

# **Contracting Requirements**

## **COMPETITIVE BID REQUIREMENTS**

Any good or service purchased under the Hotel Tax grant must be done in accordance with your entity's purchasing requirements or the County's, whichever is most restrictive. Northampton County's thresholds are as follows:

\$1 to \$5,000	One quote, verbal or written
\$5,001 to \$24,999	Minimum three (3) written quotes. Written documentation must be attached to the transaction, and shall indicate which qualified vendor(s) were contacted, their responses, the date, and other pertinent information besides price, such as delivery, etc.
\$25,000 and above	Need to be procured utilizing a formally advertised public bid

Competitive sealed bids must be used to procure goods or services in excess of \$25,000 for construction, reconstruction, demolition, alteration and/or repair, for acquisition of machinery and equipment, or for engagement of services of a professional consultant, other than architectural or engineering services.

Documented costs may include quotes or advertisements (i.e., online cost comparisons). Remember to keep copies of all quotes/costs in your project record, as this verifies you followed the appropriate procurement method. Selecting a good or service through the Commonwealth of Pennsylvania's cooperative purchasing program administered by the Department of General Services (DGS) Bureau of Procurement, the COSTARS Program, is an acceptable alternative to the methods listed above.

## **PREPARING FOR COMPETITIVE BIDS**

The first step in most projects is to document the specific work to be done in order to competitively solicit bids from contractors. On a small project where total construction costs are not expected to exceed \$25,000.00, you may only wish to use an existing estimate or specifications to solicit written estimates from contractors. Most subgrantees work with an architectural, engineering (A/E) or other project management firm to develop a bid package that ensures you select the most qualified contractor while complying with local, state, and federal laws and regulations.

Construction projects require specific technical expertise and knowledge of how to comply with state and federal labor requirements. Those not accustomed to overseeing construction projects are highly encouraged to hire a project manager.

## **ACQUISITION OF ARCHITECTURAL/ENGINEERING SERVICES**

When acquiring A/E services to design your site/project, a Request for Proposals (RFP) or a Request for Qualifications (RFQ) may be used. Under an RFQ, you may use competitive proposal procedures whereby the competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. In these instances, price is not used as a selection factor; once the most-qualified firm is identified, only that firm is asked for a price proposal that is subject to negotiation of a fair

and reasonable price. If negotiations with the selected firm are unsuccessful, this process is repeated with the next highest-ranked firm, until a fair and reasonably priced contract can be awarded. You must document the basis for your determination of the most qualified competitor and the rationality of the contract price.

Note the following requirements if your project is federally funded:

- An RFQ may not be used to purchase other services performed by architects and engineers (24 CFR 85.36(d) (3) (v)). Additional services offered by A/E firms, such as preparation of bid packets, project management or grant writing, must be selected based on lowest cost (using an RFP or other appropriate small purchasing method).
- You cannot award a contract to any person or firm that develops or drafts specifications, requirements, statements of work, invitations for bids, and/or requests for proposals (24 CFR 84.43).
- Architects or engineers selected by municipalities may be reimbursed through your grant if documentation can be supplied that the firm had been selected using an appropriate procurement methodology within the previous three (3) years of the Start Date of the sub-grant agreement and the contract specifically includes project management activities in the scope of services. Otherwise, these costs cannot be paid under the grant.

## **VENDOR PREFERENCE**

When contracts or subcontracts are expected to exceed \$25,000 and are funded in whole or in part by state or federal funds, opportunities must be afforded to businesses and organizations which are eligible for preferential treatment under a variety of laws, Executive Orders, etc. (e.g., the Small Business Act). Eligible organizations include: small, small disadvantaged, women-owned, historically underutilized business zone (HUBZone), veteran-owned, and service disabled veteran-owned small businesses. These requirements historically included only Minority Owned or Women Owned Businesses (MBE/WBE). While certain funding sources (i.e.: HUD) may only ask for reporting on certain classifications of businesses, including all preferred classes in your preferred bidding process will ensure that all newly emerging requirements are met.

You and any prime contractors are required to advise and provide the maximum realistic opportunity for participation to small and diverse businesses. For federally funded projects, the target participation levels are 5% for minority owned business enterprises and 3% for women owned business enterprises.

Requirements under both state and federally funded projects can be met by accessing the current listing of state-certified Small and Diverse Firms at the following website:

<http://www.dgs.internet.state.pa.us/suppliersearch>

Click on the Advanced Search. Choose "Northampton County from the PA Counties section. Choose the Supplier Classification or check "Select All Classifications". Find the appropriate UNSPSC Codes in the available list. Hit Search. You will receive names of local MBE & WBE vendors and Small Diverse (SD) vendors for the type(s) of businesses you are soliciting.

Repeat for the following Counties:

- Bucks
- Carbon
- Lehigh
- Monroe

You must send the bid announcement to any certified business(es) that provide(s) the service or goods you need and is located in the five counties listed above. You can choose to solicit other classifications (i.e.: Veteran-Owned Businesses) or non-certified businesses; however, non-certified vendors must agree to register with the Commonwealth in order to receive preference in bidding.

- Keep evidence, such as a fax cover sheet or a copy of the stamped, addressed envelope, showing you successfully sent the bid announcement to each registered business.
- If there are no relevant vendors, print the page showing there were no matches and keep this in your records.