



Oakland Housing Authority

**HOUSING AUTHORITY OF THE CITY OF OAKLAND (OHA)
PROCUREMENT POLICY**

Adoption and Revision History

Initial Adoption:	Resolution No. 3751 on March 28, 2006
Revised:	Resolution No. 4119 on June 1, 2009
Revised:	Resolution No. 4174 on October 26, 2009
Revised:	Resolution No. 4202 on January 25, 2010
Revised:	Resolution No. 4344 on February 28, 2011
Revised:	Resolution No. 5160 on April 24, 2023
Revised	Resolution No. 5272 on July 22, 2024
Revised	Resolution No. 5380 on May 19, 2025
Revised	Resolution No. 5459 on May 18, 2026

HOUSING AUTHORITY OF THE CITY OF OAKLAND

PROCUREMENT POLICY

1. PURPOSE

The purpose of the Procurement Policy is to comply with the Annual Contributions Contract (ACC) between The Housing Authority of the City of Oakland (OHA) and the U.S. Department of Housing and Urban Development (HUD), Federal Regulations at **2 CFR §200.317 – §200.327**, Procurement Standards, the procurement standards of the Procurement Handbook for Public Housing Agencies (PHAs), HUD Handbook 7460.8, Rev 3, and applicable State and Local laws.

1.1. DEFINITIONS

1.1.1. **Board** - OHA's Board of Commissioners.

1.1.2. **Contracting Officer** – The Executive Director, or the person designated in writing by the Executive Director with authority to negotiate and administer a procurement contract and act as the authorized agent of OHA in all dealings with a contractor. It is the responsibility of the Contracting Officer to: (1) use sound judgment in accomplishing the procurement activities of OHA, (2) ensure that bidders and contractors receive fair, impartial, and equitable treatment, (3) ensure that contract actions comply with all applicable Federal, state and local laws and rules and with OHA's approved procurement policy, and (4) seek the best value and greatest overall benefit for OHA in response to the needs desired.

1.1.3. **Contractor** – The person or entity entering into a contract with the Authority to perform all of the work required under the contract documents or any vendor responding to a procurement/solicitation.

1.1.4. **Executive Director** – The Executive Director of OHA, or designee authorized in writing to act for the Executive Director.

1.1.5. **Large Purchase Threshold** – The dollar amount that exceeds the Simplified Acquisition Threshold of \$350,000. Amounts above \$350,000 require a formal solicitation and approval by OHA's Board of Commissioners to award a contract.

1.1.6. **Micro Purchase Threshold** – As used in this Policy, the threshold shall have the same meaning as that in 2 CFR Section 200.320 and as set by 48 CFR Subpart 2.1, Section 2.101 (Definitions) or by Federal enactment. Micro Purchase Threshold means \$15,000. The threshold is periodically adjusted, and this Policy will automatically incorporate those adjustments.

For procuring construction and maintenance subject to the Davis Bacon and Related Acts (40 U.S.C. §§ 3141 et. seq.), the Micro Purchase Threshold is \$2,000.

HOUSING AUTHORITY OF THE CITY OF OAKLAND

PROCUREMENT POLICY

Pursuant to 2 CFR Section 200.320, the Executive Director shall have the right to increase the Micro Purchase Threshold up to \$50,000 provided that the Housing Authority, in accordance with 2 CFR § 200.320(a)(1)(iv) established internal controls related to disbursement and procurement, is assessed as a low-risk auditee under the provisions of 2 CFR §200.520, ensures the new threshold does not conflict with any local codes or state regulatory requirements, and that the Housing Authority self-certifies annually.

Pursuant to Resolution No. 5380 adopted by the Board of Commissioners on May 19, 2025, OHA has increased its Micro Purchase Threshold to \$50,000 pursuant to 2 CFR Section 200.320, which will remain in effect until modified or rescinded.

- 1.1.7. **Procurement** – As used in this Policy, includes the procuring, purchasing, leasing, or renting of: (1) goods, supplies, equipment, and materials, (2) construction and maintenance, or consultant services, (3) architectural and engineering (A/E) services, (4) social services, and (5) other services. Procurement is also defined as the process of obtaining goods or services, including all activities from the preparation and processing of a requisition through receipt and approval of the final invoice for payment. The acts of preparing specifications, making the purchase, and administering the contract are involved.
- 1.1.8. **Simplified Acquisition Threshold (also known as Small Purchase Threshold)** – As used in this Policy, the Simplified Acquisition Threshold/Small Purchase Threshold shall have the same meaning as that in 2 CFR Section 200.1 and as set by 48 CFR Subpart 2.1 or by Federal enactment. The Simplified Acquisition Threshold/Small Purchase Threshold amount is up to \$350,000. The threshold is periodically adjusted, and this Policy will automatically incorporate those changes.
- 1.1.9. **Qualification-Based Selection (QBS)** - A form of procurement of architect-engineering (A/E) or development services by competitive proposals in which price is not requested in the Request for Qualifications (RFQ) or used as an evaluation factor. Instead, technical qualifications only are reviewed negotiations are conducted with the best-qualified firm. Only A/E services and development partners may be procured by this method.
- 1.1.10. **Responsible Bidder** - A bidder who is able to comply with the required or proposed delivery or performance schedule; has a satisfactory performance record; has a satisfactory record of integrity and business ethics; has the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them; has

HOUSING AUTHORITY OF THE CITY OF OAKLAND PROCUREMENT POLICY

the necessary production, construction, and technical equipment and facilities, or the ability to obtain them; and is otherwise qualified and eligible to receive an award under applicable laws and regulations, including the fact that the bidder is not suspended, debarred or under a HUD-imposed Limited Denial of Participation.

- 1.1.11. **Responsive Bid** - A bid that conforms exactly to the requirements in the Invitation for Bids (IFB).

