

Chabad of Brazos Valley Inc - Procurement Policy

The policy set forth in this document establishes standards and guidelines for the procurement of supplies, equipment, construction, and services to ensure that they are obtained as economically as possible through an open and competitive process.

1. When procuring under a Federal Award the Chabad of Brazos Valley Inc will ensure all purchases are within regulation to 2CFR 200.318-327.
2. **Equipment**
Management and disposition of equipment purchased with funds deriving from Federal grants shall be in accordance with 2 C.F.R. Section 200.313. All property acquired must be used for federally authorized purposes until project funding ceases or until the property is no longer needed for the project, and shall not be encumbered without approval of the federal awarding agency. Property will be managed and disposed of as follows:
 - a) Property records will be maintained that include a description of all federally funded equipment, a serial number where applicable, the source of funding including the Federal Award Identification Number (FAIN), record of title, the date of acquisition, the cost, the percentage of Federal participation in the purchase, the property location, use and condition, and the ultimate disposition of the property.
 - b) A physical inventory of the property will be taken and the results reconciled once every two (2) years.
 - c) The Organization's existing and customary property control system will be utilized to ensure against loss, damage or theft.
 - d) Provide the equivalent insurance coverage for real property and equipment acquired or improved with Federal funds as provided to property owned by non-Federal entities. 2 CFR 200.310.
 - e) Property authorized for sale shall be sold in a manner ensuring the highest possible return.
 - f) Surplus property no longer needed for its original purpose may be used for other federally supported activities.
 - g) The Organization may sell or otherwise dispose of federally funded equipment with a current fair market value under \$5,000 in accordance with its customary surplus property processes.
 - h) The Organization will request permission from the Federal granting entity prior to disposal of equipment with a current fair market value over \$5,000.
3. **Conflict of Interest**
No employee, officer, or agent of Chabad of Brazos Valley Inc may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated above has a financial or other interest in, or a tangible personal benefit from a firm considered for a contract. Any potential conflicts of interest must be disclosed, in a timely manner and in writing, to the Federal awarding or pass-through agency. The assigned Signatory Power of Authority for the federally funded project is responsible for making this disclosure.
As permitted by law, rule, policy or regulation, Chabad of Brazos Valley Inc shall pursue appropriate legal, administrative or disciplinary action against an employee, officer, director, volunteer, vendor or vendor's agent who is alleged to have committed, has been convicted of or pled no contest to a procurement related infraction. If said person has been convicted, disciplined or pled no contest to a procurement violation, said person shall be removed from any further responsibility or involvement with management of contracts, procurement actions or bids.
4. **Suspension and Debarment**
Chabad of Brazos Valley Inc will not enter into an agreement for property or services with an entity or person who has been disqualified (suspended or debarred) from participation in Federal programs or activities, unless the Federal granting agency grants an exception.
Chabad of Brazos Valley Inc shall take reasonable steps to determine whether any vendor, contractor or consultant is or has been excluded or disqualified from participating in such transaction. Prior to awarding any bid, the Purchasing Department shall check with the System for Award Management (SAMS) EPLS to ensure that the bidder or subcontractors, if applicable, are not disbarred or suspended from working with federally funded contracts.
Chabad of Brazos Valley Inc shall comply with all reporting requirements as mandated by the Federal granting agency.
5. **Settlement of Procurement and Contract Disputes.**
Any person or entity wishing to dispute the award of a bid, acceptance of a proposal, other procurement of property or services, or the application or interpretation of a contract or agreement relating to property or services procured using Federal or State grant funds shall submit all relevant information to the Signatory Power of Authority. The Signatory Power of Authority, shall review all information presented and shall conduct such further investigation as he or she deems appropriate under the circumstances. After review of all relevant information, the Signatory Power of Authority shall render a decision concerning the dispute, which decision

shall be the final decision Chabad of Brazos Valley Inc

6. Local Preference.

Local Preference will not be used in the evaluation of bids or proposals relating to procurements deriving from Federal or State grant funding, unless otherwise provided for in any specific grant agreement. When contracting for architectural and engineering services, geographic location may be a selection criteria provided its application leaves a number of qualified firms, given the nature and size of the project, to compete for the contract.

