



## Mississippi Department of Public Safety Office of Homeland Security



### Noncompetitive Procurement Request Form Instruction Sheet

The use of noncompetitive procurement is discouraged. All noncompetitive procurement requires the noncompetitive procurement will be awarded only under exceptional circumstances.

Refer to the procurement policies contained in 44 CFR 13.36 if further clarification is needed. Sufficient documentation must be provided to justify the request, including references to 44 CFR 13.36 (d)(4)

The following form must contain signatures from the Procurement Officer and Head of Agency, be submitted to MOHS **PRIOR** to purchase, and follow the requirements according to state and local procurement policies.

Scan and email the completed form to the Grants Director mail to the following address:

Mississippi Office of Homeland Security  
1230 Raymond Road  
Jackson, MS 39204

Grants' Director:  
Marsha Manuel  
[mmanuel@dps.ms.gov](mailto:mmanuel@dps.ms.gov)  
601-346-1500



# Mississippi Department of Public Safety Office of Homeland Security



## Subgrantee Information

Grant Number Number:

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Date of Request:

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Period of Performance:

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Funding Source (i.e.  
SHSGP/EOC/D.L./REAL ID/  
MSICG/OPSG):

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Award Amount:

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Amount Reimbursed to Date:

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Agency:

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Point of Contact:

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Email:

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Phone:

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## Noncompetitive Procurement Detail

1. Provide a brief description of the project:

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2. Provide a description of the requested line item(s) as they are listed in the grant application, and costs for which the noncompetitive procurement is being sought:

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3. Explain the need to contract noncompetitively:

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4. Select one of the items from the drop-down in part (a) and explain why this request meets the criteria for a noncompetitive procurement to be authorized in part (b):

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=8a8e73132d427151b4cb3176c890cb0c&rgn=div8&view=text&node=44:1.0.1.1.14.3.13.14&idno=44>

(Use the link to 44 CFR 13.36 to substantiate your request)

a. Select one:

1. Item is available only from single source. 2. The public exigency or emergency of the requirement will not permit a delay resulting from competitive solicitation. 3. After solicitation of a number of sources competition is determined inadequate.

b. Explanation:

5. Provide a declaration that this is in the best interest of the agency:

**MOHS REQUIRES ALL INTERNAL PROCUREMENT DOCUMENTATION TO BE SUBMITTED WITH THIS**

\_\_\_\_\_  
Subgrantee Procurement Officer  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Head of Agency Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

**For MOHS Official Use Only**

Award Letter Date:

Quarterly Report Received:

Q: Oct 1 - Dec 31

Date Received:

Q: Jan 1 - Mar 31

Date Received:

Q: Apr 1 - Jun 30

Date Received:

Q: Jul 1 - Sep 30

Date Received:

Cooperative Agreement on File:

Grants Director Signature:

Date Signed:

**Deputy Director Signature:**

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**Date Signed:**

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**MOHS Recommendation and/or  
Comments:**

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**Noncompetitive Procurement  
Request:**

**Approved Noncompetitive  
Procurement Description:**

## MOHS PROCUREMENT POLICIES (condensed)

By Federal regulation, subgrantees are to follow their own procurement procedures as long as those procedures meet or exceed the procurement standards in the Federal Regulations [44 CFR 13.36] and Mississippi State Procurement Policy. Refer to the Federal Procurement Regulations contained in 44 CFR 13.36 for further clarification as needed.

### **Procurement Standards [44 CFR 13.36(b)]**

Subgrantees are to:

1. Follow their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law
2. Ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders
3. Maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts (conflicts of interest, selection and award, etc.)
4. Maintain sufficient records to detail the history of a procurement including: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price
5. Be responsible for the settlement of all contractual and administrative issues arising out of procurements
6. Maintain protest procedures to handle and resolve disputes relating to procurements

### **Competition [44 CFR 13.36(c)]**

All procurement transactions will be conducted in a manner providing full and open competition. Some situations considered to be restrictive of competition include:

1. Placing unreasonable requirements on firms in order for them to qualify
2. Requiring unnecessary experience and excessive bonding
3. Noncompetitive pricing practices between firms or affiliated companies
4. Noncompetitive awards to consultants that are on retainer contracts
5. Organizational conflicts of interest
6. Specifying only "brand name" products instead of allowing "an equal" product to be offered
7. Arbitrary action in the procurement process
8. Geographical preferences in evaluation of bids is restricted
9. Maintain written selection procedures for procurement transactions ensuring that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured, and identify all requirements which the offerors must fulfill and all factors to be used in evaluating bids or proposals
10. Ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure open and free competition.

### **Methods of procurement [44 CFR 13.36(d)]**

Small purchases [44 CFR 13.36(d)(1)]

1. Do not exceed simplified acquisition threshold of \$100,000
2. Obtain price or rate quotation from adequate number of qualified sources

Sealed bids [44 CFR 13.36(d)(2)]

1. Bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all terms and conditions of the invitation for bids, is the lowest in price
2. If sealed bids are used, the following requirements apply: the invitation for bids shall be solicited from an adequate number of known suppliers with sufficient time given, the invitation shall define the items or services in order for the bidder to properly respond, all bids shall be publicly opened at the time and place prescribed, a firm fixed-price contract award will be made in writing to the lowest responsible bidder, and any or all bids may be rejected if there is a sound documented reason

#### Competitive proposals [44 CFR 13.36(d)(3)]

1. Used when conditions not appropriate for the use of sealed bids. Normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded
2. Following requirements apply: requests for proposals will be publicized and identify all evaluation factors and their relative importance, proposals will be solicited from an adequate number of qualified sources, method in place for conducting technical evaluations of the proposals received and for selecting awardees, with awards made to the responsible firm whose proposal is most advantageous to the program

#### Noncompetitive proposals [44 CFR 13.36(d)(4)]

1. Procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.
2. May only be used when the award of a contract is infeasible under small purchase procedures, sealed bids, or competitive proposals and one of the following circumstances applies:
  - a) The item is available only from a single source
  - b) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation
  - c) The awarding agency authorizes noncompetitive proposals
  - d) After solicitation of a number of sources, competition is determined inadequate
3. Cost analysis (verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits) is required
4. May be required to submit the proposed procurement to the awarding agency for pre-award review in accordance with 44 CFR 13.36(g)

#### Awarding agency review [44 CFR 13.36(g)]

Subgrantee must make available, upon request of the awarding agency, technical specifications on proposed procurements:

1. Subgrantee must make available pre-award review procurement documents such as requests for proposals or invitations for bids when: procurement procedures or operation fails to comply with standards, procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition, procurement specifies a "brand name" product, the proposed award is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid, or a proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold

#### Contract provisions [44 CFR 13.36(i)]

Subgrantee contracts must contain the following provisions:

1. Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms
2. Termination for cause and for convenience
3. Compliance with Equal Employment Opportunity regulations, Anti-Kickback regulations, Davis-Bacon Act, and Sections 103 and 107 of the Contract Work Hours and Safety Standards Act
4. Notice of awarding agency requirements and regulations pertaining to reporting, patents, and copyrights and rights in data
5. Access of any records which are pertinent to the contract for the purpose of audit, examination, excerpts, and transcriptions
6. Retention of all required records for three years after grantees make final payments and all other pending matters are closed  
**(Note: The Arizona record retention requirement is six years for all contracts)**
7. Compliance with the Clean Air Act, Clean Water Act, and Environmental Protection Agency (EPA) regulations
8. Mandatory standards and policies relating to energy efficiency

Revised 7/18/18