1.2 PROCUREMENT SUMMARY CHART

The following dollar amounts determine who has the authority to authorize purchases, including awarding contracts, and what type of procurement method will take place:

DOLLAR THRESHOLD	AUTHORITY	PROCUREMENT TYPE
OVER \$350,000	Board of Commissioners	Formal Solicitations and Large Procurements
\$0 - \$350,000	Executive Director	Petty Cash, Micro Purchase, and Small
\$50,000 or below	Directors and above	Micro Purchase of goods ONLY if the Authority has met the provisions of "Self-Certification. Otherwise, this will default to HUD's established Micro Purchase Threshold." (The authority to purchase, not to sign contracts)
\$25,000 or below	All members designated above the level of a Department Director	Micro purchase of goods, without self-certification (The authority to purchase, not to sign contracts)
\$15,000 or below	All Department Director's	Micro purchase of goods, without self-certification (The authority to purchase, not to sign contracts)
\$5,000 or below	All members designated at the level of Assistant Department Director, or equivalent (i.e., Captain of Police)	Micro purchase of goods, without self-certification (The Authority to purchase, not to sign contracts)
\$2,000 or below	Managers, Supervisors, Lieutenants, Sergeants, and Superintendents	(Authority to purchase, not to sign contracts)

HOUSING AUTHORITY OF THE CITY OF OAKLAND **PROCUREMENT POLICY**

2. GENERAL PROVISIONS

2.1. General

The OHA shall provide for a procurement system of quality and integrity; provide for the fair and equitable treatment of all persons or firms involved in purchasing; ensure that supplies and services (including construction) are procured efficiently, effectively, and at the most favorable prices available to the OHA; promote competition in contracting; and assure that the OHA purchasing actions are in full compliance with applicable Federal standards, HUD regulations, State, and local laws.

2.2. Application

This Procurement Policy applies to all procurement actions of the OHA, regardless of the source of funds, except as noted under “exclusions” below. However, nothing in this Policy shall prevent the OHA from complying with the terms and conditions of any grant, contract, gift, or bequest that is otherwise consistent with the law. When both HUD and Non-Federal grant funds are used for a project, the work to be accomplished with the funds should be separately identified before procurement so that appropriate requirements can be applied, if necessary. If it is not possible to separate the funds, HUD procurement regulations shall be applied to the total project. If funds and work can be separated and work can be completed by a new contract, then regulations applicable to the source of funding may be followed.

2.3. Exclusions

This policy does not govern administrative fees earned under the Housing Choice Voucher (“HCV” - also known as Section 8) program, the award of vouchers under the HCV program, the execution of landlord Housing Assistance Payments contracts under that program, or non-program income, e.g., fee-for-service revenue under **24 CFR Part §990**. These excluded areas are subject to applicable State and local requirements.

2.4. Changes in Laws and Regulations

In the event an applicable law or regulation is modified or eliminated, or a new law or regulation is adopted, the revised law or regulation shall, to the extent inconsistent with these Policies, automatically supersede these Policies.

2.5. Public Access to Procurement Information

Most procurement information that is not proprietary is a matter of public record and shall be available to the public to the extent provided in the California Public Records Act.

3. ETHICS IN PUBLIC CONTRACTING

3.1. General. The OHA hereby establishes this code of conduct regarding procurement issues and actions and shall implement a system of sanctions for

HOUSING AUTHORITY OF THE CITY OF OAKLAND

PROCUREMENT POLICY

violations. This code of conduct, etc., is consistent with applicable Federal, State, or local law.

3.2. Conflicts of Interest. No employee, officer, Board member, or agent of the OHA shall participate directly or indirectly in the selection, award, or administration of any contract if a conflict of interest, either real or apparent, would be involved. This type of conflict would be when one of the persons listed below has a financial or any other type of interest in a firm competing for the award:

3.2.1. An employee, officer, Board member, or agent involved in making the award.

3.2.2. His/her relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister).

3.2.3. His/her partner; or

3.2.4. An organization that employs or is negotiating to employ or has an arrangement concerning the prospective employment of any of the above.

3.3. Gratuities, Kickbacks, and Use of Confidential Information. No officer, employee, Board member, or agent shall ask for or accept gratuities, favors, or items of more than nominal value (i.e., inexpensive hat w/logo) from any contractor, potential contractor, or party to any subcontract, and shall not knowingly use confidential information for actual or anticipated personal gain.

3.4. Prohibition Against Contingent Fees. Contractors wanting to do business with the OHA must not hire a person to solicit or secure a contract for a commission, percentage, brokerage, or contingent fee, except for bona fide established commercial selling agencies.

4. PROCUREMENT PLANNING

Planning is essential to managing the procurement function properly. Hence, the OHA will periodically review its record of prior purchases, as well as future needs, to: find patterns of procurement actions that could be performed more efficiently or economically; maximize competition and competitive pricing among contracts and decrease the OHA's procurement costs; reduce the OHA administrative costs; ensure that supplies and services are obtained without any need for re-procurement, e.g., resolving bid protests; and minimize errors that occur when there is inadequate lead time. Consideration should be given to storage, security, and handling requirements when planning the most appropriate purchasing actions.

HOUSING AUTHORITY OF THE CITY OF OAKLAND

PROCUREMENT POLICY

5. PURCHASING METHODS

5.1. Petty Cash Purchases. Purchases under \$50 may be handled using a petty cash account. Petty Cash Accounts may be established in an amount sufficient to cover small purchases made during a reasonable period, e.g., one month. For all Petty Cash Accounts, the OHA shall ensure that security is maintained, and only authorized individuals have access to the account. These accounts should be reconciled and replenished periodically.

5.2. Micro Purchase Procedures. For any amount below the Micro Purchase Threshold, only one quote is required, provided that the quote is determined reasonable based on recent research, experience, purchases, or other information and documents in files accordingly. To the maximum extent practical, OHA shall distribute Micro Purchases equitably among qualified suppliers.

5.3. Small Purchase Procedures. For any amounts above the Micro Purchase Threshold but not exceeding the Small Purchase Threshold (or HUD's small purchase limit), the OHA may use small purchase procedures.