7. Minority- and Women-Owned Business Enterprises.

Chabad of Brazos Valley Inc does not discriminate on any basis within its procurement and contracting process, and encourages the participation of minority- and women-owned business enterprises (collectively, "MBEs"). Within the limits of the Federal Constitution, Chabad of Brazos Valley Inc will consider the firm's status as an MBE or a certified MBE, and also the status of any sub-contractors or sub-consultants proposed to be utilized are encouraged to respond.

Chabad of Brazos Valley Inc will take constitutionally-permissible affirmative steps to assure that minority- and women-owned businesses are used whenever possible. These steps include, but are not limited to the following:

- a) Placing qualified small, minority- and women-owned businesses on solicitation lists;
- b) Assuring that small, minority- and women-owned businesses are solicited whenever they are potential sources;
- c) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small, women- and minority-owned businesses;
- d) Establishing delivery schedules, where requirements permit, which encourage participation by small, women- and minority-owned businesses;
- e) Using the services and assistance, as appropriate, of organizations such as the Small Business Administration, the Minority Business Development Agency of the Department of Commerce and
- f) Requiring the prime contractor, if subcontracts are to be let, to take these same affirmative steps in the administration of its related contracts.

8. Procurement of Recovered Materials

Chabad of Brazos Valley Inc shall comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, when procuring goods funded through Federal grant funding.

Whenever feasible, Chabad of Brazos Valley Inc will procure items designated in the guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000.

Chabad of Brazos Valley Inc will procure solid waste management services in a manner that maximizes energy and resource recovery.

Chabad of Brazos Valley Inc will maintain an affirmative preference program for procurement of recovered materials identified in the EPA guidelines. The Organization may consider the Minimum Content Standard, the Case-by-Case Standard, or a substantially equivalent standard, as set forth in RCRA Section 6002(i)(3), as appropriate to any situation.

9. Contract Cost and Price

For every procurement in excess of \$150,000, including contract modifications or change orders greater than \$150,000, Chabad of Brazos Valley Inc shall perform a cost or price analysis in connection with every procurement subject to Federal procurement guidelines, which shall include an independent estimate of cost prior to issuing bids or proposals. For proposals where price is not considered in the award, profit shall be negotiated as a separate element of the price. In determining whether profit is fair and reasonable, Chabad of Brazos Valley Inc shall consider the complexity of work, the risk to be borne by the contractor, the contractor's investment, the amount of subcontracting necessary, the quality of the contractor's record and past performance, and industry profit rates for the surrounding geographical area. "Cost Plus Percentage" methods for determining profit may not be used.

10. Contract Provisions.

All contracts or Purchase Orders must contain the applicable provisions required pursuant to Section 200.326 and Appendix II to Part 200 of the Code of Federal Regulations.

These include, but are not limited to the following:

- a) Contracts in excess of \$150,000 must address legal remedies in instances where contractors violate or breach contract terms, and provide for sanctions and penalties as appropriate;
- b) Contracts in excess of \$10,000 must address termination for cause and for convenience by the Organization;
- c) All contracts must include the Equal Employment Opportunity clause as provided in Appendix II;
- d) When required, all prime construction contracts in excess of \$2,000 must include a provision for compliance with the Davis-Bacon Act, as supplemented, requiring contractors to pay laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination issued by the U.S. Department of Labor, which determination must be included with all solicitations;

- e) Where applicable, all contracts in excess of \$100,000 that involve mechanics or laborers must include a provision for compliance with the Contract Work Hours and Safety Standards Act, 40 U.S.C. 3701-3708;
- f) Where applicable, a clause requiring compliance with the Rights to Inventions made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements, 37 C.F. Part 401;
- g) Contracts in excess of \$150,000 must require compliance with the Clean Air Act and Clean Water Act and associated regulations;
- h) Contracts must include requirements concerning mandatory standards relating to energy efficiency;
- i) Contracts must include requirements that a contract award may not be made to debarred and suspended parties as listed on the EPLS in SAM;
- j) For contracts in excess of \$100,000, requirements for compliance with the Byrd Anti-Lobbying Amendment;
- k) Contracts must include a provision for compliance with the Copeland "Anti- Kickback" Act (40 U.S.C. 3145) as supplemented by Department of Labor regulations (29 C.F.R. 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") stating that each contractor or subrecipient must be prohibited from including, 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;
- l) Contracts for federally funded projects must include clauses required by Federal statutes and executive orders and their implementing regulations, including the provisions listed in Appendix II to 2 C.F.R. Part 200 - Contract Provisions for Non-Federal Entity Contracts under Federal Awards.

