

## **Doing Business with HANH**

### **PROCUREMENT OPPORTUNITIES**

HANH procures goods and services in accordance with HANH's Procurement Policy. This policy provides for the fair and equitable treatment of all persons and firms involved in purchase agreements with HANH; assures that supplies, services and construction are procured efficiently, effectively and at the most favorable prices to HANH; promotes competition in purchasing; provides safeguards for maintaining a procurement system of quality and integrity; and assures that HANH's purchasing actions are in full compliance with applicable Federal standards, HUD regulations and State and local laws. Solicitation procedures are in full compliance with 24 CFR 85.36.

#### **Small Purchases (under \$100,000)**

For small procurements not exceeding \$100,000 (unless otherwise authorized by the contracting officer or as may be reasonably necessary to comply with HANH's Procurement Policy) no less than three bidders shall be solicited to submit price quotations, which may be obtained orally, by telephone, or in writing. Award shall be made to the offeror providing the lowest acceptable quotation, unless justified in writing based on price or other specified factors.

#### **Sealed Bids (over \$100,000)**

An invitation for bids shall be issued including specifications and all contractual terms and conditions applicable to the procurement, including a statement that award will be made to the lowest responsible and responsive bidder who meets the requirements of the invitation for bids. The invitation for bids shall state the time and place for both the receipt of bids and the public bid opening. All bids received shall be time and date stamped but not opened and shall be stored in a secure place until bid opening. A bidder may withdraw its bid at any time prior to bid opening. Bids shall be opened publicly and in the presence of at least one witness. For construction contracts exceeding \$100,000, contractors shall be required to submit the following: a bid guarantee from each bidder equivalent to 5% of the bid price, a performance bond for 100% of the contract price and a payment bond for 100% of the contract price. In the case of construction under Capital Fund Program (CFP) funded pursuant to the U.S. Housing Act of 1937, for any contract of \$100,000 or over, the contractor shall be required to submit the following: a bid guarantee from each bidder equivalent to 5% of the bid price; one of the following (unless waived as described above): a performance and payment bond for 100% of the contract price, separate performance and payment bonds, each for 50% or more of the contract price, a 20% cash escrow, and a 25% irrevocable letter of credit. For contracts under \$100,000, the contracting officer may waive the bid bond and/or performance bond if the contracting officer concludes that the absence of a bond will not put HANH at risk and; the absence of a bond will increase competition.

#### **Competitive Proposals**

Competitive proposals (including turnkey proposals for development) may be used if there is an adequate method of evaluating technical proposals and where HANH determines that conditions are not appropriate for the use of sealed bids. The request for proposals (RFP) shall clearly identify the relative importance of price and other evaluation factors and sub-factors, including the weight given to each technical factor and sub-factor. A mechanism for fairly and thoroughly evaluating the technical and price proposals shall be established before the solicitation is issued. Proposals shall be handled so as to prevent disclosure of the number of offerors, identity of the offerors, and the contents of their proposals. The proposals shall be evaluated only on the criteria stated in the request for proposals. Negotiations shall be conducted with offerors who submit proposals determined to have a reasonable chance of being selected for award, based on evaluation against the technical and price factors as specified in the RFP. After evaluation of proposal revisions the contract shall be awarded to the responsible firm whose qualifications, price and other factors considered, are the most advantageous to HANH.

#### **Non-competitive Proposals**

Procurement by noncompetitive proposals may be used only when the award of a contract is not feasible using small purchase procedures, sealed bids, or competitive proposals and one of the following applies: the item is available only from a single source, based on a good faith review of available sources, an emergency exists that seriously threatens the public health, welfare, or

HANH, HUD authorizes the use of noncompetitive proposals or solicitation of a number of sources, competition is determined inadequate.

### **Cancellation of Solicitations**

An invitation for bids, request for proposals, or other solicitation may be canceled before offers are due if: supplies, services or construction are no longer required, expected funds are no longer available for the procurement, proposed amendments to the solicitation would be of such magnitude that a new solicitation would be desirable. A solicitation may be canceled and all bids or proposals that have already been received may be rejected if: the supplies, services, or construction are no longer required, ambiguous or otherwise inadequate specifications were part of the solicitation and the solicitation did not provide for consideration of all factors of significance to HANH.

### **Blanket Purchase Agreements**

The contracting officer may establish Blanket Purchasing Agreements (BPAs). The following are examples of when using BPAs may be advantages for HANH: there are a wide variety of items in a broad class of supplies or services that are generally purchased, but the exact items, quantities, and delivery requirements are not known in advance and may vary considerably; there is a need to provide commercial sources of supply for one or more offices or projects in a given area that do not have or need authority to purchase otherwise; the use of this procedure would avoid the writing of numerous purchase orders and; there is no existing requirements contract for the same supply or service that the contracting activity is required to us.

### **Contractor Qualifications and Duties**

Procurements shall be conducted only with responsible contractors, i.e., those who have the technical and financial competence to perform and who have a satisfactory record of integrity. Before awarding a contract, HANH shall review the proposed contractor's ability to perform the contract successfully, considering factors such as the contractor's integrity (including a review of the List of Parties Excluded from Federal Procurement and Non-procurement Programs published by the U.S. General Services Administration), compliance with public policy, record of past performance (including contacting previous clients of the contractor, such as other PHAs), and financial and technical resources. If a prospective contractor is found to be non-responsible, a written determination of non-responsibility shall be prepared and included in the contract file, and the prospective contractor shall be advised of the reasons for the determination. 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 or by other Federal agencies (e.g., Department of Labor for violation of Secretary of Labor regulations) when necessary to protect HANH in its business dealings. Interested businesses shall be given an opportunity to be included on HANH's qualified bidders lists. Any pre-qualified lists of persons, firms, or products, which are used in the procurement of supplies and services, shall be kept current and shall include enough qualified sources to ensure competition. Firms shall not be precluded from qualifying during the solicitation period. Solicitation mailing lists of potential contractors shall include, but not be limited to, such pre-qualified suppliers.

### **Appeals and Remedies**

Disagreements over the award of a HANH contract may occasionally arise between HANH and an offeror. HANH is required by 24 CFR part 85.35 (b) (12) to have protest procedures to handle and resolve disputes relating to procurement. It is HANH's policy to resolve all contractual issues informally at the authority level, without litigation. Disputes shall not be referred to HUD until all administrative remedies have been exhausted at the authority level. Bidder must file any protest with respect to such procurement in writing within ten (10) days of

the award of the subject contract by the Authority to Contracting Officer.

**Ethics in Public Contracting**

No employee, officer or agent of HANH 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. HANH 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 benefit. Contractors shall not retain a person to solicit or secure a HANH contract for a commission, percentage, brokerage, or contingent fee, except for bona fide employees or bona fide established commercial selling agencies.