

# *Procurement Manual*

## **Appendix A of Federal Procurement Standards for All City Departments**



City of Fitchburg  
Procurement Department

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## OBJECTIVE

The goal of this appendix is to provide a reference tool for staff to understand specific requirements associated with federally funded purchases and projects, and to ensure that all procurements made by the city comply with federal procurement guidelines in addition to existing state law, local ordinances, and best purchasing practices.

## PROCUREMENT PROCEDURE

All departments utilizing federal funds will follow the purchasing regulations outlined in this appendix.

### 2 CFR 200

Federal Procurement Regulations 2 CFR 200 applies to the procurement of:

- Supplies and Services
- Construction, reconstruction, installation, demolition, maintenance or repair of a building
- Construction, reconstruction, alteration, remodeling or repair of any public work
- Design and Engineering Services

### WAGE RATES

Projects that are funded in whole or in part by federal funds must comply with the provisions of both the Federal Davis Bacon Act and the Massachusetts Prevailing Wage Act. The city shall obtain prevailing wage rate schedules from the Massachusetts Department of Labor Standards and from the U.S. Department of Labor and will incorporate both sets of rates in the contract, and require that the higher of the two rates be paid for each trade.

### THRESHOLDS

#### Procurements estimated to cost less than \$10,000

Procurements estimated to cost less than \$10,000 may be conducted using “sound business practices” which is defined in the Procurement Manual.

#### Procurements estimated to cost more than \$10,000

Procurements estimated to cost more than \$10,000 shall follow the established procedure under MGL c. 30B, c. 149, and c. 30, 39M and as described in the Procurement Manual.

### COST OR PRICE ANALYSIS

A cost/price analysis is required for all procurements over \$250k. The department head submitting a Procurement Request Form shall explain how the cost or price was determined prior to the solicitation being issued.

### PROCUREMENT PROCESS

As described in the Procurement Manual, for all anticipated solicitations over \$10,000, a “Procurement Request Form” must be submitted to the CPO with the specifications. The Procurement Request Form shall include the source(s) of funding, and an explanation of the cost or price analysis.

Note: Collective and collaborative purchasing contracts, including contracts solicited by OSD (“state contracts”) are not allowed under 2 CFR 200.

## CONTRACT PROVISIONS

Contracts must include, at the very least:

- Termination for cause and convenience
- Byrd Anti-Lobbying Amendment (31 USC 1352)
- Copeland Anti-Kickback Act (40 USC § 3145)
- Equal Employment Opportunity (EEO) provision
- Contract Work Hours and Safety Standards Act (40 USC § 3701–3708)
- Rights to Inventions Made Under a Contract or Agreement (37 CFR 401)
- Clean Air Act (42 USC 7401 et seq)
- Debarment and Suspension (Executive Orders 12549 and 12689)
- Procurement of Recovered Materials (2 CFR § 200.323)
- Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment (2 CFR § 200.216)
- Domestic Preferences for Procurements (2 CFR § 200.322)

## AFFIRMATIVE STEPS REQUIRED WITH FEDERAL FUNDING

Unlike contracts under other sources of funding, contracts resulting from federal funding require affirmative, or inclusive, procurements. The federal government has established the following target firms to be included in all solicitations:

- Small businesses
- Minority-owned businesses
- Women-owned businesses
- Labor Surplus Area firms

When conducting procurements, the city shall:

- Place qualified target firms on the solicitation list;
- Permit maximum participation by target firms;
- Use the services of the Small Business Administration and the Commonwealth Supplier Diversity Office to reach target firms, as well as other relevant agencies or organizations, to reach target firms.

## COORDINATION OF POLICIES AND PROCEDURES

Should any policy or procedure contained herein not conform to prevailing laws of the city or otherwise, such policy or procedure shall be void.

All prevailing ordinances, policies, and procedures of the City of Fitchburg are incorporated herein without specific reference.

\*END OF APPENDIX\*