Procurement & Contract Management Monitoring Form

**Grantee: Grant Number:**

**Prepared by: Visit / Prepared Date:**

**Project Name:**

**Execution Date of NCDEQ Contract: Release of Funds Date: Bid & Specs Approval Date:**

**Execution of Construction Contract Milestone Date: Execution of Construction Contract Date:**

|  |  |  |
| --- | --- | --- |
| **General Requirements** | | |
| 1. | Does the grantee have an adopted procurement policy in the file?  If yes, does the file have a CDBG-I approval letter in the file? | Yes  No ☐ Date Adopted:  Yes  No ☐ Date of Letter: |
| 2. | Does the grantee have a written Code of Conduct / Conflict of Interest policy governing officers, agents, and employees? | Yes ☐ No ☐ N/A ☐ |
| 3. | Which version of the CDBG-I procurement policy was used in this project? (v1 4/30/19, v2 1/2021, v3 6/2021)  Was it implemented correctly? | Yes  No |
| **Basic Procurement Information** | | |
| 4. | Contractor Name & Address: | Administrator  Engineer  General / Prime Contractor #1  Other: \_\_\_\_\_\_\_\_\_\_\_\_ |
| Tax ID#: |  |
| Date contract was executed: |  |
| Contract amount (*include amount of CDBG and non-CDBG funds):* |  |
| Check if contractor is any of these?  Does the file have their documentation to support this? | MBE  WBE  Section 3  HUB ☐ N/A |
|  |
| 5. | Was Contract Executed AFTER the Executed DEQ/DWI Contract Date?  AFTER RROF date: | Yes  No    Yes  No  N/A |
| 6. | If monitoring construction contract, date of construction contract: | N/A or Date: |
| 7. | Did the grantee do their due diligence and confirm eligibility of contractors (non-construction and construction) by checking and printing search results from Sam.gov and NC DOA Debarred Vendors listing prior to finalizing contract?  ***Attach copies of the Certification of Eligibility and printouts from the relevant websites for each contract executed to date.*** | Sam.gov: NCDOA:  Yes ☐ No ☐ Yes  No |
| 8. | What procurement method was used? After identifying, jump to the method for further review. |  |
| **Micro-Purchase Procurement Method**  *(All purchases of goods and services, including construction up to $10,000)* | | |
| 9. | Does file have documentation to support the decision process for the purchase? | Yes  No |
| **Small Purchase “Informal Bidding” Procurement Method**  *(All purchases of goods and services, including construction. Construction up to $250,000; Goods up to $89,999)* | | |
| 10. | Were quotes or prices obtain from at least three sources?  If yes, were these quotes/prices complete with name and dates of who gave them? | Yes ☐ No ☐  Yes  No |
| 11. | Was the lowest cost responsible bidder awarded? | Yes  No |
| 12. | Is contract/agreement a fixed price, unit price or not-to-exceed? | Yes  No |
| **Competitive Proposal Procurement Method (RFPs)**  *(Procurement of grant administrators, lawyers, planners, accountants, etc. regardless of size of contract; any contract costing most than $250,000)* | | |
| 13. | Was Request for Proposals (RFP) publicly advertised in a newspaper of general circulation? *An affidavit of publication must be in file.* | Yes  No  Newspaper:  Date: |
| 14. | Was RFP published on the state IPS website? *(v2 1/2021 or later versions required this, v1 4/30/19 did not) Confirm with adoption date of grantee’s policy.* | Yes  No |
|  |  |  |
| 15. | Was RFP published on the state HUB website? *(v2 1/2021 or later versions required this, v1 4/30/19 did not) Confirm with adoption date of grantee’s policy.* | Yes  No |
| 16. | Were there at least three (3) direct solicitations of RFP?  How many direct solicitations were done and how were they solicited? | Yes  No |
| 17. | Were HUB, M/WBE and Section 3 businesses encouraged to submit bids/proposals and included in the direct solicitation efforts?  If yes, describe the method used: | M/WBE:  Yes  No Section 3:  Yes  No  HUB  Yes  No |
