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STATEMENT OF PROCUREMENT POLICY

In accordance with Resolution _____

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I. GENERAL PROVISIONS

This Statement of Procurement Policy was established by Board action and is in compliance with applicable federal and state laws, including Federal Regulations at 2 CFR § 200 and 24 CFR § 85.36.

A. PURPOSE

The purpose of this Statement of Procurement Policy (“Policy”) is to provide for the fair and equitable treatment of all persons or firms involved in purchasing by the Renton Housing Authority; assure that supplies, services and construction are procured efficiently, effectively, and at the most favorable prices available to the Housing Authority; promote competition in contracting; provide safeguards for maintaining a procurement system of quality and integrity; and assure that the Housing Authority purchasing actions are in full compliance with applicable Federal standards, HUD regulations, and federal, state, and local laws. In instances where provisions of this policy exceed the minimum requirements of all applicable regulatory, contractual, and Federal, State, and local law, the Executive Director may by specific approval waive the requirement of this Policy to the extent they exceed minimum requirements.

B. APPLICATION

This Policy applies to all procurements entered into by the Renton Housing Authority.

C. PUBLIC ACCESS TO PROCUREMENT INFORMATION

Procurement information shall be a matter of public record to the extent provided in the Public Records Act, chapter 42.56 RCW and the Open Public Meetings Act, chapter 42.30 RCW, and shall be available to the public as provided in these statutes.

D. CHANGES IN LAWS OR REGULATIONS

In the event an applicable law or regulation is modified or eliminated, or a new law or regulation is adopted, the revised law or regulation shall, to the extent inconsistent with this Policy, automatically supersede this Policy.

II. PROCUREMENT AUTHORITY AND ADMINISTRATION

A. PROCUREMENT TRANSACTIONS

Procurement transactions shall be administered by the Contracting Officer, who shall be the Executive Director or other individual designated in writing. The Executive Director shall issue operational procedures to implement this Policy. The Board of Commissioners shall also establish a system of sanctions for violations of the ethical standards described in Section VIII below, consistent with State law.

B. PROCUREMENT AUTHORITY

The Executive Director or his/her designee shall ensure that:

1. Procurement requirements are subject to an annual planning process to assure efficient and economical purchasing.
2. Contracts and modifications are in writing, as required, clearly specifying the desired supplies, services, or construction, and are supported by sufficient documentation regarding the history of the procurement, including as a minimum the method of procurement chosen, the selection of the contract type, the rationale for selecting or rejecting offers, and the basis for the contract price.
3. For procurements other than small purchases, the invitation to bid will be publicly advertised and bids will be solicited from an adequate number of known suppliers, providing them with sufficient time to respond by the date set for opening of the bid.
4. Solicitation procedures are conducted in full compliance with Federal standards stated in 2 CFR §§ 200.318 – 200.326, or state and local laws that are more stringent, provided they are consistent with the referenced Federal regulations.
5. A cost or price analysis is required in connection with every procurement action in excess of the simplified acquisition threshold as currently defined in 2 CFR § 200.88 (currently \$250,000), including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation.
6. Contract award is made to the responsive and responsible bidder offering the lowest price (for sealed bid contracts) or contract award is made to the offeror whose proposal offers the greatest value to the Renton Housing Authority, considering price, technical, and other factors as specified in the solicitation (for contracts awarded based on competitive proposals).
7. There are sufficient unencumbered funds available to cover the anticipated cost of each procurement before contract award or modification (including change orders), work is inspected before payment, and payment is made promptly for contract work performed and accepted.
8. The Renton Housing Authority complies with applicable HUD review requirements, as provided in the operational procedures supplementing this Policy.

C. RECORD RETENTION

The Renton Housing Authority will maintain all required records for at least three years after making final payments and all other pending matters are closed sufficient to detail the significant history of a procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. Renton Housing Authority will comply with the records retention requirements under applicable State law.

