

Procurement & Contracting 2 C.F.R. Part 200/Uniform Guidance Conformity

Equalis Group Lead Agency: *The Cooperative Council of Governments*

Awarded Contractor: *BlueCrest*

Contract # *COG-2112B*

Published Documentation: [Contract Landing Page](#)

The checklist below identifies applicable Uniform Guidance requirements relating explicitly to the procurement and establishment of Equalis Group's publicly procured, competitively solicited contracts, provides a summary of how the Lead Agency that procured and awarded this contract conformed with those requirements, and references supporting source documents. These supporting documents are publicly available.

Uniform Guidance Procurement Requirement	2 C.F.R. Reference	Equalis Group Lead Agency Contract Conformity	
The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§ 200.317 through 200.327.	§ 200.318 (a)	Yes	CCOG is a regional council of governments and political subdivision formed under Ohio Revised Code § 167.01. CCOG's procurement procedures i) were developed in accordance with the procurement policies to which the State of Ohio's Department of Administrative Services is subject as defined in Ohio Administrative Code Rule 123:5-1-08, and ii) conform to the applicable procurement standards identified in 2 C.F.R. § 200.317 through § 200.327.
The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.	§ 200.318(c)(1)	Yes	CCOG's procurement policies include written standards of conduct covering conflicts of interest and governing the actions of any CCOG employees and agents engaged in the selection, award, and/or administration of contracts. No employee, officer, or agent may participate in the selection, award, and/or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.
Purchasing through intergovernmental agreements is encouraged for the procurement of common or shared goods and services under a Federal award.	§ 200.318 (e)	Yes	Equalis Group is a public sector purchasing cooperative. Non-federal entities join Equalis Group by completing the Master Intergovernmental Cooperative Purchasing Agreement, thereby entering into an intergovernmental agreement between the public agency and each Equalis Group lead public agency. More information about CCOG (the lead public agency that competitively solicited this contract) and Equalis Group is located in i) RFP Section 1.1 Overview , and ii) in the recitals of the Master Agreement.
Contracts must be awarded to responsible contractors possessing the ability to perform successfully under the terms and conditions of the procurement.	§ 200.318 (h)	Yes	<ol style="list-style-type: none"> 1) The goal of this CCOG RFP process was to find a technically qualified and responsive contractor(s) to perform the work identified with in the scope in RFP Section 1.2 Purpose and Scope. 2) Attachment A: Proposal Requirements and Specifications (the "Technical Proposal") was designed to facilitate the Proposal Review Team's ("PRT") evaluation of the technical qualifications and capabilities for each bidder. 3) Under CCOG's RFP scoring process, if a bidder's Technical Proposal receives a score of less than 50% of the total possible Technical Proposal points available, the bidder is deemed unqualified and unresponsive. The bidder is disqualified from the RFP process and the bidder's pricing proposal (the "Cost Proposal") remains sealed and is not reviewed by the PRT. RFP Section 5.1 Scoring of Proposals details CCOG's proposal evaluation process. 4) The proposal score sheet utilized by the PRT for evaluating responses to this RFP is located in RFP Attachment F Proposal Score Sheet. The Bid Tabulation includes the scores for each bidder. 5) CCOG awarded contract(s) to Bidder(s) with the most advantageous proposal, with price and other factors considered.