| 18. | Was there an adequate number of days (at least 15 business days) between newspaper advertisement and submission deadline? | Yes  No |
| 19. | Did RFP describe:  All evaluation criteria and relative importance?  Clearly and accurately state technical requirements for goods and services required? | Yes  No  Yes ☐ No ☐ |
| 20. | Were at least 2 responses received from the RFP?  If no, was the RFP republished in a newspaper of wider distribution for 15 business days?  *An affidavit of publication must be in file.*  If no, was direct solicitation efforts expanded?  If yes, how? | Yes  No  Yes  No  N/A  Newspaper:  Date:  Yes  No  N/A |
| 21. | Does file have:  A written method for conducting technical evaluations of proposals and selecting contractor?  Evaluations of each proposal in writing and dated?  Copies of each proposal received? | Yes  No  Yes  No  Yes  No |
| 22. | Was the responsible firm with the most advantageous proposal, taking into account price and other factors identified in RFP awarded the contract?  If no, is there documentation to support grantee’s decision? | ☐ Yes ☐ No  ☐ Yes ☐ No ☐ N/A |
| 23. | Is award contract a fixed-price or a cost-reimbursement / “not to exceed” contract?  Did the governing body approve the contract?    If yes, indicate who approved and the date of approval.  Does file have copies of council/commission meeting minutes of award and reason for award? | Yes  No  Yes  No  Yes  No |
| 24. | Is non-competitive/sole source method used for this contract?  If yes, see Non-Competitive/Sole Source Method Section to answer those questions to ensure complete file. | Yes  No  N/A |
| **Competitive Proposal Procurement Method for Architectural & Engineering (A/E) Services Only (RFQs)**  *(Procurement of architectural, engineering, construction management at-risk services, and surveying services regardless of size of contract)* | | |
| 25. | Was Request for Qualifications (RFQ) publicly advertised in a newspaper of general circulation? *An affidavit of publication must be in file.* | Yes  No  Newspaper:  Date: |
| 26. | Was RFQ published on the state IPS website? *((v2 1/2021 or later versions required this, v1 4/30/19 did not) Confirm with adoption date of grantee’s policy.* | Yes  No |
| 27. | Was RFQ published on the state HUB website? *((v2 1/2021 or later versions required this, v1 4/30/19 did not) Confirm with adoption date of grantee’s policy.* | Yes  No |
| 28. | Were there at least three (3) direct solicitations of RFQ?  How many direct solicitations were done and how were they solicited? | Yes  No |
| 29. | Were HUB, M/WBE and Section 3 businesses encouraged to submit qualifications and included in the direct solicitation efforts?  If yes, describe the method used: | M/WBE:  Yes  No Section 3:  Yes  No  HUB:  Yes  No |
| 30. | Was there an adequate number of days (at least 15 business days) between newspaper advertisement and submission deadline? | Yes  No |
| 31. | Did RFQ describe:  All evaluation criteria and relative importance?  Clearly and accurately state technical requirements for goods and services required? | Yes  No  Yes ☐ No ☐ |
| 32. | Were at least 2 responses received from the RFQ?  If no, was the RFQ republished in a newspaper of wider distribution for 15 business days?  *An affidavit of publication must be in file.*  If no, was direct solicitation efforts expanded?  If yes, how? | Yes  No  Yes  No  N/A  Newspaper:  Date:  Yes  No  N/A |
| 33. | Does file have:  A written method for conducting technical evaluations of qualifications and selecting consultant/contractor?  Evaluations of each qualification in writing and dated?  Copies of each qualification received? | Yes  No    Yes  No  Yes  No |
| 34. | Was the most qualified firm selected, where price isn’t an evaluation factor?  If no, is there documentation to support grantee’s decision? | ☐ Yes ☐ No  ☐ Yes ☐ No ☐ N/A |