5.3.1. Under small purchase procedures, the OHA shall solicit three quotes. Though not required, cost/price analysis consists of comparing quotations to each other and to other sources (e.g., past prices paid or catalog prices). If only one response is received, a statement of reasonableness should be placed in the contract file based on market research, comparing the proposed price with reasonable prices on previous purchases, current price lists, catalogs, advertisements, similar items in a related industry, the ICE, or the Contracting Officer's (or designee's) personal knowledge at the time of purchase. Contracting Officers may also rely on any additional reasonable basis.

5.3.2. Price and Other factors. If using "price and other factors" to determine which offeror should receive the award, the Contracting Officer has broad discretion to fashion suitable evaluation procedures. In these situations, the Contracting Officer should ensure that they can evaluate quotations in an efficient and minimally burdensome fashion. Contracting Officers should not use competitive proposal-type procedures (e.g., formal evaluations, determining competitive ranges, conducting detailed negotiations, or requesting best and final offers) for informal procurement. Contracting Officers may use information to evaluate the quotation such as their knowledge of, and previous experience, with the supply or service being purchased, the contractor's past performance for the PHA, or customer surveys.

HOUSING AUTHORITY OF THE CITY OF OAKLAND

PROCUREMENT POLICY

- 5.3.3.** For procuring construction and maintenance subject to the Davis Bacon and Related Acts (40 U.S.C. § 3141 et. seq.), the Micro Purchase Threshold is \$2,000.
- 5.3.4.** The Executive Director can establish a Micro Purchase Threshold up to \$50,000, provided that the OHA, in accordance with 2 CFR § 200.320(a)(1)(iv) established internal controls related to disbursement and procurement, is assessed as a low-risk auditee under the provisions of 2 CFR §200.520, ensure the new threshold does not conflict with any local codes or state regulatory requirements, and that the OHA self-certifies annual the Authority's basis to establish a Micro Purchase Threshold over \$15,000.
- 5.3.5.** In addition to the requirements in these regulatory provisions, PHAs wishing to employ these higher thresholds must retain documentation justifying why acquiring goods or services through full and open competition would be unreasonable.
- 5.3.6.** To the greatest extent feasible, and to promote competition, small purchases should be distributed among qualified sources. Invitation for Quotes (IFQ) may be obtained in writing via email or through e-procurement. The award shall be made to the qualified vendor that provides the lowest price or best value to the OHA depending upon the method of award defined in the scope of services. If an award is to be made for reasons other than the lowest price, documentation shall be provided in the contract file.
- 5.3.7.** The OHA shall not break down requirements aggregating more than the small purchase threshold (or the Micro Purchase threshold) into several purchases that are less than the applicable threshold merely to: (1) permit use of the small purchase procedures, or (2) avoid any requirements that apply to purchases that exceed the Micro Purchase threshold.
- 5.4. Sealed Bids.** Sealed bidding shall be used for all contracts that exceed the small purchase threshold and that are not a request for proposals (RFP), as these terms are defined in this document. Under sealed bids, the OHA publicly solicits bids and awards a firm fixed-price contract (lump sum or unit price) to the responsible bidder whose bid, conforming with all the material terms and conditions of the IFB, is the lowest reasonable price.

Sealed bidding is the preferred method for procuring construction, supplies, and non-complex service contracts that are expected to exceed the Small Purchase Threshold (or HUD's small purchase limit).

HOUSING AUTHORITY OF THE CITY OF OAKLAND

PROCUREMENT POLICY

5.4.1. Conditions for Using Sealed Bids. The OHA shall use the sealed bid method if the following conditions are present: a complete, adequate, and realistic statement of work, specification, or purchase description is available; two or more responsible bidders are willing and able to compete effectively for the work; the contract can be awarded based on a firm fixed price; and the selection of the successful bidder can be made principally on the lowest price.

5.4.2. Solicitation and Receipt of Bids. An Invitation for Bid (IFB) is issued, which includes the specifications and all contractual terms and conditions applicable to the procurement, and a statement that an award will be made to the lowest responsible and responsive bidder whose bid meets the requirements of the solicitation. The IFB must state the time and place for both receiving the bids and the public bid opening. All bids received will be date and time-stamped and stored unopened in a secure place until the public bid opening. A bidder may withdraw the bid at any time prior to the bid opening.

5.4.3. Bid Opening and Award. Bids shall be opened publicly. All bids received shall be recorded on an abstract (tabulation) of bids and then made available for public inspection. If equal low bids are received from responsible bidders, selection shall be made by drawing lots or other similar random method. The method for doing this shall be stated in the IFB. If only one responsive bid is received from a responsible bidder, an award shall not be made unless the price can be determined to be reasonable, based on a cost or price analysis.

5.4.4. Mistakes in Bids. Correction or withdrawal of bids may be permitted, where appropriate, before bid opening by written or telegraphic notice received in the office designated in the IFB prior to the time set for bid opening. After bid opening, corrections in bids may be permitted only if the bidder can show by clear and convincing evidence that a mistake of a nonjudgmental character was made, the nature of the mistake, and the bid price actually intended. A low bidder alleging a nonjudgmental mistake may be permitted to withdraw its bid if the mistake is clearly evident on the face of the bid document, but the intended bid is unclear, or the bidder submits convincing evidence that a mistake was made. All decisions to allow correction or withdrawal of a bid shall be supported by a written determination signed by the Contracting Officer. After bid opening, changes in bid prices or other provisions of bids prejudicial to the interest of the OHA or fair competition shall not be permitted.

5.5. Competitive Proposals. Unlike sealed bidding, the competitive proposal method permits consideration of technical factors other than price; discussion with offerors concerning offers submitted; negotiation of contract price or

HOUSING AUTHORITY OF THE CITY OF OAKLAND

PROCUREMENT POLICY

estimated cost and other contract terms and conditions; revision of proposals before the final contractor selection; and the withdrawal of an offer at any time up until the point of award. The award is normally made based on the proposal that represents the best overall value to the OHA, considering the price and other factors, e.g., technical expertise, past experience, quality of proposed staffing, etc., set forth in the solicitation and not solely the lowest price.