11. Rate Quotations

Purchases up to \$10,000.00 may be awarded without soliciting competitive price or rate quotations if Chabad of Brazos Valley Inc considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly.

Purchases of \$10,000 to \$35,000 requires at least two (2) written quotations or written record of telephone quotes that must be documented.

Purchases of \$35,000.00 to \$150,000.00 require Chabad of Brazos Valley Inc to obtain at least three (3) price or rate quotations from qualified sources.

Price or rate quotations shall be awarded in accordance with the following requirements:

Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be considered to the maximum extent practical;

Evaluations of the price or rate quotations shall be as follows:

- a) Price should be one of the factors in the evaluation of responses, but Chabad of Brazos Valley Inc shall not take the lowest price if other factors are important to the decision.
- b) Chabad of Brazos Valley Inc shall determine an objective method for selection, and any factors for evaluation and selection shall be listed in the procurement documents.
- c) Awards shall be made to the bidder or offeror whose bid is responsive to the solicitation and is most advantageous to Chabad of Brazos Valley Inc, price, quality and other factors considered.
- d) A bid may be rejected when it is in Chabad of Brazos Valley Inc interest to do so.

12. Chabad of Brazos Valley Inc shall maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

13. Chabad of Brazos Valley Inc will avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

14. Chabad of Brazos Valley Inc shall award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

15. Chabad of Brazos Valley Inc shall maintain records sufficient to detail the history of 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.

16. Chabad of Brazos Valley Inc alone shall be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims.

17. Chabad of Brazos Valley Inc shall ensure that all procurement transactions for the acquisition of property shall be conducted in a manner providing full and open competition. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for

proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

- a) Placing unreasonable requirements on firms in order for them to qualify to do business;
- b) Requiring unnecessary experience and excessive bonding;
- c) Noncompetitive pricing practices between firms or between affiliated companies;
- d) Noncompetitive contracts to consultants that are on retainer contracts;
- e) Organizational conflicts of interest;
- f) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
- g) Any arbitrary action in the procurement process.

18. Chabad of Brazos Valley Inc shall incorporate in its solicitations a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must 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, must 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 equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

19. As appropriate and to the extent consistent with law, Chabad of Brazos Valley Inc will, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States.

20. Chabad of Brazos Valley Inc shall not enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that:

- a) Uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities)
- b) Used video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
- c) Uses telecommunications or video surveillance services provided by such entities or using such equipment. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

21. Recording the receipt and expenditures of federal funds

Chabad of Brazos Valley Inc will record the receipts and expenditures of federal funds using accounting software such as QuickBooks and assigning a specific account/category to such funds ensuring separation and identification of federal funds.

22. Reconciling grant ledgers

Chabad of Brazos Valley Inc will reconcile grant ledgers or other financial statements to the cumulative expenditures reported on the Quarterly FSRs by utilizing QuickBooks reconciling functions.

23. Monitoring contractors and contracts

Chabad of Brazos Valley Inc will hold an initial meeting with the contractor to define expectations of Chabad of Brazos Valley Inc, the contractor, the State of Texas and FEMA. The meeting will review performance and adherence to contract terms, confirm/clarify deliverables, and define metrics/measures to be used to determine if expectations are being met. Additional emphasis will be made on Contractor's ability to ensure that all grant requirements are being met.

Chabad of Brazos Valley Inc will hold quarterly check-in meetings with the contractor to ensure adherence to the items identified at the initial meeting. Chabad of Brazos Valley Inc will collect feedback on Contractor Performance and will document whether services are being provided in accordance with the terms of the contract.

24. Equipment Tracking

Equipment will be physically inspected on a quarterly basis by Yosef Lazaroff and the Inventory List will be updated accordingly.