D. APPROVAL OF STATEMENT OF PROCUREMENT POLICY

This Policy and any later changes shall be submitted to the Board of Commissioners for approval. The Board appoints and delegates procurement authority to the Executive Director and is responsible for ensuring that any procurement policies adopted are appropriate for the Renton Housing Authority.

III. PROCUREMENT METHODS

A. SELECTION OF METHOD

If it has been decided the Renton Housing Authority will directly purchase the required items, one of the following procurement methods shall be chosen, based on the nature and anticipated dollar value of the total requirement.

B. SMALL PURCHASE PROCEDURES

1. **General.** Any contract not anticipated to exceed \$250,000.00 may be made in accordance with the small purchase procedures authorized in this section. Contract requirements shall not be artificially divided so as to constitute a small purchase under this section (except as may be reasonably necessary to comply with Section VII of this Policy).
2. **Petty Cash Purchases.** Small purchases under \$50.00 which can be satisfied by local sources may be processed through the use of a petty cash account. The Contracting Officer shall ensure that: the account is established in an amount sufficient to cover small purchases (e.g., one month security is maintained and only authorized individuals have access to the account); the account is periodically reconciled and replenished by submission of a voucher to the Renton Housing Authority finance officer or designee to validate proper use and to verify that the account total equals cash on hand plus the total of accumulated vouchers.
3. **Micro-purchases of \$10,000.00 or less.** For micro-purchases of \$10,000.00 or less and construction contracts subject to the Davis-Bacon Act that are \$2,000.00 or less, only one quotation need be solicited if the price received is considered to be reasonable. Such purchases may be distributed among qualified sources with consideration given to price and quality.
4. **Small purchases in excess of \$10,000.00 to \$250,000.00 range.** For small purchases in excess of \$10,000.00 but not exceeding \$250,000.00, no less than three offerors shall be solicited to submit price quotations which may be obtained orally, by telephone, or in writing, as allowed by state laws. Award shall be made to the offeror providing the lowest acceptable quotation, unless justified in writing, based on price and other specified factors. If non price factors are used, they shall be disclosed to all those solicited. The names, addresses and/or telephone numbers of the offerors and persons contacted, and the date and amount of each quotation shall be recorded and maintained as a public record.

C. SEALED BIDS

1. **Conditions for use.** Contracts shall be awarded based on competitive sealed bidding if the following conditions are present: a complete, adequate, and realistic specification or purchase description is available; two or more responsible bidders are willing and able to compete effectively for the work; the procurement lends itself to a firm fixed price contract; and the selection of the bidder can be made principally on the basis of price. Sealed bidding is the

preferred method for construction procurement. For professional services contracts, sealed bidding should not be used.

2. **Solicitation and Receipt of Bids.** An invitation for bids shall be issued including specifications and all contractual terms and conditions applicable to the procurement, including a statement that the award will be made to the lowest responsible and responsive bidder whose bid meets the requirements of the invitation for bids. The invitation for bids shall state the time and place for both receipt of bids and the public bid opening. All bids received shall be time stamped but not opened and shall be stored in a secure place until the bid opening. A bidder may withdraw its bid at any time prior to the bid opening upon written request.
3. **Bid Opening and Award.** Bids shall be opened publicly and in the presence of at least one witness. An abstract of bids shall be recorded and the bids shall be available for public inspection. Award shall be made as provided in the invitation for bids by written notice to the successful bidder. If equal low bids are received from responsible bidders, award shall be made by drawing lots or similar random method, unless otherwise provided by State or local law and stated in the invitation for bids. If only one responsive bid is received from a responsible bidder, award shall not be made unless a cost or price analysis verifies the reasonableness of the price.
4. **Bonds.** In addition to the other requirements of this Policy, the following requirement apply:

For construction contracts exceeding \$150,000.00, contractors shall be required to submit the following unless otherwise required by state or local law or regulations:

- a) A bid guarantee from each bidder equivalent to 5% of the bid price; and
- b) A performance and payment bond for 100% of the contract price.