| 35. | Is award contract a fixed-price or a cost-reimbursement / “not to exceed” contract?  Did the governing body approve the contract?    If yes, indicate who approved and the date of approval.  Does file have copies of council/commission meeting minutes of award and reason for award? | Yes  No  Yes  No  Yes  No |
| 36. | Is non-competitive/sole source method used for this contract?  If yes, see Non-Competitive/Sole Source Method Section to answer those questions to ensure complete file.. | Yes  No  N/A |
| **Sealed Bid “Formal Bidding” Procurement Method**  ***(Construction $250,001 and over; goods $90,000 and over)*** | | |
| 37. | Was the bid notice advertised in the newspaper of widest circulation? *An affidavit of publication must be in file.* | Yes  No  Newspaper:  Date: |
| 38. | Date of Pre-Bid Meeting:  Does file contain pre-bid meeting minutes?  Date of Bid Opening:  Did the grantee publicly advertise bid notice for at least 30 days prior to bid opening? | Yes  No  Yes  No |
| 39. | Was the bid notice published on the state IPS website? *(v2 1/2021 or later versions required this, v1 4/30/19 did not) Confirm with adoption date of grantee’s policy.* | ☐ Yes ☐ No |
| 40. | Was the bid notice published on the state HUB website? *(v2 1/2021 or later versions required this, v1 4/30/19 did not) Confirm with adoption date of grantee’s policy.* | ☐ Yes ☐ No |
| 41. | Were there at least three (3) direct solicitations of bid notice?  How many direct solicitations were done and how were they solicited? | Yes  No |
| 42. | Were HUB, M/WBE and Section 3 businesses encouraged to submit bids/proposals and included in the direct solicitation efforts?  If yes, describe the method used. | M/WBE:  Yes  No Section 3:  Yes  No  HUB  Yes  No |
| 43. | Did the bid notice clearly and accurately state the technical requirements for the goods or services to be procured? | Yes  No |
| 44. | Was a complete, adequate, and realistic set of plans/specifications or purchase description available to bidders? | ☐ Yes ☐ No |
| 45. | How many contractors/vendors submitted bids at bid opening?  Was 1st attempt successful?  *(at least 2 bidders needed for purchase of goods and at least 3 for construction on 1st attempt)* | ☐ Yes ☐ No |
| 46. | If 1st attempt was not successful, was bid notice advertised publicly in a newspaper with a larger distribution for at least 7 days? *An affidavit of publication must be in file.* | ☐ Yes ☐ No ☐ N/A  Newspaper:  Date: |
| 47. | Does file have certified bid tabulation sheet and documentation of lowest price determination? | Yes  No |
| 48. | Was the lowest, responsive, responsible bidder award?  If no, is there documentation to support grantee’s decision? | ☐ Yes ☐ No  ☐ Yes ☐ No ☐ N/A |
| 49. | Was contract awarded on a firm-fixed-price?  Did the governing body approve the contract?  If yes, indicate who approved and the date of approval. | Yes  No  Yes  No |
| 50. | Is non-competitive/sole source method used for this contract?  If yes, see Non-Competitive/Sole Source Method Section to answer those questions to ensure complete file. | Yes  No  N/A |
| **Non-Competitive Proposal / Sole Source**  ***(Only if applicable)*** | | |
| 51. | Was a cost or price analysis conducted? | Yes  No |
| 52. | Is there documentation and/or justification for using this method? | Yes  No |
| 53. | Did the grantee receive approval by CDBG-I to use this method? | Yes  No Date of Approval Letter: |
| **Sub-Construction Contracts / Agreements**  ***(Applicable only if Prime Construction Contractor has subs)***  ***Applicable for 2018 Grantees and Beyond*** | | |
| 54. | Are there sub-contractors on the project?  If yes, how many sub-contractors are being used? | Yes  No |
| 55. | Subcontractor #1 Name & Address: |  |
| Tax ID#: |  |
| Do the grant files have a copy of the subcontractor’s agreement? | Yes  No |
