintained and shall contain certain guidelines for inspection of supplies, services or construction, as well as monitoring contractor performance, status reporting on construction contracts and similar matters.
- Q. All solicitations shall be reviewed to ensure that specifications are not unduly restrictive. Detailed product specifications shall be avoided if at all possible. Lease versus purchase should be examined to determine the most economical form of procurement. The following specification limitations shall be avoided: (a) geographical restrictions not mandated or encouraged by applicable Federal law with the exception of architect/engineer contracts which may include geographic location as a selection factor if adequate competition is available; (b) unnecessary bonding or experience requirements; (c) brand name specifications (unless a written determination is made that only the identified item will satisfy the BHA needs) and (d) brand name or equal specifications unless the minimum essential characteristics and standards to which the item must conform to satisfy its intended use. Specifications should be examined to eliminate any possible organizational conflicts of interest.
- R. The BHA and the contractor shall take all necessary Affirmative Action steps to ensure that minority firms, women’s business enterprises and labor surplus area firms will be used when possible. To achieve this, the following steps should be taken: (a) place small, minority and women’s business enterprises on solicitation lists; (b) solicit these enterprises whenever they may potential sources; (c) when economically feasible, divide work into components to maximize participation by these enterprises; (d) establish delivery schedules which encourage the participation of these enterprises; (e) require the prime contractor to follow Affirmative Action steps; (f) contractor, to the greatest extent possible, should provide training opportunities and employment for low-income residents of the project area, and make best efforts to encourage local small businesses to provide bids.

PROCUREMENT METHODS

The BHA shall use the following guidelines when determining selection of method for procurement.

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|----|---|---------------------------------|
| 1. | <i>0 to \$50.00</i> | Petty Cash |
| 2. | <i>\$50.01 to \$3,000.00</i> | Open Market (“Micro Purchase”) |
| 3. | <i>\$3,000.01 to \$60,000.00</i> | Competitive Quotes or proposals |

- | | | |
|----|---|-----------------------|
| 4. | \$60,000.01 to <i>\$149,999.99</i> | 3 Written Quotes/Bids |
| 5. | over <i>\$150,000.00</i> | Public Sealed Bidding |

I. Petty Cash

Purchases under ***\$50.00*** may be obtained locally may be processed through the petty cash account. The CEO shall ensure that the account is sufficient to cover small purchases in a reasonable amount of time. Security shall be maintained by allowing only authorized individual’s access to the account. The account shall be periodically reconciled and replenished by submission of a requisition. The account shall be periodically audited by the Fee Accountant to validate proper use and to verify that total on-hand plus vouchers is equal to the account.

The on-hand amount in petty cash at the Main Office shall be \$600.00 and at Dimitry J. Komanetsky Estates, it shall be \$200.00.

II. Open Market Purchases

Only one quotation shall be required for purchases under \$3,000, if the price received is deemed reasonable from past experience or current market conditions. Procurements should be made on a rotational basis if more than one source is available. All construction contract work exceeding \$2,000 requires verification that prevailing wages (Davis-Bacon Act) are met.

III. Competitive Quotes

For small purchases in excess of \$3,000, but less than \$60,000, at least three competitive quotes shall be solicited and records which include time, date, name of person spoken with, name of company. *The Property Managers should submit a folder with at least three quotes from qualified vendors, to the Director of Capital Funds who will process, implement, and manage the project along with the Property Managers and the contractor. Assistants and maintenance personnel cannot be given authority or responsibility for procurement.* The price quotation shall be kept on file for five years.

IV. 3 Written Quotes/Bids

For purchases over \$60,000.01, but under \$149,999.99, three written quotations shall be solicited for any work utilizing the same scope of service or supply. Award shall be made to the lowest bidder unless written justification can be shown. \$60,000 is the Simplified Acquisition Threshold for the BHA. For Purchases over \$150,000.00, the solicitation must be publicly advertised and performance & payment bonds may be required. Bid security of 5% may be required for all proposals over \$150,000.00. *The Property Managers will submit a folder with 3 quotes to the Director of Capital Funds who will process, implement, and manage the project along with the Property Managers and the contractor. Assistants and maintenance personnel cannot be given authority or responsibility for procurement.* All records shall be maintained on file for five years.

