

Manatee County CDBG-DR Procurement Administrative Standards and Procedures

Effective Date: July 29, 2025

Reference: CDBG-DR Procurement Processes

Subject: CDBG-DR Procurement Requirements and Compliance Measures

Purpose

This document supplements the County of Manatee's ("County") existing Procurement Administrative Standards and Procedures Manual ("Manual"), which are recognized as comprehensive and foundational to all procurement activities. The County affirms its continued adherence to this established Manual for all procurement actions.

In alignment with the specific requirements of the Community Development Block Grant Disaster Recovery (CDBG-DR) program, this document outlines additional provisions and clarifications necessary to ensure full compliance with federal regulations and United States (U.S.) Department of Housing and Urban Development (HUD) guidance. These additions address program-specific needs such as procurement methods, documentation standards, and enhanced oversight responsibilities.

This document is guided by the requirements set forth in the HUD's January 8, 2025, [Federal Register Notice \(90 FR 1754\)](#) (Updated March 19, 2025) ("Revised Universal Notice"), which establishes alternative requirements and waivers for the use of CDBG-DR funds.

The purpose of this document is to ensure that all procurement actions undertaken with CDBG-DR funds are:

- Compliant with the federal procurement standards at 2 CFR Part 200 (Subpart D – Post Federal Award Requirements), including Part 200.318-200.327
- Consistent with HUD guidance, including requirements outlined in the Federal Register Notices governing the County's CDBG-DR allocation
- Documented in a manner that supports transparency, competition, and audit readiness

- Protective of public funds through appropriate contractor selection, pricing strategies, and performance monitoring

As a grantee of federal funds, the County has a responsibility to ensure that procurement processes are not only locally lawful but also federally compliant. This includes managing risk, enforcing conflict-of-interest standards, and ensuring consistency across departments, subrecipients, and vendors.

This document also serves to bridge any gap between the County's existing Manual and federal disaster recovery requirements. It provides clear guidance to County departments and partners on how to integrate federal mandates into day-to-day procurement practices for CDBG-DR-funded activities.

The County will implement these CDBG-DR-specific measures in conjunction with its existing Manual to ensure transparency, accountability, and compliance throughout the administration of the CDBG-DR program.

Scope

This document applies to all procurement activities funded in whole or in part by CDBG-DR allocations. It must be followed by all departments, subrecipients, and contractors involved in such procurements. This includes, but is not limited to, procurements for:

- Professional services (e.g., engineering, architectural, environmental, planning, legal)
- Construction and infrastructure improvements
- Housing rehabilitation, reconstruction, or buyout-related services
- Program delivery and administrative services
- Supplies, equipment, and materials charged to the grant

The scope of this document also extends to any project where CDBG-DR funds are used in combination with other federal or state sources, including instances where CDBG-DR serves as a non-federal cost share ("Match") for another program. In such cases, procurement activities must comply with HUD procurement rules regardless of the originating source of federal funds.

All County departments and staff involved in procurement must ensure that CDBG-DR-specific requirements are integrated into planning, solicitation, contract development, and vendor oversight.

Subrecipients and any lower tier subrecipients must adopt procurement procedures that comply with 2 CFR Part 200 and applicable HUD guidance. The County will be responsible for monitoring these entities to ensure compliance, maintain procurement documentation, and submit required documentation to HUD as the pass-through entity.

Any deviation from the County's standard procurement procedures under HUD-approved alternative procurement flexibility (e.g., in urgent or exigent circumstances) must also follow this document.

This document takes precedence over the County's standard procurement policies where federal CDBG-DR requirements impose additional or more specific requirements.