5.5.1. Conditions for Use. Where conditions are not appropriate for the use of sealed bidding, competitive proposals may be used. Competitive proposals are the preferred method for procuring professional services that will exceed the small purchase threshold.

5.5.2. Form of Solicitation. Other than A/E services, developer-related services, and energy performance contracting, competitive proposals shall be solicited through the issuance of a Request for Proposal (RFP). The RFP shall clearly identify the importance and relative value of each of the evaluation factors as well as any sub-factors and price. A mechanism for fairly and thoroughly evaluating the technical and price proposals shall be established before the solicitation is issued. Proposals shall be handled to prevent disclosure of the number of offerors, the identity of the offerors, and the contents of their proposals until after the award. The OHA may assign price a specific weight in the evaluation criteria or may consider price in conjunction with technical factors; in either case, the method for evaluating price shall be established in the RFP.

5.5.3. Evaluation. The proposals shall be evaluated only on the criteria stated in the RFP. Where not apparent from the evaluation criteria, the OHA shall establish an Evaluation Plan for each RFP. Generally, all RFPs shall be evaluated by an appropriately appointed Evaluation Committee. The Evaluation Committee shall be required to disclose any potential conflicts of interest and to sign a non-disclosure statement. An Evaluation Report, summarizing the results of the evaluation, shall be prepared prior to award of a contract.

5.5.4. Negotiations. Negotiations may be conducted with all offerors who submit a proposal determined to have a reasonable chance of being selected for award, unless it is determined that negotiations are not needed. These offerors shall be treated fairly and equally with respect to any opportunity for negotiation and revision of their proposals. No offeror shall be given any information about any other offeror's proposal, and no offeror shall be assisted in bringing its proposal up to the level of any other proposal. A common deadline shall be established for receipt of proposal revisions based on negotiations. Negotiations are exchanges (in either competitive or sole source environment) between the OHA and offerors that are undertaken with the intent of allowing the offeror to revise its

HOUSING AUTHORITY OF THE CITY OF OAKLAND

PROCUREMENT POLICY

proposal. These negotiations may include bargaining. Bargaining includes persuasion, alteration of assumptions and positions, give-and-take, and may apply to price, schedule, technical requirements, type of contract or other terms of a proposed contract. When negotiations are conducted in a competitive acquisition, they take place after establishment of the competitive range and are called discussions.

- 5.5.5. Discussions.** Discussions are tailored to each offeror's proposal and shall be conducted by the Contracting Officer with each offeror within the competitive range. The primary object of discussions is to maximize the OHA's ability to obtain best value, based on the requirements and the evaluation factors set forth in the solicitation. The Contracting Officer shall indicate to, or discuss with, each offeror still being considered for award, significant weaknesses, deficiencies, and other aspects of its proposal (such as cost, price, technical approach, past performance, and terms and conditions) that could, in the opinion of the Contracting Officer, be altered or explained to enhance materially the proposer's potential for award. The scope and extent of discussions are a matter of the Contracting Officer's judgment. The Contracting Officer may inform an offeror that its price is considered by the OHA to be too high, or too low, and reveal the results of the analysis supporting that conclusion. It is also permissible to indicate to all offerors the cost or price that the government's price analysis, market research, and other reviews have identified as reasonable. "Auctioning" (revealing one offeror's price in an attempt to get another offeror to lower their price) is prohibited.
- 5.5.6. Award.** After evaluation of the revised proposals, if any, the contract shall be awarded to the responsible firm whose technical approach to the project, qualifications, price and/or any other factors considered, are most advantageous to the OHA provided that the price is within the maximum total project budgeted amount established for the specific property or activity.
- 5.5.7. Architectural and Engineering (A/E) Services.** The OHA shall use a Request for Qualifications (RFQ) for A/E professional services utilizing "Qualifications Based Solicitation (QBS)" procedures. Sealed bidding shall not be used for A/E solicitations. Under QBS procedures, competitors' qualifications are evaluated, and the most qualified competitors are ranked, and negotiations are held with the top-ranked competitor with intentions to reach an agreement on a fair and reasonable price. If negotiations are not successful, then negotiations are terminated with the 1st ranked firm, and further negotiations are held with the next-highest ranked competitor until a price determined to be fair and reasonable to both parties is obtained. Once negotiations have been terminated with a competitor, no further negotiations may be conducted

HOUSING AUTHORITY OF THE CITY OF OAKLAND

PROCUREMENT POLICY

with the competitor. QBS procedures shall not be used to purchase other types of services, other than energy performance contracting and developer services, though A/E firms are potential sources. Note: The competitive proposal process may also be used for the selection of A/E Services if allowed by State law.

5.6. Noncompetitive Proposals

5.6.1. Conditions for Use. Procurement by noncompetitive proposals (sole source) may be used ONLY when the award of a contract is not feasible using small purchase procedures, sealed bids, cooperative purchasing, or competitive proposals, AND if one of the following applies:

- (1) The item is available only from a single source, based on a good-faith review of available sources;
- (2) The public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of competitive solicitation.

NOTE: An emergency exists that seriously threatens the public health, welfare, or safety, or endangers property, or would otherwise cause serious injury to the OHA, as may arise by reason of a flood, earthquake, epidemic, riot, equipment failure, or similar event. In such cases, there must be an immediate and serious need for supplies, services, or construction such that the need cannot be met through any of the other procurement methods, and the emergency procurement shall be limited to those supplies, services, or construction necessary simply to meet the emergency.

- (3) HUD authorizes the use of noncompetitive proposals; or
- (4) After solicitation of a number of sources, the competition is determined to be inadequate.