D. COMPETITIVE PROPOSALS - CONDITIONS AND SCOPE

Competitive proposals (including turnkey proposals for development) may be used if there is an adequate method of evaluating technical proposals and where the Renton Housing Authority determines that conditions are not appropriate for the use of sealed bids. An adequate number of qualified sources shall be solicited.

- (1) All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards of 2 CFR § 200.319. Some of the situations considered to be restrictive of competition include but are not limited to:
 - (i) Placing unreasonable requirements on firms in order for them to qualify to do business,
 - (ii) Requiring unnecessary experience and excessive bonding,
 - (iii) Noncompetitive pricing practices between firms or between affiliated companies,
 - (iv) Noncompetitive awards to consultants that are on retainer contracts,
 - (v) Organizational conflicts of interest,
 - (vi) Specifying only a brand name product instead of allowing an equal product to be offered and describing the performance of other relevant requirements of the procurement, and

(vii) Any arbitrary action in the procurement process.

(2) The Renton Housing Authority will conduct procurements in a manner that prohibits the use of statutory or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts State licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criteria provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(3) The Renton Housing Authority will have written selection procedures for procurement transactions. These procedures will ensure that all solicitations:

(i) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a brand name or equal description may be used as a means to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by offerors shall be clearly stated; and

(ii) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(4) The Renton Housing Authority will ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, grantees and sub grantees will not preclude potential bidders from qualifying during the solicitation period.

E. COMPETITIVE PROPOSAL APPLICATIONS

1. **Solicitation.** The request for proposals (RFP) shall clearly identify the relative importance of price and other evaluation factors including the weight given to each factor. A mechanism for fairly and thoroughly evaluating the proposals shall be established and included in the request for proposals. The proposals shall be evaluated only on the criteria stated in the request for proposals.
2. **Negotiations.** Unless there is no need for negotiations with any of the offerors, negotiations shall be conducted with offerors who submit proposals determined to have a reasonable chance of being selected for award. Such offerors shall be afforded fair and equal treatment with respect to the opportunity for negotiation and revision of proposals. The purpose of negotiation shall be to seek clarification with regard to, and advise offerors of, the deficiencies in both the technical and price aspects of their proposal.
3. **Award.** After evaluation of proposals and negotiated proposal revisions, the contract shall be awarded to the responsible firm whose qualifications, price and other factors considered are the most advantageous to the Renton Housing Authority.

4. **Architectural, Engineering and Development Consultant Services.** Architectural, Engineering and Development Consultant services in excess of the small purchase limitations may be obtained through Requests for Qualifications (RFQ). Under the qualification based selection process, competitors' qualifications are evaluated and the most qualified offeror is selected, subject to the negotiation of a fair and reasonable price. The reasonableness of price is taken into consideration when making the selection.

F. NONCOMPETITIVE PROPOSALS

1. **Conditions for Use.** Procurements shall be conducted competitively to the maximum extent possible. Procurement by noncompetitive proposals may be used only when the award of the contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies:
 - a) The item or items are available only from a single source;
 - b) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - c) The funding agency authorizes use of noncompetitive proposals; or
 - d) After solicitation of a number of sources, competition is determined to be inadequate and a cost analysis verifies that the proposal is reasonable.
2. **Justification.** Each procurement selection based on noncompetitive proposals shall be supported by a written justification for using such procedure.
3. **Price Reasonableness.** The reasonableness of the price for all procurements based on noncompetitive proposals shall be determined by performing a cost analysis.

G. COST AND PRICE ANALYSIS

1. **General.** A cost or price analysis shall be performed for all procurement actions, including contract modifications.
2. **Submission of Cost or Pricing Information.** If the procurement is based on noncompetitive proposals or when only one offer is received, or when deemed necessary by the Contracting Officer, the offeror shall be required to submit:
 - a) A cost breakdown showing projected costs and profit; and
 - b) Commercial pricing and sales information sufficient to verify the reasonableness of the proposed price, such as catalogs or pricing of comparable items.