Roles and Responsibilities

This section supplements the general procurement responsibilities outlined in the County's Manual by addressing roles and compliance functions specific to the CDBG-DR program. The following entities are involved in CDBG-DR-funded procurements and have additional responsibilities that must be clearly defined to ensure compliance with 2 CFR Part 200 and HUD requirements:

County Departments

The County's Purchasing Division will continue to manage and oversee procurement processes in alignment with established local policies. This document clarifies that the CDBG-DR Program Administrator is responsible for coordinating with the Purchasing Division to review procurement documents for compliance with HUD guidance, Federal Register notices, and CDBG-DR-specific waivers or alternative requirements. While the Purchasing Division leads procurement execution, the Program Administrator provides technical review and oversight to ensure alignment with federal grant requirements. The Program Administrator will also coordinate with the Purchasing Division to ensure appropriate contract provisions, procurement timing, and alignment with program objectives.

Subrecipients

All subrecipients (and any lower tier subrecipients) must follow federal procurement rules under 2 CFR Part 200.318-200.327 and applicable state and local laws. This document establishes that the County is responsible for reviewing and monitoring subrecipient

procurement processes and ensuring documentation and contract files are maintained in accordance with federal standards.

Contractors and Vendors

Contractors must comply with contract terms, labor standards, and performance expectations. This document further clarifies that vendors are required to be screened through the System for Award Management (SAM.gov) for suspension or debarment. This is in alignment with 2 CFR § 200.214.

Consultants

Consultants may assist with procurement development but must not participate in awarding contracts for which they have a financial or organizational interest. This document clarifies that consultants must follow federal conflict of interest standards as outlined in 2 CFR § 200.318(c)(1) and 2 CFR § 200.319(b). Specifically, consultants must not be involved in evaluating or selecting contractors for procurements they helped develop.

All Entities

This document clarifies that procurement files must include the method of procurement, rationale for contract selection, as required under 2 CFR § 200.318(i) and 2 CFR § 200.334. In cases where CDBG-DR Funds are used as non-federal match, the County affirms that all procurement activities must follow CDBG-DR rules, not the procurement rules of the primary federal program (per HUD's Revised Universal Notice Section III.B.7.b). Additionally, in declared emergencies or when authorized by HUD, the County may follow alternative procurement procedures under HUD's Revised Universal Notice Section III.B.7.a.

Key Additions and Clarifications

General Provisions (2 CFR § 200.318)

Recipients and subrecipients must establish and follow documented procurement procedures that are consistent with applicable federal, state, and local laws. These procedures must ensure fair, open, and competitive procurement practices. Key elements include contractor oversight, conflict of interest policies, and organizational integrity.

The County will ensure these procedures are consistent with the Uniform Guidance and HUD-specific procurement requirements, including maintaining full and open competition and avoiding the use of unnecessarily restrictive qualifications.

Federal Procurement Requirements

Highlights applicable federal procurement regulations, specifically 2 CFR § 200.318 through § 200.327, and the contract provisions outlined in Appendix II to Part 200.

The County will also ensure that all procurement transactions are conducted in a manner that provides full and open competition as required by 2 CFR § 200.319, including appropriate consideration in accordance with 2 CFR § 200.321.

Summary of Federal Requirements

Summarizes key federal requirements applicable to County subrecipients, including:

- Maintenance of procurement records and files
- Use of pre-qualified vendor or contractor lists
- Avoidance of unfair competitive advantage
- Written procedures for contractor selection
- Contract pricing methodologies
- Documentation of contractor performance
- Use of time-and-material contracts only when no other contract type is suitable and with a not-to-exceed ceiling price (2 CFR § 200.318(j))

Bonding Requirements:

Ensuring that bonding requirements are met in accordance with federal and state guidelines. Bonding must meet the minimum standards of 2 CFR § 200.326 and Appendix II to Part 200 for construction of facility improvement contracts over \$250,000.