5.6.2. Justification. Each procurement based on noncompetitive proposals shall be supported by a written justification for the selection of this method. The justification shall be approved in writing by the responsible Contracting Officer. Poor planning or lack of planning is not a justification for emergency or sole-source procurements. The justification, to be included in the procurement file, should include the following information:

5.6.2.1. Description of the requirement.

HOUSING AUTHORITY OF THE CITY OF OAKLAND

PROCUREMENT POLICY

- 5.6.2.2. History of prior purchases and their nature (competitive vs. noncompetitive).
- 5.6.2.3. The specific circumstance in **2 CFR §200.320(c)(1) through (5)** which applies:
 - 1) The item is available only from a single source.
 - 2) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation.
 - 3) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or
 - 4) After solicitation of a number of sources, the competition is determined to be inadequate.
- 5.6.2.4. Statement as to the unique circumstances that require award by noncompetitive proposals.
- 5.6.2.5. Description of the efforts made to find competitive sources (advertisement in trade journals or local publications, phone calls to local suppliers, issuance of a written solicitation, etc.).
- 5.6.2.6. Statement as to efforts that will be taken in the future to promote competition for the requirement.
- 5.6.2.7. Signature by the Contracting Officer or designee as required by the PHA's policy.
- 5.6.2.8. The Contracting Officer shall include the written justification and approval in the contract file. The Contracting Officer's signature on the NCP or contract signifies their determination that the price is reasonable based on prior purchases of a similar nature or other sources of information.

5.7. Cooperative Purchasing/Intergovernmental Agreements. The OHA may enter into State and/or local cooperative or intergovernmental agreements to purchase or use common supplies, equipment, or services. The decision to use an interagency agreement instead of conducting a direct procurement shall be based on economy and efficiency. If used, the interagency agreement shall stipulate who is authorized to purchase on behalf of the participating parties and shall specify inspection, acceptance, termination, payment, and other relevant terms and conditions. The OHA may use Federal or State excess and surplus property instead of purchasing new equipment and property if feasible and if it will result in a reduction of project costs. The goods and services obtained under

HOUSING AUTHORITY OF THE CITY OF OAKLAND

PROCUREMENT POLICY

a cooperative purchasing agreement must have been procured in accordance with **2 CFR §200.317 – §200.327**.

5.8. Multi-Step Bids. The OHA may use a two-step or multi-step sealed bidding procedure where appropriate. This method is a combination of competitive procurements and is authorized for use as defined in the Section 6.14 of HUD Handbook 7460.8.

6. INDEPENDENT COST ESTIMATE (ICE)

For all purchases above the Micro Purchase threshold, the OHA shall prepare an ICE prior to solicitation. The level of detail shall be commensurate with the cost and complexity of the item to be purchased.

7. COST AND PRICE ANALYSIS (CPA)

The OHA shall require assurance that, before executing a contract, the price is reasonable, in accordance with the following instructions.

7.1. Petty Cash and Micro Purchase. Though not required, cost/price analysis normally consists of comparing the quoted price to prices recently paid for the same or similar items, price lists, or catalog prices. The Contracting Officer's signature on the purchase order or contract signifies their determination that the price is reasonable based on prior purchases of a similar nature or other sources of information.

7.2. Small Purchases. If using "price and other factors" to determine which offeror should receive the award, the Contracting Officer has broad discretion to fashion suitable evaluation procedures. In these situations, the Contracting Officer should ensure that they can evaluate quotations in an efficient and minimally burdensome fashion. Contracting Officers should not use competitive proposal-type procedures (e.g., formal evaluations, determining competitive ranges, conducting detailed negotiations, or requesting best and final offers) for informal procurement. Contracting Officers may use information to evaluate the quotation such as their knowledge of, and previous experience, with the supply or service being purchased, the contractor's past performance for the PHA, or customer surveys.

7.3. Sealed Bids. The presence of adequate competition should generally be sufficient to establish price reasonableness. Where sufficient bids are not received, and when the bid received is substantially more than the ICE, and where the OHA cannot reasonably determine price reasonableness, the OHA must conduct a cost analysis, consistent with guidelines in the OHA Procurement Procedures, to ensure that the price paid is reasonable.

HOUSING AUTHORITY OF THE CITY OF OAKLAND **PROCUREMENT POLICY**

7.4. Competitive Proposals. The presence of adequate competition should generally be sufficient to establish price reasonableness. Where sufficient bids are not received, the OHA must compare the price with the ICE. For competitive proposals where prices cannot be easily compared among offerors, where there is not adequate competition, or where the price is substantially greater than the ICE, the OHA must conduct a cost analysis, consistent with guidelines in the OHA Procurement Procedures, to ensure that the price paid is reasonable.

7.5. Contract Modifications. A cost analysis, consistent with guidelines in the Procurement Procedures, shall be conducted for all contract modifications for projects that were procured through Sealed Bids, Competitive Proposals, or Non-Competitive Proposals, or for projects originally procured through small purchase procedures, and the amount of the contract modification will result in a total contract price in excess of the Small Purchase Threshold.

8. SOLICITATION AND ADVERTISING

8.1. Method of Solicitation

8.1.1. Petty Cash and Micro Purchases. The OHA may contact only one source if the price is considered reasonable.

8.1.2. Small Purchases. Quotes may be solicited in writing, via the Internet, or via an e-procurement-based portal, or by any other reasonable method selected by OHA.

8.1.3. Sealed Bids and Competitive Proposals. Solicitation must be done publicly. The OHA must use one or more of the following solicitation methods, provided that the method employed provides for meaningful competition.

8.1.3.1. Petty Cash and Micro Purchases. The OHA may contact only one source if the price is considered reasonable.

- 1) Advertising in newspapers or other print media of local or general circulation.
- 2) Advertising on the OHA's internet website or other websites approved by the Contracting Officer.
- 3) Advertising in various trade journals or publications (for construction).
- 4) E-Procurement. The OHA may conduct its public procurements through the Internet using e-procurement systems. However, all e-procurement portals must have been procured in compliance with **2 CFR §200.317 – §200.327**,

HOUSING AUTHORITY OF THE CITY OF OAKLAND

PROCUREMENT POLICY

State and local requirements, and the OHA's procurement policy.

8.2. Time Frame. For purchases of more than the Small Purchase Threshold (or HUD's small purchase limit), the public notice should run not less than once each week for two consecutive weeks.

8.3. Form. Notices/advertisements should state, at a minimum, the place, date, and time that the bids or proposals are due, the solicitation number, a contact who can provide a copy of, and information about, the solicitation, and a brief description of the needed item(s).