| Date contract was executed: |  |
| Contract amount (*include amount of CDBG and non-CDBG funds):* |  |
| Is there a Section 3 plan?  *Section 3 is triggered if contract is $100,000 or more for FY19 grants and older*  *Section 3 is triggered if total grant is $200,000 or more for FY20 grants and newer* | Yes  No  N/A  Yes ☐ No ☐ N/A ☐ |
| Check if contractor is any of these?  Does the file have the documentation to support this? | MBE  WBE  Section 3  HUB ☐ N/A |
|  |
| Did the prime contractor do their due diligence and confirm eligibility of the subcontractor (non-construction and construction) by checking and printing search results from Sam.gov and NC DOA Debarred Vendors listing prior to finalizing contract?  ***Attach copies of the Certification of Eligibility and printouts from the relevant websites for each contract executed to date.*** | Sam.gov: NCDOA:  Yes ☐ No ☐ Yes  No |
| Confirm all the necessary components are in sub-contractor agreement. *(Use the checklist on the next pages to confirm completeness)* |  |
| 56. | Subcontractor #2 Name & Address: |  |
| Tax ID#: |  |
| Do the grant files have a copy of the subcontractor’s agreement? | Yes  No |
| Date contract was executed: |  |
| Contract amount (*include amount of CDBG and non-CDBG funds):* |  |
| Is there a Section 3 plan?  *Section 3 is triggered if contract is $100,000 or more for FY19 grants and older*  *Section 3 is triggered if total grant is $200,000 or more for FY20 grants and newer* | Yes  No  N/A  Yes ☐ No ☐ N/A ☐ |
| Check if contractor is any of these?  Does the file have the documentation to support this? | MBE  WBE  Section 3  HUB ☐ N/A |
|  |
| Did the prime contractor do their due diligence and confirm eligibility of the subcontractor (non-construction and construction) by checking and printing search results from Sam.gov and NC DOA Debarred Vendors listing prior to finalizing contract?  ***Attach copies of the Certification of Eligibility and printouts from the relevant websites for each contract executed to date.*** | Sam.gov: NCDOA:  Yes ☐ No ☐ Yes  No |
| Confirm all the necessary components are in sub-contractor agreement. *(Use the checklist on the next pages to confirm completeness)* |  |
| 57. | Subcontractor #3 Name & Address: |  |
| Tax ID#: |  |
| Do the grant files have a copy of the subcontractor’s agreement? | Yes  No |
| Date contract was executed: |  |
| Contract amount (*include amount of CDBG and non-CDBG funds):* |  |
| Is there a Section 3 plan?  *Section 3 is triggered if contract is $100,000 or more for FY19 grants and older*  *Section 3 is triggered if total grant is $200,000 or more for FY20 grants and newer* | Yes  No  N/A  Yes ☐ No ☐ N/A ☐ |
| Check if contractor is any of these?  Does the file have the documentation to support this? | MBE  WBE  Section 3  HUB ☐ N/A |
|  |
| Did the prime contractor do their due diligence and confirm eligibility of the subcontractor (non-construction and construction) by checking and printing search results from Sam.gov and NC DOA Debarred Vendors listing prior to finalizing contract?  ***Attach copies of the Certification of Eligibility and printouts from the relevant websites for each contract executed to date.*** | Sam.gov: NCDOA:  Yes ☐ No ☐ Yes  No |
| Confirm all the necessary components are in sub-contractor agreement. *(Use the checklist on the next pages to confirm completeness)* |  |
| 58. | Subcontractor #4 Name & Address: |  |
| Tax ID#: |  |
| Do the grant files have a copy of the subcontractor’s agreement? | Yes  No |
| Date contract was executed: |  |
| Contract amount (*include amount of CDBG and non-CDBG funds):* |  |
| Is there a Section 3 plan?  *Section 3 is triggered if contract is $100,000 or more for FY19 grants and older*  *Section 3 is triggered if total grant is $200,000 or more for FY20 grants and newer* | Yes  No  N/A  Yes ☐ No ☐ N/A ☐ |