Contract Management

Outlines the Procurement alternative requirements in accordance with Section III.B.7.a. of the Revised Universal Notice, including:

- Defined period of performance
- Performance requirements and liquidated damages
- Administrative support

- Procurement procedures when using CDBG-DR funds as non-federal match

Conflict of Interest and Ethical Conduct

Procurement participants must comply with both the County's Procurement Code of Ethics and HUD's conflict of interest requirements under 24 CFR § 570.611. This includes prohibiting participation by employees, officers, or agents in the selection, award, or administration of a contract supported by federal funds if a conflict of interest exists. Public Access and Recordkeeping

All procurement records related to CDBG-DR-funded activities must be maintained for at least three (3) years after closeout of the grant, in accordance with 2 CFR § 200.334 – 338. Records must include rationale for procurement methods, selection of contract type, contractor selection or rejection, and the basis for the contract price.

Additional Federal Compliance Requirements

Consistency with 2 CFR § 200.318 through § 200.327 and § 200.214

The County affirms that its CDBG-DR procurement procedures are consistent with the federal procurement standards outlined in 2 CFR § 200.318 through § 200.327 and will also comply with 2 CFR § 200.214 concerning suspension and debarment. Contractors and vendors will be screened against the SAM.gov to ensure they are not suspended or debarred from participating in federal programs.

Alternative Procurement Requirements – Section III.B.7.a of the Revised Universal Notice

In cases of urgent need or other approved circumstances, the County may utilize alternative procurement procedures in accordance with Section III.B.7.a of the Revised Universal Notice. This includes non-competitive procurement methods, abbreviated public notice periods, and streamlined solicitation formats, as permitted by HUD.

Use of CDBG-DR Funds as Non-Federal Match – Section III.B.7.b of the Revised Universal Notice

When CDBG-DR funds are used to meet matching requirements for other federal programs, the County will ensure that all procurement activities follow the applicable CDBG-DR procurement rules and not those of the other federal funding source. This ensures full compliance with HUD guidance on the use of CDBG-DR funds as non-federal match.

Settlement of Contractual and Administrative Issues (2 CFR § 200.318 (k))

The County will maintain standards for the settlement of all contractual and administrative issues arising out of procurements, including but not limited to source evaluation, protests, disputes, and claims. These issues will be resolved in accordance with good administrative practice, sound business judgment, and applicable state and federal law.

Labor and Employment Practices (2 CFR § 200.318(l))

The County affirms compliance with all applicable labor and employment standards as required under federal law, including but not limited to nondiscrimination in hiring and promotion, compliance with the Fair Labor Standards Act, and application of prevailing wage requirements when applicable.

Right to Reject All Bids or Offers (2 CFR § 200.320(b)(1)(ii)(E))

The County reserves the right to reject all bids or offers when it is in the best interest of the program or public to do so. Documentation will be maintained explaining the basis for any such decision.

Handling Inadequate Responses to Solicitations (2 CFR § 200.320(c)(5))

When the County solicits offers and receives an inadequate number of responses, it will document the attempt to solicit from an adequate number of qualified sources. To proceed in instances where limited qualifying bids were received, a written justification will be prepared and retained in the procurement file.

Domestic Preference for Procurements (2 CFR § 200.322)

To the greatest extent practicable and consistent with law, the County will provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States, as required by 2 CFR § 200.322. This requirement is distinct from the Build America, Buy America Act (BARA), which does not apply to CDBG-DR funds unless specifically stated in a future HUD Federal Register Notice. The County will comply with domestic preference requirements applicable to its CDBG-DR program as established in the Uniform Administrative Requirements and the Revised Universal Notice.

Federal and Pass-Through Entity Review (2 CFR § 200.325)

The County will submit procurement documentation for review to the pass-through entity or HUD when required under applicable funding agreements or federal regulations. This includes reviews before issuing solicitations or entering into contracts exceeding established thresholds or for noncompetitive procurements.

Review and Updates

This document will be reviewed annually or as needed to reflect changes in federal regulations or program requirements. The County's Purchasing Officer will coordinate with the CDBG-DR program administrator to ensure alignment with the most recent HUD Federal Register notices and guidance, including any waivers and alternative requirements.