Environmental Protection Agency

§ 35.4210  Must my group solicit and document bids for our procurements?

(a) The steps needed to be taken to procure goods and/or services depends on the amount of the proposed procurement:

<table>
<thead>
<tr>
<th>If the aggregate amount of the purchase is</th>
<th>Then your group must:</th>
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<tr>
<td>(1) $1,000 or less</td>
<td>make the purchase as long as you make sure the price is reasonable; no oral or written bids are necessary.</td>
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<td>(2) $25,000 or less</td>
<td>obtain and document oral or written bids from two or more qualified sources.</td>
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<td>(3) $25,000 to $100,000</td>
<td>solicit bids from three or more sources who are willing and able to do the work;</td>
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<td>provide potential sources in the scope of work to be performed and the criteria your group will use to evaluate the bids;</td>
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<td>objectively evaluate all bids; and</td>
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<td>notify all unsuccessful bidders.</td>
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§ 35.4195  Are there certain people my group cannot select to be our technical advisor, grant administrator, or other contractor under the grant?

Your group may not hire the following:

(a) The person(s) who wrote the specifications for the “contract” and/or who helped screen or select the contractor;
(b) In the case of a technical advisor, a person or entity doing work for the Federal or State government or any other entity at the same NPL site for which your group is seeking a technical advisor; and
(c) Any person who is on the List of Parties Excluded from Federal Procurement or NonProcurement Programs.

§ 35.4200  What restrictions apply to contractors my group procures for our TAG?

When procuring contractors your group:

(a) Cannot award cost-plus-percentage-of-cost contracts; and
(b) Must award only to responsible contractors that possess the ability to perform successfully under the terms and conditions of a proposed contract.

§ 35.4205  How does my group procure a technical advisor or any other contractor?

When procuring contractors your group must also:

(a) Provide opportunity for all qualified contractors to compete for your work (see §35.4210);
(b) Keep written records of the reasons for all your contracting decisions;
(c) Make sure that all costs are reasonable in a proposed contract;
(d) Inform EPA of any proposed contract over $1,000.00;
(e) Provide EPA the opportunity to review a contract before your group awards or amends it;
(f) Perform a “cost analysis” to evaluate each element of a contractor’s cost to determine if it is reasonable, allocable and allowable for all contracts over $25,000; and