V. Public Sealed Bidding

Any requirements relating to the procurement of goods and services arising under state and local laws and regulations shall not apply to Capital Fund Stimulus Grants and Federal Public Housing Properties. BHA instead will follow the OMB Super Circular, HUD Part 85 Procurement requirements.

BHA complete procurement policies are already established and approved in accordance with HUD Part 85 Procurement requirements.

- a. A complete, adequate and realistic specification or description is available.
- b. Two or more responsible bidders are willing and able to compete effectively for the work
- c. The procurement lends itself to a firm, fixed price contract.
- d. The selection of the bidder can be made principally on the basis of price.

Sealed bidding shall be used in all construction and equipment contracts in excess *of \$150,000*.

An invitation for bids shall be issued which shall include specifications and all contractual terms and conditions applicable to the procurement and shall include a statement that the bid will be awarded to the lowest responsible and responsive bidder whose bid meets all requirements of the invitation for bids.

The invitation for bids shall state the date, time and place for receipt of bids and the bid opening.

All bids shall be date stamped, but not opened, and shall be stored in a secure place until the bid opening. A bidder may withdraw his bid at any time prior to bid opening.

Bids shall be opened publicly and in the presence of at least one BHA employee and an impartial witness. A bid list shall be recorded and shall be made available for public inspection. Award shall be made by written notice to the successful bidder. If equal low bids are received from responsible bidders, the award shall be made by lottery or a similar random method. If only one bid is received from a responsible bidder, the award shall not be made unless a cost or price analysis verifies the reasonableness of the price.

Correction or withdrawal of erroneous bids may be allowed before bid opening provided that written notice is received by the BHA prior to the bid opening. All decisions to allow correction or withdrawal of bid mistakes shall be supported by written determination signed by the CEO. A low bidder may be permitted to withdraw its bid if the mistake is clearly evident on the face of the bid document but the intended bid is unclear, or the bidder submits convincing evidence that a mistake was made. After bid opening, corrections may be permitted only if the bidder can show by clear and convincing evidence that a mistake of a nonjudgmental character was made, the nature of the mistake and the bid price actually intended.

VI. Bonding Requirements

There are several bonding requirements to be followed when bids for construction or facility improvements exceed \$150,000 (option at \$100,000).

- a. A bid guarantee from each bidder, equivalent to 5% of the bid price.
- b. A performance bond for 100% of the contract price.
- c. A payment bond for 100% of the contract price.
- d. The bid guarantee of 5% will be acceptable in one of the following forms:
 - I. Bid Bond;
 - ii. Certified Check;
 - iii. Other Negotiable Instrument.
- e. **Construction over \$150,000** must be supported by a bid guarantee from each bidder equal to 5% of the bid price and one of the following:
 - i. Performance and payment bond for 100% of the contract price; or
 - ii. Separate payment and performance bonds, each for 50% or more Of the contract price; or
 - iii. A 20% cash escrow; or
 - iv. A 25% irrevocable letter of credit.
- F. \$1.00 to \$60,000 no bonding requirement. \$60,000.01 to \$149,999 may be deemed necessary.

VII. Competitive Proposals

Competitive proposals may be used if there is an adequate method of evaluating technical proposals and where the BHA determines that conditions are not appropriate for the use of sealed bids. An adequate number of qualified sources shall be solicited *Under no circumstances will any vendor be given another vendor quote. You can use the specification section from an existing quote but it must be typed on BHA letterhead. Each item will be analyzed and a plan set forth for procurement with technical nature, complexity and specialized tasks taken into account.*

The request for proposals (RFP) shall clearly identify the relative importance of price and other evaluation factors and sub-factors, including the weight given to each technical factor and sub-factor. A mechanism for fairly and thoroughly evaluating the technical and price proposals shall be established before the solicitation is issued. Proposals shall be handled so as to prevent disclosure of the number of offerors, identity of the offerors and the contents of their proposals. The proposals shall be evaluated only on the criteria stated in the request for proposal.