H. CANCELLATION OF SOLICITATIONS

1. **Invitation for Bids, Request for Proposals, or Request for Qualifications** may be cancelled before offers are due if: the Renton Housing Authority no longer requires the supplies, services or construction; the Renton Housing Authority can no longer reasonably afford to fund the procurement; or proposed

amendments to the solicitation would be of such magnitude that a new solicitation would be desirable.

2. The reason for cancellation shall be documented in the procurement file and the reasons for cancellation shall be provided upon request to any offeror solicited.
3. A notice of cancellations shall be sent to all offerors solicited and, if appropriate, shall explain that they will be given the opportunity to compete on any future solicitations for similar items.

I. COOPERATIVE PURCHASING

The Renton Housing Authority may enter into State and local intergovernmental agreements to purchase or use common goods and services. All cooperative agreements must follow the minimum procurement requirements for competitive bidding as set forth in this Policy and must include an intergovernmental agreement allowing the Renton Housing Authority to participate. The intergovernmental agreement shall specify conditions relating to inspection, acceptance, termination, payment and other relevant conditions.

J. SMALL WORKS ROSTER

The Renton Housing Authority may award contracts for public works projects with an estimated value of less than \$350,000.00 through the creation and uniform operation of a small works roster system. The small works roster system will serve as an alternative, at the discretion of the Housing Authority, on a project by project basis, to formal advertisement and competitive bidding. The following procedures will be utilized in awarding all contracts using the small works roster system.

1. At least annually, the Renton Housing Authority shall advertise in a newspaper of general circulation the existence of a small works roster and invite firms to submit information relating to their interest in providing construction services.
2. Individual rosters within the system will identify contractor specialties and contain vendor information and related licenses.
3. The Renton Housing Authority shall actively solicit participation by women and minority owned businesses and include that information within the small works roster.
4. The Renton Housing Authority shall solicit bids from at least three firms for each solicitation and, when possible, include at least one woman or minority owned business in each solicitation.
5. Contractors on the small works roster will be offered the opportunity to bid on contracts on a rotating basis in order that all contractors on the roster will have an equal opportunity.
6. A contractor may be removed from the small works roster in the event that the contractor fails to respond to three solicitations.

7. Contracts will be awarded to the contractor submitting the lowest responsive bid, provided that the bid is reasonable and all other procurement requirements have been satisfied.

The Renton Housing Authority may also elect to utilize the services of another entity, like Municipal Research and Services Center, which hosts and maintains a shared small works roster process for public works projects and related services.

IV. CONTRACTOR QUALIFICATIONS AND DUTIES

A. CONTRACTOR RESPONSIBILITY

Procurements shall be conducted only with responsible contractors, i.e. those who have the technical and financial competence to perform the desired work and have demonstrated that competence through experience. Contractors must have the appropriate licenses to perform work within the jurisdiction and be licensed by the State of Washington.

B. SUSPENSION AND DEBARMENT

Contracts shall not be awarded to debarred, suspended or ineligible contractors. Contractors may be suspended, debarred, or determined ineligible by HUD in accordance with HUD regulations (2 CFR part 180).

V. CONTRACT TYPES

A. PROHIBITED CONTRACT TYPES

Any type of contract which is appropriate to the procurement and which will promote the best interests of the Renton Housing Authority may be used; however cost-plus-a-percentage-of-cost and percentage of construction cost methods are prohibited.

B. OPTIONS

Options for additional quantities or performance periods may be included in contracts, as long as there is a written determination in the file which includes information regarding the fund availability, a statement as to the continuing need for the item, an indication as to whether the option was included and evaluated as part of the basic contract, and a review of the market price to indicate whether the option is still economical for the Renton Housing Authority, consistent with applicable Renton Housing Authority procedures (2 CFR 200.201).

