



Oregon Housing & Community Services (OHCS)
Procurement Unit
CDBG-DR Procurement Policy
No. 813-19-0001PO

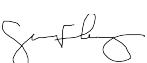
Effective	Applicability
August 10, 2022	Disaster Resilience and Recovery

Purpose	<p>In connection with administering CDBG-DR procurements, Oregon Housing and Community Services (OHCS) has adopted 2 CFR 200.317, meaning that it will follow its own state procurement processes and evaluate the cost or price of products or services, but impose 2 CFR 200.318 through 2 CFR 200.327 on its subrecipients.</p> <ul style="list-style-type: none">• OHCS has adopted procurement standards that uphold the principles of full and open competition and will evaluate the cost or price of products or services (OAR 813-006-0010)• OHCS procurement processes will comply with other procurement requirements described in Section IV.B. of the Consolidated Notice (Attachment 1).
Policy	<p>Section 1. GENERAL</p> <p>2 CFR 200.317. Procurements by states.</p> <p>When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with § 200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by § 200.327. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in § 200.318 through 200.327.</p> <p>Section 2. CDBG-DR PROCUREMENTS</p> <p>OHCS will conduct CDBG-DR procurements based on the type, threshold, and its procurement authority under, and at a minimum, the following policies and procedures:</p> <ol style="list-style-type: none">1) Public Contracting Code. The “Public Contracting Code” or “code” means ORS chapters 279A, 279B, and 279C, for required procurements.<ol style="list-style-type: none">a. Information Technology procurements will follow DAS procurement rules (OAR 125, Divisions 246 and 247) and Statewide IT and Security policies and procedures, as applicable.

	<ul style="list-style-type: none"> b. Procurements for goods and services unrelated to OHCS' duties prescribed in ORS chapters 456 and 458 will comply with ORS 279A, ORS 279B and DOJ model rules (OAR 137, Division 47). c. OHCS may issue procurements under Oregon Administrative Rule (OAR 125-246-0170(2)). d. OHCS will also administer procurements that are exempt from the Public Contracting Code (ORS 279A.025(2) following the applicable policies and procedures required by Oregon law and regulations) and exercise its authority under 279A.025(2)(o) and ORS 279A.050(6)(g). <p>2) OHCS' Duties / OHCS Related Procurements</p> <ul style="list-style-type: none"> a. OHCS may issue procurements under its authority, policy and procedures as described in 279A.025(2)(o) and ORS 279A.050(6)(g), ORS 456 and ORS 458. b. OHCS has adopted its own procurement rules under OAR 813-005 and 813-006, and any associated divisions under OAR 813. When applicable, OHCS may adopt DOJ model rules for any related procurement project under OAR 137. c. OHCS may also issue its procurements under Oregon Administrative Rule (OAR 125-246-0170(2) including but not limited to Oregon Revised Statutes (ORS) chapters 456 and 458, OAR chapter 813, divisions 5 and 6, as well as applicable rules. <p>3) General CDBG-DR Procurement Requirements</p> <ul style="list-style-type: none"> a. All applicable procurements are subject to DOJ Model rules, OAR 137, Division 45, Review of Public Contracts unless otherwise exempt. b. OHCS will follow the required State of Oregon (State) procurement statutes, rules, executive orders, State legislation, and policies for the specific project. c. OHCS will follow the procurement process outlined in any associated solicitation document. d. All applicable IT procurements are subject to the State's IT policies and requirements regardless of the code requirements or the threshold of the project. e. OHCS will follow ORS 190 for applicable agreements. f. OHCS will comply with § 200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by § 200.327. g. OHCS will follow impose 2 CFR 200.318 through 2 CFR 200.327 on its subrecipients.
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- h. OHCS will ensure all purchase order and contracts include any clauses required by Federal statutes, CDBG-DR requirements, executive orders, and implementing regulations.
- i. When acting as a pass-through entity, OHCS will make the appropriate determinations whether each agreement it makes for the disbursement of Federal program funds casts the party receiving the funds in the role of a subrecipient or a contractor. [2 CFR 200.331](#) and [Oregon Accounting Manual, Policy 30.40.00.104](#)
- j. OHCS will conduct a cost or price analysis, cost principles in compliance with [2 CFR part 200, subpart E](#) (24 CFR 570.200(a)(5)), required for each procurement action described below, including each contract modification, when the total amount of the contract and related modifications is greater than OHCS' adopted procurement [Simplified Acquisition Threshold](#) of \$250,000. [2 CFR 200.1](#) and [48 CFR part 2, subpart 2.1](#).
 - i. When OHCS is making a modification or change order to a contract that changes the scope and/or impacts the price or estimated cost, further cost analysis will be performed. The only exception to this is if the modification is based on pricing already established in the contract. A contract where the scope is reduced and the contract price remains the same, will still require further cost analysis to determine that the change is fair and reasonable.
 - ii. OHCS may adopt [§ 200.324](#) contract cost and price as the procedure to evaluate cost or price of products or services when it does not use another State cost analysis method that meets the above cost principles such as the feasibility study determination ([SEIU Feasibility Study](#), as amended, and/or Cost Analysis under [OAR 125-247-0110](#)).
- k. OHCS will adhere to the following principles:
 - i. Ensure open and full competition to the greatest extent possible;
 - ii. Take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible; [§ 200.321](#);
 - iii. Not utilize cost plus a percentage of cost method of contracting;
 - iv. Not utilize a percentage of construction costs methods of contracting;