Unless there is no need for negotiations with any of the offerors, negotiations shall be conducted with offerors who submit proposals determined to have a reasonable chance of being selected for

award, based on evaluation against the technical and price factors as specified in the RFP. Such offerors shall be accorded, fair and equal treatment with respect to any opportunity for negotiation and revision of proposals. These negotiations shall determine clarification with regard to deficiencies in technical and price aspects of proposals so as to assure full understanding of, and conformance to, the solicitation requirements.

No offeror shall be advised of submitted proposals, and no offeror shall be assisted in bringing its proposal up to the level of any other proposal. Offerors shall also not be directed to reduce the proposal prices to a specific amount to be considered for award. A common date shall be established for the receipt of revised proposals based on negotiations. Awards shall be made to the firm whose proposal is best for the program.

Architect/Engineering services may be obtained by using the competitive proposals method.

VIII. A/E Services. The BHA must contract for A/E services using QBS procedures, utilizing an RFQ. Sealed bidding shall not be used for A/E solicitations. Under QBS procedures, competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. Price is not used as a selection factor under this method. QBS procedures shall not be used to purchase other types of services, though architectural/engineering firms are potential sources.

IX. Non-Competitive Proposals

Procurement of goods or services may be made by non-competitive proposals only when an award of a contract cannot meet small purchase criteria, sealed bids or competitive proposals, and one of the following circumstances apply.

- a. Item is available only from a single source.
- b. Emergency situation which endangers the health and/or safety of the employees And/or residents of the BHA.
- c. After solicitation of sources, competition is determined inadequate.
- d. HUD has authorized the use of non-competitive proposals.

Each procurement made as a non-competitive proposal shall be supported by written justification and approved in writing by the CEO.

A cost analysis must be done to accept the reasonableness of any proposal using the procurement below. The degree of analysis shall depend on the circumstances surrounding each procurement.

If the procurement is based on non-competitive proposals, or in the case of only one offer, or when contracting for professional goods and services, the offeror shall be required to submit a cost breakdown showing projected costs and profit. The cost shall include current pricing and sales information which is sufficient backup for the BHA to verify the reasonableness of the proposed price or documentation showing that the proposed price is set by law or regulation.

A cost analysis shall be performed if specifications require a cost breakdown with submission of a proposal and shall delineate individual cost elements. The BHA retains the right to audit the contractor's books and records pertinent to costs in the proposal and shall analyze profit separately. Costs must be consistent with applicable Federal cost principles. Profit shall be established by the complexity and risk of the work involved, the contractor's investment and productivity, quality of past performance, amount of sub-contracting and area profit rates for similar work.

X. **Credit (or Purchasing) Cards (P-Card)**

Credit card usage should follow the rules for all other small purchases. For example, the Contracting Officer may use a credit card (P-Card) for Micro Purchases without obtaining additional quotes provided the price is considered reasonable. However, for amounts above the Micro Purchase level, the Contracting Officer would generally need to have obtained a reasonable number of quotes before purchasing via a P-Card.

When using the P-card, the BHA should adopt reasonable safeguards to assure that they are used only for intended purposes (for instance, limiting the types of purchases or the amount of purchases that are permitted with P-Card). All staff must follow procurement and purchasing procedures. Directors must get approval for purchases from the Special Projects and Procurement Manager or the Director of Finance prior to any purchases. This procedure includes credit card purchases.

