

Procurements Under Awards of Federal Assistance

Standards. Recipients shall use their own procurement procedures and regulations, provided that the procedures conform to applicable federal law and the standards identified in the Procurement Standards Section of 28 CFR Parts 66 and 70 (Circular OMB A-110). Any recipient (state or local) whose procurement system has been certified by a federal agency is not subject to prior approval requirements of 28 CFR Parts 66 and 70. OJA's prior approval will only be required for areas beyond limits of the recipient certification.

Adequate Competition. All procurement transactions whether negotiated or competitively bid and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition.

Non-Competitive Practices. The recipient shall be alert to organizational conflicts of interest or non-competitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade. Contractors that develop or draft specifications, requirements, statements of work, and/or Requests for Proposals (RFPs) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. An exemption to this regulation requires the prior approval of OJA and is only given in unusual circumstances such as when a non-profit organization is acting as the agent for the state or local unit of government. Any request for exemption must be submitted in writing to OJA.