8.4. Time Frame for Submission of Bids. A minimum of 21-30 days shall generally be provided for the preparation and submission of sealed bids and 15 days for competitive proposals. However, the Executive Director may allow for a shorter period when in the best interest of the OHA.

8.5. Cancellation of Solicitations

8.5.1. An IFB, RFP, or other solicitation may be canceled before bids/offers are due if:

8.5.1.1. The supplies, services, or construction is no longer required.

8.5.1.2. The funds are no longer available.

8.5.1.3. Proposed amendments to the solicitation are of such magnitude that a new solicitation would be in the best interest of the OHA;
or

8.5.1.4. Other similar reasons.

8.5.2. A solicitation may be canceled, and all bids or proposals that have already been received may be rejected if:

8.5.2.1. The supplies or services (including construction) are no longer required.

8.5.2.2. Ambiguous or otherwise inadequate specifications were part of the solicitation.

8.5.2.3. All factors of significance to the OHA were not considered.

8.5.2.4. Prices exceed available funds, and it would not be appropriate to adjust quantities to come within available funds.

HOUSING AUTHORITY OF THE CITY OF OAKLAND **PROCUREMENT POLICY**

- 8.5.2.5. There is reason to believe that bids or proposals may not have been independently determined in open competition, may have been collusive, or may have been submitted in bad faith; or
- 8.5.2.6. For good cause of a similar nature when it is in the best interest of the OHA.
- 8.5.3.** The reasons for cancellation shall be documented in the procurement file and the reasons for cancellation and/or rejection shall be provided upon request.
- 8.5.4.** A notice of cancellation shall be sent to all bidders/offerors solicited and, if appropriate, shall explain that they will be given an opportunity to compete on any re-solicitation or future procurement of similar items.
- 8.5.5.** If all otherwise acceptable bids received in response to an IFB are at unreasonable prices an analysis should be conducted to see if there is a problem in either the specifications or the OHA's cost estimate. If both are determined adequate and if only one bid is received and the price is unreasonable, the Contracting Officer may cancel the solicitation and either:
 - 8.5.5.1. Re-solicit using an RFP; or
 - 8.5.5.2. Complete the procurement by using the competitive proposal method. The Contracting Officer must determine, in writing, that such action is appropriate, must inform all bidders of the OHA's intent to negotiate, and must give each bidder a reasonable opportunity to negotiate.
- 8.5.6.** If problems are found with the specifications, the OHA can cancel the solicitation, revise the specifications, and re-solicit using an IFB via addendum. The addendum can be issued to clarify specification issues, if the addendum does not result in a major change that alters the specifications to such a degree that a new procurement should be issued.
- 8.6. Credit (or Purchasing) Cards.** Credit card usage should follow the rules for all other small purchases. For example, the Contracting Officer may use a credit card for Micro Purchases without obtaining additional quotes, provided the price is considered reasonable. However, for amounts above the Micro Purchase Threshold, the Contracting Officer would generally need to have obtained a reasonable number of quotes before purchasing via a credit card.

When using credit cards, the OHA should adopt reasonable safeguards to ensure that they are used only for intended purposes (for instance, limiting the

HOUSING AUTHORITY OF THE CITY OF OAKLAND

PROCUREMENT POLICY

types of purchases or the amount of purchases that are permitted with credit cards).

9. BONDING REQUIREMENTS

The standards under this section apply to construction contracts that exceed the Small Purchase Threshold. There are no bonding requirements for small purchases or for competitive proposals. However, the OHA may require bonds in these latter circumstances when deemed appropriate; however, non-construction contracts do not generally require bid bonds.

9.1. Bid Bonds. For construction contracts exceeding the Small Purchase Threshold, offerors shall be required to submit a bid guarantee from each bidder equivalent to 5% of the bid price.

9.2. Payment Bonds. For construction contracts exceeding (i) \$350,000, or (ii) \$25,000 if a public work pursuant to California Civil Code section 9550, the successful bidder shall furnish an assurance of completion. This assurance may be any one of the following four:

9.2.1. Performance and payment bond in a penal sum of 100% of the contract price; or

9.2.2. Separate performance and payment bonds, each for 50% or more of the contract price; or

9.2.3. 20% cash escrow; or

9.2.4. 25% irrevocable letter of credit.

9.3. Bonds must be obtained from guarantee or surety companies acceptable to the U. S. Government and authorized to do business in the State of California. Individual sureties shall not be considered. U. S. Treasury Circular Number 570 lists companies approved to act as sureties on bonds securing Government contracts, the maximum underwriting limits on each contract bonded, and the States in which the company is licensed to do business. The use of companies on this circular is mandatory.

10. CONTRACTOR QUALIFICATIONS AND DUTIES

10.1. Contractor Responsibility. The OHA shall not award any contract until the prospective contractor, i.e., low responsive bidder, or successful offeror, has been determined to be responsible. A responsible bidder/offeror must:

10.1.1. Have adequate financial resources to perform the contract, or the ability to obtain them.

HOUSING AUTHORITY OF THE CITY OF OAKLAND

PROCUREMENT POLICY

- 10.1.2.** Be able to comply with the required or proposed delivery or performance schedule, taking into consideration all the bidder's/offeror's existing commercial and governmental business commitments.
- 10.1.3.** Have a satisfactory performance record.
- 10.1.4.** Have a satisfactory record of integrity and business ethics.
- 10.1.5.** Have the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them.
- 10.1.6.** Have the necessary production, construction, and technical equipment and facilities, or the ability to obtain them; and,
- 10.1.7.** Be otherwise qualified and eligible to receive an award under applicable laws and regulations, including not being suspended, debarred, or under a HUD-imposed LDP.

Contractors that have performed unsatisfactorily in previous contracts with the OHA shall not be eligible for contract award. Unsatisfactory performance must be sufficiently documented and approved by the Contracting Officer. If a prospective contractor is found to be non-responsible, a written determination of non-responsibility shall be prepared and included in the official contract file, and the prospective contractor shall be advised of the reasons for the determination.