| Check if contractor is any of these?  Does the file have the documentation to support this? | MBE  WBE  Section 3  HUB ☐ N/A |
|  |
| Did the prime contractor do their due diligence and confirm eligibility of the subcontractor (non-construction and construction) by checking and printing search results from Sam.gov and NC DOA Debarred Vendors listing prior to finalizing contract?  ***Attach copies of the Certification of Eligibility and printouts from the relevant websites for each contract executed to date.*** | Sam.gov: NCDOA:  Yes ☐ No ☐ Yes  No |
| Confirm all the necessary components are in sub-contractor agreement. *(Use the checklist on the next pages to confirm completeness)* |  |
| 59. | Subcontractor #5 Name & Address: |  |
| Tax ID#: |  |
| Do the grant files have a copy of the subcontractor’s agreement? | Yes  No |
| Date contract was executed: |  |
| Contract amount (*include amount of CDBG and non-CDBG funds):* |  |
| Is there a Section 3 plan?  *Section 3 is triggered if contract is $100,000 or more for FY19 grants and older*  *Section 3 is triggered if total grant is $200,000 or more for FY20 grants and newer* | Yes  No  N/A  Yes ☐ No ☐ N/A ☐ |
| Check if contractor is any of these?  Does the file have the documentation to support this? | MBE  WBE  Section 3  HUB ☐ N/A |
|  |
| Did the prime contractor do their due diligence and confirm eligibility of the subcontractor (non-construction and construction) by checking and printing search results from Sam.gov and NC DOA Debarred Vendors listing prior to finalizing contract?  ***Attach copies of the Certification of Eligibility and printouts from the relevant websites for each contract executed to date.*** | Sam.gov: NCDOA:  Yes ☐ No ☐ Yes  No |
| Confirm all the necessary components are in sub-contractor agreement. *(Use the checklist on the next pages to confirm completeness)* |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Contract Management Checklist** | | | | | |
| **Clause and/or Provisions:** | **Type of Contract:**  Administrator  Engineer  General / Prime Contractor #1  Other: \_\_\_\_\_\_\_\_\_\_\_\_ | | | | |
| Conflict of interest Provision *(required for all types of contracts)* | Yes  No | | | | |
| Legal Remedies Provision *(required for all types of contracts)* | Yes  No | | | | |
| Termination Provision *(required for contracts of $10,000 or more, and 8 or more housing units)* | Yes  No  N/A | | | | |
| Nondiscrimination Clause *(required for all types of contracts)* | Yes  No | | | | |
| Age Discrimination Act of 1975 *(required for all types of contracts)* | Yes  No | | | | |
| Section 504 of the Rehabilitation Act of 1973 / Handicap Discrimination Clause *(required for all types of contracts)* | Yes  No | | | | |
| Section 3 Clause *(required for all types of contracts)* | Yes  No | | | | |
| Anti-Lobbying Clause *(required for all types of contracts)* | Yes  No | | | | |
| Access to Records and Record Retainage Clause *(required for all types of contracts)* | Yes  No | | | | |
| Reimbursement to DEQ for Improper Expenditures. The Subrecipient will reimburse DEQ for any amount of Grant assistance improperly expended, either deliberately or non-deliberately, by any person or entity. Additionally, a contract for administrative services must include a clause holding the administrator organization responsible for reimbursement to the Recipient for any improperly expended grant funds that had to be returned to DEQ. | Yes  No  N/A | | | | |
| Executive Order 11246 Clause *(required for contracts over $10,000 in construction, $10,000 in rehab, 8 or more housing units in rehab)* | Yes  No  N/A | | | | |
| DOL Wage Determination / Wage Decision (*required for contracts over $2,000 for construction, and 8 or more housing units in rehab.)* | Yes  No  N/A | | | | |