C. MANDATORY CONTRACT CLAUSES

All contracts should identify the contract pricing arrangement as well as other pertinent terms and conditions, as determined by Renton Housing Authority.

Forms HUD-5369, 5369-A, 5369-B, 5369, 5370, 5370-C, and 51915-A , which contain all HUD-required clauses and certifications for contracts of more than \$250,000, as well as any forms/clauses as required by HUD for small purchases, shall be used in all corresponding solicitations and contracts issued by Renton Housing Authority.

In addition, all contracts shall include all clauses required by Federal statutes, executive orders, and their implementing regulations, as provided in Appendix II to 2 CFR Part 200, including the provisions cited below:

(1) Contracts for more than the simplified acquisition threshold currently set at \$250,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(2) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(3) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

(4) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(5) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance

with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(6) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

(7) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(8) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(9) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(10) See 2 CFR §200.323 Procurement of recovered materials.

(11) See 2 CFR §200.216 Prohibition on certain telecommunication and video surveillance services or equipment.

(12) See 2 CFR §200.322 Domestic preference for procurements.

VI. APPEALS AND REMEDIES

A. GENERAL

It is the Renton Housing Authority's policy to resolve all contractual issues informally at the Housing Authority level. Disputes shall not be referred to HUD until all administrative remedies have been exhausted at the Housing Authority level. When appropriate, the Renton Housing Authority may consider the use of informal discussions between parties by individuals who did not participate in the matter in dispute, to help resolve the differences. HUD will only review protests in cases of violations of Federal law or regulations.

B. BID PROTESTS

Any actual or prospective contractor may protest the solicitation or award of a contract for serious violations of the principles of this Policy. Any protest against a solicitation must be submitted in writing prior to the due date of the solicitation. Any protest against the award of a contract must be submitted in writing prior to contract award. All protests must be submitted in writing to the Executive Director or designee, who will issue a written decision on the matter.

VII. ASSISTANCE TO SMALL AND OTHER BUSINESSES

A. REQUIRED EFFORTS

Consistent with Presidential Orders #11625, 12138, and 12432, and Section 3 of the HUD Act of 1968, Renton Housing Authority shall make efforts to ensure that small and minority owned businesses, women owned businesses, labor surplus area businesses, and individuals or firms located in or owned in substantial part by persons residing in public housing communities, be allowed to participate in the procurement of goods and services. Such efforts shall include but are not limited to:

1. Including such firms, when qualified, on solicitation mailing lists;
2. Encouraging their participation through direct solicitation of bids and proposals whenever they are potential sources;
3. Dividing the total requirements, when economically feasible, into smaller tasks or quantities to permit participation by such firms.
4. Using the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.
5. Including in contracts a clause requiring contractors, to the greatest extent feasible, to provide opportunities for training and employment for lower income residents of the project area and to award subcontracts for work in connection with the project to business concerns which are located in, or owned in substantial

part by persons residing in the area of the project, as described in 24 CFR Part 135.

B. UTILIZATION GOALS FOR MINORITY AND WOMEN OWNED BUSINESSES

The Renton Housing Authority shall make efforts to solicit bids for goods, services and construction contracts from minority and women owned businesses. The annual goal for utilization of minority and women owned business enterprises shall be:

Minority owned business enterprises:	14% of Total
Women owned business enterprises:	7% of Total