- 10.2. Suspension and Debarment.** Contracts shall not be awarded to debarred, suspended, or ineligible contractors. Contractors may be suspended, debarred, or determined to be ineligible by HUD in accordance with Federal regulations (**2 CFR §200.317 – §200.327**) or by other Federal agencies, e.g., Department of Labor, for violation of labor regulations, when necessary to protect housing authorities in their business dealings. Prior to the issuance of a contract, the OHA staff will, as detailed within Section 10.2.H.1 and 10.2.H.2 of HUD Procurement Handbook 7460.8 Rev 3, conduct the required searches within the HUD Limited Denial of Participation (LDP) system and the U.S. General Services Administration System for Award Management (SAM) and place within the applicable contract file a copy of the results of each such search.
- 10.3. Vendor Lists.** All interested businesses shall be given the opportunity to be included on vendor mailing lists. Any lists of persons, firms, or products that are used in the purchase of supplies and services (including construction) shall be kept current and open for inclusion of all businesses at any given time. The Vendor list should include enough sources to ensure competition. No pre-qualification list of businesses can exclude any business from participating in the OHA procurement process.

HOUSING AUTHORITY OF THE CITY OF OAKLAND PROCUREMENT POLICY

11. CONTRACT PRICING ARRANGEMENTS

11.1. Contract Types. Any type of contract which is appropriate to the procurement, and which will promote the best interests of the OHA may be used, provided the cost-plus-a-percentage-of-cost and percentage-of-construction-cost methods are not used. All solicitations and contracts shall include the clauses and provisions necessary to define the rights and responsibilities of both the contractor and the OHA. For all cost reimbursement contracts, the OHA must include a written determination as to why no other contract type is suitable. Further, the contract must include a ceiling price that the contractor exceeds at its own risk.

11.2. Options. Options for additional quantities or performance periods may be included in contracts, provided that:

11.2.1. The option is contained in the solicitation.

11.2.2. The option is a unilateral right of the Authority.

11.2.3. The contract states a limit on the additional quantities and the overall term of the contract.

11.2.4. The options are evaluated as part of the initial competition.

11.2.5. The contract states the period within which the options may be exercised.

11.2.6. The options may be exercised only at the price specified in or reasonably determinable from the contract; and,

11.2.7. The options may be exercised only if determined to be more advantageous to the OHA than conducting a new procurement.

12. CONTRACT CLAUSES

12.1. Contract Pricing Arrangement. All contracts should identify the contract pricing arrangement as well as other pertinent terms and conditions, as determined by the OHA.

12.2. Required Forms. Additionally, the forms HUD-5369, 5369-A; 5369-B; 5369; 5370; 5370-C; 51915; and 51915-A, which contain all HUD-required clauses and certifications for contracts of more than the Small Purchase Threshold (or HUD's small purchase limit), as well as any forms/clauses as required by HUD

HOUSING AUTHORITY OF THE CITY OF OAKLAND **PROCUREMENT POLICY**

for small purchases (Table 5.1 Procurement Handbook No. 7460.8 Rev 3), shall be used in all corresponding solicitations and contracts issued by the OHA.

12.3. Required Contract Clauses. The agency shall ensure that each applicable contract executed by the Agency contains the required contract clauses detailed within 2 CFR §200.326 and Appendix II.

13. CONTRACT ADMINISTRATION

The OHA shall maintain a system of contract administration designed to ensure that contractors perform in accordance with their contracts. These systems shall provide for the inspection of supplies, services, or construction, as well as monitoring contractor performance, and status reporting on major projects, including construction contracts, and similar matters. For cost-reimbursement contracts, costs are allowable only to the extent that they are consistent with the cost principles in HUD Handbook 2210.18.

14. SPECIFICATIONS

14.1. General. All specifications shall be drafted to promote the overall economy for the purpose intended and to encourage competition in satisfying the OHA needs. Specifications shall be reviewed prior to issuing any solicitation to ensure that they are not unduly restrictive or represent unnecessary or duplicative items. Function or performance specifications are preferred. Detailed product specifications shall be avoided whenever possible. Consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. For equipment purchases, a lease versus purchase analysis should be performed to determine the most economical form of procurement.

14.2. Limitation. The following types of specifications shall be avoided:

14.2.1. Geographic restrictions not mandated or encouraged by applicable Federal law (except for A/E contracts, which may include geographic location as a selection factor if adequate competition is available).

14.2.2. Brand name specifications (unless the specifications list the minimum essential characteristics and standards to which the item must conform to satisfy its intended use). Nothing in this procurement policy shall preempt any State licensing laws. Specifications shall be reviewed to ensure that organizational conflicts of interest do not occur.

HOUSING AUTHORITY OF THE CITY OF OAKLAND **PROCUREMENT POLICY**

15. APPEALS AND REMEDIES

- 15.1. General.** It is the OHA policy to resolve all contractual issues informally and without litigation. Disputes will not be referred to HUD unless all administrative remedies have been exhausted. When appropriate, a mediator may be used to help resolve differences. OHA's Vendor Protest and Claims Procedures are attached to this Policy and incorporated herein by this reference.
- 15.2. Informal Appeals Procedure.** The OHA shall adopt an informal bid protest/appeal procedure for contracts of Small Purchase Threshold or less. Under these procedures, the bidder/contractor may request to meet with the appropriate Contracting Officer.
- 15.3. Formal Appeals Procedure.** A formal appeals procedure shall be established for solicitations/contracts of more than the Small Purchase Threshold or HUD's small purchase limit.
- 15.4. Bid Protest.** Protests of contract solicitations and awards are permissible but must strictly comply with the OHA's Protest Procedures for Solicitation Protests, as amended from time to time.
- 15.5. Contractor Claims.** All claims by a contractor relating to the performance of a contract shall be submitted in writing to the Contracting Officer for a written decision. The contractor may request a conference on the claim. The Contracting Officer's decision shall inform the contractor of its appeal rights to the next higher level of authority in the OHA. Contractor claims shall be governed by the Changes clause in the form HUD-5370.