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The non-Federal entity must maintain records sufficient to detail the history of each procurement.	§ 200.318 (i)	Yes	<p>CCOG retains complete records of each procurement. Solicitation and Master Agreement documentation is published online at the associated contract landing page. All documentation is available to the public.</p> <p>- Rationale for the Method of Procurement: CCOG's procurement policy is to utilize formal procurement method as defined in 2 C.F.R. § 200.320 because the anticipated spend of Equalis Group members purchasing through any CCOG solicited contract is likely to exceed the simplified acquisition thresholds referenced in 2 C.F.R. § 200.320. Further, CCOG's procurement policy is to utilize the request for proposal formal procurement method because cooperative contract awards made available to Equalis Group members cannot include a specific number of products or services that will be purchased and the selection of the successful bidder includes both technical evaluations and cost considerations, providing the necessary flexibility to ensure contractors meet the needs of all public agencies that intend to use the contract.</p> <p>- Selection of Contract Type: CCOG's procurement policy is to use fixed price type contract. Fixed price contracts enable Equalis Group members to purchase the exact quantity of products and services each member requires based on the individual needs of each agency purchasing through the contract.</p> <p>- Contractor Selection or Rejection: the criteria and methodology for scoring proposals and identifying the lowest responsive and responsible bidder is detailed in RFP Section V Criteria for Proposal Evaluation & Scoring. See the Bid Tabulation for the scoring of each proposal submitted in response to this RFP.</p> <p>- Basis for the Contract Price: RFP Section 2.3 Cost Proposal & Acceptable Pricing Formats defines CCOG's requirements to provide pricing in submitted proposals. Attachment B - Cost Proposal provides a pricing template that bidders can utilize in their proposal and additional required information. CCOG contracts include pricing that is fully auditable.</p>
The non-federal entity awarding the contract must be responsible for the settlement of all contractual and administrative issues arising out of procuring the contract.	§ 200.318 (k)	Yes	CCOG is responsible for the settlement of all contractual and administrative issues arising out of procuring the contract. RFP Section VI RFP Protest Procedures details the process for any potential or actual bidder to protest the award of the contract, or any other matter relating to the process of soliciting proposals, including source evaluation, protests, disputes, and claims.
The procurement of contracts for the acquisition of property or services acquired under a Federal award must be conducted with full and open competition.	§ 200.319 (a)	Yes	CCOG is a political subdivision in the State of Ohio and follows open and competitive procurement requirements defined in the Ohio Revised Code. CCOG's competitive solicitation for this contract was an RFP published online and in newspapers of general circulation across the country. See the Proof of Publication , which includes affidavits verifying publication of the RFP in more than ten newspapers. All specifications and requirements placed in the RFP were developed in a reasonable manner that did not favor any specific respondent. There were no conflicts of interest, arbitrary actions, or any other unreasonable requirements in the RFP or within the evaluation of proposals submitted by bidders.
<p>Formal procurement methods are required when the value of the procurement of property or services acquired under a Federal award exceed the simplified acquisition threshold. Solicitations must be awarded in accordance with the following requirements:</p> <ul style="list-style-type: none"> - solicitation publicized - all evaluation factors and their relative importance identified - adequate number of qualified offerors solicited - written method for conducting technical evaluations and making selections - contract awarded to the responsible offeror whose proposal is most advantageous 	§ 200.320 (b) (2)	Yes	<p>- Publicized: the Proof of Publication contains affidavits attesting to the publication of notice of this RFP in more than 10 newspapers across the country.</p> <p>- Evaluation Factors: RFP Section 5.1 Scoring of the Proposals provide bidders with a list of the evaluation factors on which their proposals will be evaluated.</p> <p>- Adequate Number of Offerors Solicited: CCOG solicited responses from more than ten potential offerors.</p> <p>- Written Method for Conducting Evaluations: RFP Section 5.1 Scoring of Proposals details CCOG's proposal evaluation process.</p> <p>- Award to Most Advantageous Proposal: RFP Section 5.1 D Final Scoring defines how each bidder's Technical Proposal and Cost Proposal scores are added together to calculate the final score of each proposal. CCOG awarded contract(s) to Bidder(s) with the most advantageous proposal, with price and other factors considered.</p>
<p>The awarded contract must include provisions covering the following, as applicable:</p> <ol style="list-style-type: none"> a) administrative, contractual, or legal remedies for contractor breach of contract b) termination for cause or convenience clause c) Equal Employment Opportunity clause d) Davis-Bacon Act compliance e) Contract Work Hours and Safety Standards Act compliance f) Rights to Inventions Made Under a Contract or Agreement compliance g) Clean Air Act and Federal Water Pollution Control Act compliance h) Debarment and Suspension compliance i) Byrd Anti-Lobbying Amendment compliance j) Solid Waste Disposal Act compliance k) Prohibition on certain telecommunications and video surveillance services or equipment l) Domestic preferences for procurements 	§ 200.327 & Appendix II 2 C.F.R. § 200	Yes	<p>CCOG's RFP required compliance with the following requirements. Bidders must affirmatively agree to each requirement in their proposals and the winning contractor's proposal is incorporated into the Master Agreement, thereby making the bidder's agreement to each requirement a part of the Master Agreement as required by Uniform Guidance 2 C.F.R. §200.327 & Appendix II 2 C.F.R. § 200. The following are section references to RFP Attachment C Required Bidder Information & Certifications:</p> <ol style="list-style-type: none"> a) Administrative, contractual, or legal remedies for contractor breach of contract clause - Section 15.3.1. b) Termination for cause or convenience clause - Section 15.3.2. c) Equal Employment Opportunity clause - Section 15.3.3. d) Davis-Bacon Act compliance - Section 15.3.4. e) Contract Work Hours and Safety Standards Act compliance - Section 15.3.5. f) Rights to Inventions Made Under a Contract or Agreement compliance - Section 15.3.6. g) Clean Air Act and Federal Water Pollution Control Act compliance - Section 15.3.7. h) Debarment and Suspension compliance - Section 15.3.8. i) Byrd Anti-Lobbying Amendment compliance - Section 15.3.9. j) Solid Waste Disposal Act compliance - Section 15.3.10.

Legal Disclaimer

This document is not intended to be a comprehensive summary of all Uniform Guidance requirements, recent developments in the law, treat exhaustively the subjects covered, provide legal advice, or render a legal opinion. Equalis Group and its members are not attorneys and are not responsible for any legal advice. Equalis Group encourages political subdivisions, units of local government, state agencies, and other public agencies to have appropriate legal counsel review 2 C.F.R. Part 200 to determine their eligibility to utilize Equalis Group's competitively solicited contracts for Federal awards.