| Copeland Act Provisions *(required for all construction and rehabilitation contracts)* | Yes  No  N/A | | | | |
| Contract Work Hours and Safety Standard *Act (required for contracts over $2,000 in construction, 8 or more housing units in rehab.)* | ☐ Yes ☐ No ☐ N/A | | | | |
| Davis-Bacon Act Provisions *(required for contracts over $2,000 for construction, and 8 or more housing units in rehab.)* | Yes  No  N/A | | | | |
| Federal Labor Standards Provisions (HUD 4010) | Yes  No  N/A | | | | |
| Appendix II to Part 200 – Contract Provisions for Non-Federal Entity Contracts Under Federal Awards: | ☐ Yes ☐ No ☐ N/A | | | | |
| Clean Water, Clean Air, E.O. 11738, EPA Regulations *(required for contracts of $100,000 or more in construction)* | Yes  No  N/A | | | | |
| Lead Base Paint Clause *(required for all rehabilitation contracts)* | Yes  No  N/A | | | | |
| **Subcontractor Management Checklist** | | | | | |
| **Clause and/or Provisions:** | **#1** | **#2** | **#3** | **#4** | **#5** |
| Conflict of interest Provision *(required for all types of contracts)* | Yes  No | Yes  No | Yes  No | Yes  No | Yes  No |
| Legal Remedies Provision *(required for all types of contracts)* | Yes  No | Yes  No | Yes  No | Yes  No | Yes  No |
| Termination Provision *(required for contracts of $10,000 or more, and 8 or more housing units)* | Yes  No | Yes  No | Yes  No | Yes  No | Yes  No |
| Nondiscrimination Clause *(required for all types of contracts)* | Yes  No | Yes  No | Yes  No | Yes  No | Yes  No |
| Age Discrimination Act of 1975 *(required for all types of contracts)* | Yes  No | Yes  No | Yes  No | Yes  No | Yes  No |
| Section 504 of the Rehabilitation Act of 1973 / Handicap Discrimination Clause *(required for all types of contracts)* | Yes  No | Yes  No | Yes  No | Yes  No | Yes  No |
| Section 3 Clause *(required for all types of contracts)* | Yes  No | Yes  No | Yes  No | Yes  No | Yes  No |
| Anti-Lobbying Clause *(required for all types of contracts)* | Yes  No | Yes  No | Yes  No | Yes  No | Yes  No |
| Access to Records and Record Retainage Clause *(required for all types of contracts)* | Yes  No | Yes  No | Yes  No | Yes  No | Yes  No |
| Executive Order 11246 Clause *(required for contracts over $10,000 in construction, $10,000 in rehab, 8 or more housing units in rehab)* | Yes  No | Yes  No | Yes  No | Yes  No | Yes  No |
| DOL Wage Determination / Wage Decision (*required for contracts over $2,000 for construction, and 8 or more housing units in rehab.)* | Yes  No | Yes  No | Yes  No | Yes  No | Yes  No |
| Copeland Act Provisions *(required for all construction and rehabilitation contracts)* | Yes  No | Yes  No | Yes  No | Yes  No | Yes  No |
| Contract Work Hours and Safety Standard *Act (required for contracts over $2,000 in construction, 8 or more housing units in rehab.)* | Yes  No | Yes  No | Yes  No | Yes  No | Yes  No |
| Davis-Bacon Act Provisions (*required for contracts over $2,000 for construction, and 8 or more housing units in rehab.)* | Yes  No | Yes  No | Yes  No | Yes  No | Yes  No |
| Federal Labor Standards Provisions (HUD 4010) | Yes  No | Yes  No | Yes  No | Yes  No | Yes  No |
| Appendix II to Part 200 – Contract Provisions for Non-Federal Entity Contracts Under Federal Awards: | Yes  No | Yes  No | Yes  No | Yes  No | Yes  No |
| Clean Water, Clean Air, E.O. 11738, EPA Regulations *(required for contracts of $100,000 or more in construction)* | Yes  No | Yes  No | Yes  No | Yes  No | Yes  No |
| Lead Base Paint Clause *(required for all rehabilitation contracts)* | Yes  No | Yes  No | Yes  No | Yes  No | Yes  No |
| **NOTES:** | | | | | |

***\*List or attach supporting documentation or notate items reviewed to support work performed where deemed necessary for all questions listed on this monitoring checklist.***

**Grantee Representative: Date:**

**CDBG-I Grants Representative: Date:**

**CDBG-I Supervisor: Date:**