16. ASSISTANCE TO SECTION 3, SMALL AND OTHER BUSINESSES

- 16.1. Required Efforts.** Consistent with Presidential Executive Orders 11625, 12138, and 12432, and Section 3 of the HUD Act of 1968, all feasible efforts shall be made to ensure that small and minority-owned businesses, women's business enterprises, Section 3 Business Enterprises, and other individuals or firms located in or owned in substantial part by persons residing in the area of the OHA project are used when possible. Such efforts shall include, but shall not be limited to:
- 16.1.1.** Including such firms, when qualified, on solicitation mailing lists.
 - 16.1.2.** Encouraging their participation through direct solicitation of bids or proposals whenever they are potential sources.
 - 16.1.3.** Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such firms.

HOUSING AUTHORITY OF THE CITY OF OAKLAND

PROCUREMENT POLICY

16.1.4. Establishing delivery schedules, where the requirement permits, which encourage participation by such firms.

16.1.5. Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce.

16.1.6. in contracts, to the greatest extent feasible, a clause requiring contractors, to provide opportunities for training and employment for lower income residents of the project area and to award subcontracts for work in connection with the project to business concerns which provide opportunities to low-income residents, as described in 24 CFR §75 (so-called Section 3 businesses); and, requiring prime contractors, when subcontracting is anticipated, to take the positive steps listed above.

16.2. Goals. Goals shall be established periodically for participation by small businesses, minority-owned businesses, women-owned business enterprises (WBE), labor surplus area businesses, and Section 3 business concerns, including OHA prime contracts and subcontracting opportunities.

16.3. Definitions

16.3.1. Small Business is defined as a business that is: independently owned; not dominant in its field of operation; and not an affiliate or subsidiary of a business dominant in its field of operation. The size standards in **13 CFR §121** should be used to determine business size.

16.3.2. Minority-Owned Business is defined as a business which is at least 51% owned by one or more minority group members; or, in the case of a publicly-owned business, one in which at least 51% of its voting stock is owned by one or more minority group members, and whose management and daily business operations are controlled by one or more such individuals. Minority group members include, but are not limited to, Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Asian Indian Americans, and Hasidic Jewish Americans.

16.3.3. Women Business Enterprise (WBE) is defined as a business that is at least 51% owned by one or more women who are U.S. citizens and the daily business is controlled by one or more women with industry expertise.

HOUSING AUTHORITY OF THE CITY OF OAKLAND PROCUREMENT POLICY

16.3.4. “Section 3 Business Concern” is defined under 24 CFR 75.5 -- Definitions.

16.3.5. Labor Surplus Area Business is defined as a business which, together with its immediate subcontractors, will incur more than 50% of the cost of performing the contract in an area of concentrated unemployment or underemployment, as defined by the Department of Labor (DOL) in **20 CFR §654**, Subpart A, and in the list of labor surplus areas published by the Employment and Training Administration.

17. BOARD APPROVAL OF PROCUREMENT ACTIONS

The Board of Commissioners has approved this Procurement Policy. All procurement actions below the small purchase threshold do not require Board approval. The Board has delegated authority to the Executive Director to execute any contracts not to exceed the Small Purchase Threshold, or below HUD’s small purchase limit.

Approval by the Board of Commissioners is required for any procurement action above the Small Purchase Threshold, or above HUD’s small purchase limit. It is the responsibility of the Executive Director to ensure that all procurement actions are conducted in accordance with the policies contained herein.

18. DELEGATION OF CONTRACTING AUTHORITY

The Executive Director has been delegated authority by the Board to approve Change Orders up to 10% of the contract amount without further Board action.

While the Executive Director is responsible for ensuring that the OHA’s procurements comply with this Policy, the Executive Director may delegate all procurement authority as is necessary and appropriate to conduct the business of the Agency.

Further, and in accordance with this delegation of authority, the Executive Director shall, where necessary, establish operational procedures (such as a procurement manual or standard operating procedures) to implement this Policy. The Executive Director shall also establish a system of sanctions for violations of the ethical standards described herein (Ethics in Public Contracting), consistent with Federal, State, or local law.

19. DOCUMENTATION. The OHA must maintain records sufficient to detail the significant history of each procurement action. These records shall include, but shall not necessarily be limited to, the following:

19.1. Rationale for the method of procurement (if not self-evident).

HOUSING AUTHORITY OF THE CITY OF OAKLAND **PROCUREMENT POLICY**

- 19.2. Rationale of contract pricing arrangement (i.e., firm-fixed, cost reimbursement, turn-key, etc.) (also if not self-evident);
- 19.3. Reason for accepting or rejecting the bids or offers.
- 19.4. Basis for the contract price (as prescribed in this Policy).
- 19.5. A copy of the contract documents awarded or issued and signed by the Contracting Officer or Executive Director.
- 19.6. Basis for contract modifications; and
- 19.7. Related contract administration actions.

The level of documentation should be commensurate with the value of the procurement. Records are to be retained for a period of three years or in compliance with the records retention schedule, after final payment and all matters pertaining to the contract are closed.

20. DISPOSITION OF SURPLUS PROPERTY

Property no longer necessary for the OHA's purposes (non-real estate property) shall be transferred, sold, or disposed of in accordance with applicable Federal, State, and local laws and regulations.

If the OHA chooses to sell dispositioned equipment, the items will be offered for bid for a specified period of time. Items not sold within the specified time period may be donated equitably amongst non-profit entities. Employees are not eligible to bid on items purchased with Federal funds.

21. FUNDING AVAILABILITY

Before initiating any contract, the OHA shall ensure that there are sufficient funds available to cover the anticipated cost of the contract or modification.

22. SELF-CERTIFICATION

The OHA self-certifies that this Procurement Policy and the OHA's procurement system comply with all applicable Federal regulations and, as such, the OHA is exempt from prior HUD review and approval of individual procurement action. Further, the OHA may also submit this procurement Policy to the HUD Field office for approval per the provisions of (2 CFR §200.317 – §200.327), regarding HUD approval of an agency's "procurement system" to ensure that this Procurement Policy meets HUD's certification standards.