XI. **Cooperative Procurement**

Cooperative Purchasing/Intergovernmental Agreements

The BHA may enter into State and/or local cooperative or intergovernmental agreements to purchase or use common supplies, equipment or services. The decision to use an interagency agreement instead of conducting a direct procurement shall be based on economy and efficiency. If used, the interagency agreement shall stipulate who is authorized to purchase on behalf of the participating parties and shall specify inspection, acceptance, termination, payment and other relevant terms and conditions. The BHA may use Federal or State excess and surplus property instead of purchasing new equipment and property, if feasible, and if it will result in a reduction of project costs. The goods and services obtained under a cooperative purchasing agreement must have been procured in accordance with 24 CFR 85.36.

Contract Modifications

A cost analysis, consistent with federal guidelines, shall be conducted for all contract modifications for projects that were procured through Sealed Bids, Competitive Proposals, or Non-Competitive Proposals, or for projects originally procured through Small Purchase procedures and the amount of the contract modification will result in a total contract price in excess of \$100,000.

Cancellation and/or Termination

BHA reserves the right to cancel any invitation for bids, request for proposals or other solicitations before offers are due if:

- The BHA no longer needs the supplies, services or construction;
- The BHA can no longer reasonably expect to fund the procurement;
- The proposed amendments to the solicitation are of great magnitude and a new solicitation would be more desirable;
- The goods and services are not longer required, inadequate or incomplete specifications;
- The solicitation did not take into consideration mitigating circumstances;
- Prices exceed available funds;
- Any indication of bad faith submission or collusion; or
- Bids or proposals were not independently arrived at in open competition.

The reasons for cancellation shall be documented and the BHA may re-solicit or complete the procurement through negotiations, in accordance with the terms of the procurement policy.

CONTRACTOR QUALIFICATIONS

Procurements shall be made only with responsive contractors. All contractors' names shall be checked against the list of debarred, suspended or ineligible contractors. A vendor qualification form will be kept on file.

CONTRACT CLAUSES AND CONTRACT ADMINISTRATION

A. Any contract that is appropriate to the procurement may be used with the exception of the cost-plus-percentage-of-cost and percentage of construction cost methods. All contracts shall include the clauses and provisions necessary to define their rights and responsibilities of the parties. A time and materials contract may be used only if the written determination is made that no other contract type is suitable and the contract includes a ceiling price that the contractor exceeds at his own risk.

Options may be included in contracts provided that:

- options are listed in the solicitation;
- the option is the unilateral right of the BHA;
- there is a limit on additional quantities and overall terms of the contract;
- the options have been evaluated as part of the initial competition;
- the contract states a definite time period in which to exercise the option at the price specified in the contract; and
- only if the procurement of the option is more advantageous than conducting a new procurement.

B. Each formal contract in response to bids shall contain the following provisions:

1. Breach contract terms.
2. Termination for cause.
3. Compliance with Executive Order 11246 of 9/24/65 entitled "Equal Employment Opportunity" as amended by Executive Order 11375 of 10/13/67 and as supplemented in Department of Labor Regulations (41 CFR Chapt. 60).
4. Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Dept. of Labor regulations (29 CFR Part 3).
5. Compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) as supplemented by Dept. of Labor regulations (29 CFR Part 5) (Contracts in excess of \$2,000).
6. Compliance with Sec. 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Dept. of Labor regulations (29 CFR Part 5). (Construction contracts in excess of \$2,000 and contracts involving laborers and mechanics in excess of \$2,500.)
7. The BHA will advise all contractors of requirements for progress reports.
8. The BHA will include regulations concerning patent rights to any discovery or invention which arises or is developed under contract duration and copyrights regulations.
9. Contracts must include clauses in reference to the ability to access any books, documents, papers and records of the contractor which are directly pertinent to the contract, by the BHA, the respective grantor, the Comptroller General of the United States or any other authorized personnel.
10. In addition to the conflict of interest requirements in OMB Circular A-110 and 24 CFR Part 85, no person employed by the BHA or designated as agent, consultant, elected or appointed official, or any person who is in a position to participate in the decision making process, or gain inside information with respect to such activities, may obtain a personal or financial interest or benefit from such activity, or have an interest in any contract, sub-contract or agreement related to the activity, either for his/her self or family business ties.
11. No member, officer, or employee of the BHA during his/her tenure or for a period of one year thereafter, shall have any interests, direct or indirect, in this contract or the proceeds thereof.

