

Business Procedures
Series 800

Policy Title: Federal Contracting Procedures

Code No. 820

Policy Statement

Heartland AEA has an obligation to comply with federal contracting procedures.

Scope of Policy

Agency contracts paid with federal funds.

Accountability Overview

All vendors and/or contractors paid with federal funds shall be checked for suspension and debarment on www.sam.gov. The Agency shall not enter into transactions with parties that are debarred, suspended, or otherwise ineligible for participation in federal assistance programs or activities.

The Agency shall take affirmative steps as required by federal law with respect to small business, minority-owned business, and female-owned businesses, such as: (1) placing such businesses on solicitation lists; (2) soliciting such businesses whenever they are potential sources; (3) when economically feasible, dividing contracts into smaller tasks or quantities to allow participation from such businesses; (4) establishing delivery schedules that encourage participation by such businesses; (5) when appropriate, utilizing the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and (6) requiring the primary contractor, when applicable, to follow these steps with respect to subcontractors.

Procurement for contracts paid with federal funds may be conducted by noncompetitive proposals when one or more of the following circumstances apply: (1) the item is only available from a single source; (2) public exigency or emergency will not permit the delay resulting from competitive bids; (3) the Federal awarding agency expressly authorizes noncompetitive proposals; or (4) competition is inadequate after solicitation of a number of sources.

The Agency shall ensure that contracts paid with federal funds contain the following provisions when applicable: (1) contracts over \$150,000 shall address remedies, sanctions, and/or penalties for breach of contract terms by contractors; (2) contracts over \$10,000 shall address termination for cause and for convenience; (3) all contracts shall address Equal Employment Opportunity; (4) prime construction contracts in excess of \$2,000 shall include a provision for compliance with the Davis-Bacon Act; (5) contracts over \$100,000 that involve mechanics or laborers shall include a provision for compliance with 40 U.S.C. §§ 3701-3708; (6) if the federal award meets the definition of "funding agreement" under 37 CFR § 401.2, a provision regarding compliance with 37 CFR Part 401; (7) contracts and subgrants over \$150,000 shall include a provision

for compliance with the Clean Air Act and the Federal Water Pollution Control Act; (8) all contracts shall include a provision for compliance with federal debarment and suspension requirements; (9) contractors that apply or bid for an award exceeding \$100,000 must file the required certification under the Byrd Anti-Lobbying Amendment.

No Agency employee, officer, or agent may participate in the selection, award and administration of contracts supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. Agency officers, employees, and agents may neither solicit nor accept gratuities, favors, nor anything of monetary value from contractors or parties to subcontracts. Violation of this requirement may result in disciplinary action for the Agency employee, officer, or agent.

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