	<p>v. Include standards of conduct for employees (conflict of interest – Attachment 2);</p> <p>vi. Prohibit conflicts of interest (Attachment 3);</p> <p>vii. Obtain certification from any transaction participant that neither it nor its principals are currently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation; as well as any other federal, state, and local requirements that require certification.</p>
References	<p>The following references apply as applicable to each CDBG-DR procurement:</p> <ul style="list-style-type: none"> • CDBG-DR grant material, federal requirements, applicable State rules, and requirements of the applicable statute appropriating CDBG-DR funds • Title I of the HCD Act and the CDBG regulations at 24 CFR Part 570, unless modified by waivers and alternative requirements included in the applicable Federal Register Notice • Federal Acquisition Regulation (FAR) • Code of Federal Regulations (CFR), Title 2, Part 200 (Federal government's guidance on administrative requirements, cost principles, and audit requirements) • Housing and Urban Development (HUD) CDBG-DR requirements and associated regulations • Consolidated Notice, Federal Register, Dated February 3, 2022 • CDBG-DR Waivers • CDBG-DR Action Plan, as amended • Section 312 of the Stafford Act • Oregon Revised Statute (ORS) Chapter 279A • Oregon Revised Statute (ORS) Chapter 279B • Oregon Revised Statute (ORS) Chapter 456 • Oregon Revised Statute (ORS) Chapter 458 • Oregon Revised Statute (ORS) Chapter 190 • Oregon Administrative Rule (OAR) Chapter 813 Divisions 5 and 6, as well as other applicable rules • Oregon Administrative Rule (OAR) Chapter 125 procurement rules • Oregon Administrative Rule (OAR) Chapter 137 review of contract and procurement rules • State of Oregon policies, executive orders, and legislative, as applicable • Service Employees International Union (SEIU), Appendix H of the Collective Bargaining Agreement (Feasibility Study) • OHCS policies, as applicable • Statewide IT and Security policies and procedures • State of Oregon Accounting Manual 30.40.00.104

Approval Signature			
Attachments	<ul style="list-style-type: none"> Attachment 1 - Consolidated Notice, Federal Register, Dated February 3, 2022 Attachment 2 - OHCS Evaluation Committee Member or Resource Certification Denying Conflict of Interest/Non-Disclosure, Attachment 3 – Conflict of Interest, 24 Code of Federal Regulations Part 570.489(h) 		
Policy Owner	Sandra Flickinger 	Last Date Reviewed	January 3, 2023