C. DEFINITIONS

1. A small business is defined as a business which is: independently owned; not dominant in its field of operation; not an affiliate or subsidiary of a business dominant in its field of operation. The size standards in 13 CFR 121 shall be used.
2. A minority owned business is defined as a business which is at least 50% owned by one or more minority group members; or in the case of a publicly owned business, one in which 51% of its voting stock is owned by one or more minority group members, and whose management and daily business operations are controlled by one or more such individuals. Minority group members include, but are not limited to Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Asian Indian Americans, and Hasidic Jewish Americans.
3. A women's business enterprise is defined as a business that is at least 51% owned by a woman or women who also control or operate the business, and which is certified by the Office of Minority and Women's Businesses of the State of Washington as a women's business enterprise.
4. A labor surplus area business is defined as a business which together with its immediate subcontractors, will incur more than 50% of the cost of performing the contract in an area of concentrated unemployment or underemployment, as defined by the U. S. Department of Labor in 20 CFR 654, Subpart A, and in lists of labor surplus areas published by the Employment and Training Administration.
5. A business concern located in the area of the project, is defined as an individual or firm located within the relevant Section 3 covered project area, as determined pursuant to 24 CFR 135.15, listed on HUD's registry of eligible business concerns, and meeting the definition of a small business above. A business concern owned in substantial part by persons residing in the area of the project is defined as a business concern which is 51% or more owned by persons considered by the U. S. Small Business Administration to be socially or economically disadvantaged, listed on HUD's registry of eligible business concerns, and meeting the definition of small businesses above.

VIII. ETHICS IN PUBLIC CONTRACTING

A. GENERAL

The Renton Housing Authority shall adhere to the following code of conduct, consistent with applicable State and local law.

B. CONFLICT OF INTEREST

No employee, officer or agent of the Renton Housing Authority shall participate directly or indirectly in the selection or in the award or administration of any contract if a conflict, real or apparent, would be involved. Such conflict would arise when a financial or other interest in a firm selected for award is held by:

1. An employee, officer, or agent involved in making the award;
2. His/her relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, step-parent, step-child, step-brother, step-sister, half-brother, half-sister, persons living in the same household, or domestic partner);
3. His/her partner; or
4. An organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.

C. GRATUITIES, KICKBACKS AND USE OF CONFIDENTIAL INFORMATION

Renton Housing Authority officers, employees or agents shall not solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontracts, and shall not knowingly use confidential information for actual or anticipated personal gain.

The exception being where the financial interest is not substantial (not to exceed \$25.00) and is an unsolicited item of nominal intrinsic value.

D. PROHIBITION AGAINST CONTINGENT FEES

Contractors shall not retain a person to solicit or secure a Renton Housing Authority contract for commission, percentage, brokerage, or contingent fee, except for bona fide employees or bona fide established commercial selling agencies.

IX. REFERENCE DOCUMENTS

- **2 CFR 200.320- Methods of Procurement to be Followed**
Website: <https://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-sec200-320.pdf>
- **HUD Handbook 7460.8 rev-2- Procurement Handbook for Public Housing Agencies**
Website: https://www.hud.gov/program_offices/administration/hudclips/handbooks/pihh/74608
- **HUD's Annual Contributions Contract**
Website: http://www.hud.gov/pih/ffmd/finmanagement_faq.html
http://www.hudclips.org/sub_nonhud/cgi/pdf/22829a.pdf
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X. REQUIRED DOCUMENTS AND MANDATORY HUD FORMS

- (1) Approved Contract for Labor and Materials, or Delivery of Services
- (2) Insurance Certificate(s)/Endorsement(s)
- (3) General Conditions (HUD 5370) and or HUD-5370-C, General Conditions for Non-Construction Contracts
- (4) All bid documents including any drawings and specifications
- (5) Forms G701 and G702 (Applications and Certificate for Payment)
- (6) Any modifications, including Change Orders, duly delivered after execution of the Contract for Labor and Materials, or Delivery of Services
- (7) Statement of Compliance
- (8) Weekly Payroll Form WH-347
- (9) Any or all Contractor/Subcontractor Contract(s)
- (10) Federal and State Wage Rates with HUD forms and/or any applicable Davis-Bacon or HUD wage decision by reference
- (11) Monthly Employment Utilization Report (CC-257)
- (12) Notice to Proceed
- (13) Any other HUD forms as mandated for the subject procurement activity
- (14) HUD Methods of Procurement Chart along with a table of contents in each file