Additionally, the forms HUD-5369, 5369-A, 5369-B, 5370, 53700-C, and 5115-A, which contain all HUD-required clauses and certifications for contracts of more than \$100,000, as well as, any forms/clauses as required by HUD for small purchases, shall be used in all corresponding solicitations and contracts issued by this Authority.

C. Closeout Procedures

Each closeout procedure will include:

1. All documents must be retained for a minimum of three years from date of closeout by the contractor and by the BHA.
 2. Record of compliance with all applicable requirements of Clean Air Act (Section 306; 42 U.S.C. 1857(h) O, Clean Water Act (Section 508; 33 U.S.C. (1368), Executive Order 11738 and Environmental Protection Agency regulations (40 CFR Part 15). This is applicable to all contract, sub-contracts and sub-grants in excess of \$100,000.
 3. Record of compliance with mandatory standards relating to energy efficiency in the Energy Policy and Conservation Act (Pub. L. 94-163).
- D. Payments will be made to BHA upon request, provided all requirements of 24 CFR Part 85-20, ET. Seq. is met; except
- Capital Improvement funds must be requested on HUD form 50080-CFP via e-LOCCS. (See Document 0004.)
- E. Upon completion of Capital Improvement programs, BHA will submit to HUD the actual cost certificate for review, audit verification and approval.
- F. BHA shall enter into cooperative purchasing agreements with the City of Bristol or the State of Connecticut when it is deemed feasible and will be economical and efficient for both parties. Any agreement must determine the negotiator, purchaser and specify who will inspect, accept, termination and payment conditions. BHA will also use Federal or State excess and surplus property when available in lieu of new equipment.

APPEALS AND REMEDIES

It is BHA's policy to attempt to resolve all contractual issues informally at the BHA level without litigation. A contractor/vendor has the right to take complaint to HUD or State of Connecticut as appropriate.

Any contractor may submit a complaint, the solicitation or award of a contract for violations of the policy to be considered. Any complaint against a solicitation must be received in writing before the due date for receipt of bids or proposals. Any complaint against the award of contract must be received in writing within ten calendar days after the contract award. The Contracting Officer may suspend the procurement pending resolution of the protest, if so warranted.

All claims by a contractor relating to performance shall be submitted in writing to the Contracting Officer for a written decision. The contractor may request a conference on the

claim. The Contracting Officer shall advise the contractor their interpretation of the right to appeal to a higher authority.

DEFINITIONS

A **small business** is defined as a business which is independently owned, not dominant in its field of operation; not an affiliate or subsidiary of a business dominant in its field of operation. Size standards in 13 CFR 121 shall be used unless the BHA determines that their use is inappropriate.

A **minority-owned business** is defined as a business which is at least 51% owned by one or more minority group members, or, in the case of a publicly-owned business, one in which at least 51% of its voting stock is owned by one or more minority group members and whose management and daily operation include but are not limited to: Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Asian Indian Americans and Hasidic Jewish Americans.

A **women's business enterprise** is defined as a business that is at least 51% owned by a woman or women who are U.S. citizens and who also control and operate the business.

The term **procurement** as used in this statement includes both contracts and modifications (change orders) for construction or services as well as the purchase, lease or rental of supplies, equipment and services.

A **labor surplus area business** is defined as a business which, together with its immediate subcontractors, will incur more than 50% of the cost of performing the contract in an area of concentrated unemployment, as defined by the U.S. Department of Labor in 20 CFR 654, Subpart A, and in lists of labor surplus areas published by the Employment and Training Administration.

BOARD APPROVAL OF PROCUREMENT ACTIONS

Other than approval of this Procurement Policy, approval by the Board of Commissioners is not required for any procurement action, as permitted under State and local law. Rather, it is the responsibility of the CEO to make sure that all procurement actions are conducted in accordance with the policies contained herein.