

Review of the April 2015 USFR Compliance Questionnaire as Applied to Mohave Contracts

Mohave has reviewed the procurement practices portion of the April 2015 revision to the USFR Compliance Questionnaire and provided information that should assist members in performing due diligence reviews.

This document applies to the Mohave contract under review. All questions not pertaining to this contract have been deleted. Question numbers are the same as in the complete USFR Compliance Questionnaire.

EXPENDITURES	MOHAVE RESPONSE
1. Based upon review of (_____) contracts for the procurement of construction, materials, and services that exceeded \$100,000, did the cooperative follow the School District Procurement Rules (R7-2-1001 et seq)?	
a. For (_____) contracts awarded through competitive sealed bidding or competitive sealed proposals, did the cooperative:	
1) Give adequate notice of the invitation for bid (IFB) or request for proposal (RFP)? R7-2-1022 or R7-2-1042(C)	Mohave complies. All solicitations are advertised in The Bullhead Bee (Mohave County’s official newspaper of record) and also in the Arizona Business Gazette. Email notices are sent to prospective bidders as well.
2) Compile and maintain a list of persons who requested to be added to a list of prospective bidders, if any? R7-2-1023	Mohave complies. Prospective bidders list is maintained and used for all categories. Bidders list is included in online contract due diligence package.
3) Issue the IFB or RFP at least 14 days before the due date and time set for bid or proposals, as applicable, unless a shorter time was determined necessary? R7-2-1024(A) or R7-2-1042(B)	Mohave complies. Solicitations are issued more than 14 days before time and date set for opening. See page 1 of solicitation for date of issue and due date. Copy of solicitation included in online contract due diligence package.
4) Include all required information in the IFB or RFP? R7-2-1024(B) or R7-2-1042(A) <i>IFB R7-2-1024(B) requirements copied from the Arizona Administrative Code:</i> a. Notice that all information and bids submitted by bidders will be made available for public inspection following the award of the contract; b. Instructions and information to bidders concerning bid submission requirements, including the means for bid submission such as, hand delivery, U.S. mail, electronic mail, facsimile, or other acceptable means, the bid due date and time, the address of the office	a. <i>General Terms and Conditions (4.3 Public Record)</i> b. <i>Page 1, IFB Instructions to Bidder & Checklist (Tab 1b)</i>

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<p>at which bids or other documents are to be received, the bid acceptance period, and any other special information or requirements;</p> <p>c. Whether the school district will consider partial bids for award of a contract;</p> <p>d. Notification of whether the school district may award multiple contracts and the school district’s basis for determining whether to award multiple contracts. If multiple contracts may be awarded, the invitation for bids shall include the criteria the school district will use for selecting vendors for each contract under the multiple award, including whether contracts will be awarded by individual line items or groups of line items, whether contracts will be awarded incrementally, or whether contracts will be awarded by designated regions or locations;</p> <p>e. The basis for determining the lowest bidder or bidders;</p> <p>f. Procurement of earth-moving, material-handling, road maintenance and construction equipment shall include as price evaluation criteria the total life cycle cost including residual value of the earth-moving, material-handling, road maintenance and construction equipment and, to the extent practicable, the cost of outright purchase;</p> <p>g. The purchase description, specifications, delivery or performance schedule, and inspection and acceptance requirements, as applicable. If a brand name or equal specification is used, instructions that use of a brand name is for the purpose of describing the standard of quality, performance, and other characteristics needed to meet the school district’s requirements and is not intended to limit or restrict competition. The invitation for bids shall state that products substantially equivalent to the brands designated qualify for consideration;</p> <p>h. The factors to be used in bid evaluations, including criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Only objectively measurable evaluation criteria shall be</p>	<p><i>c. Specifications (Partial Bids)</i></p> <p><i>d. General Terms and Conditions (7.1 Basis of award, 7.4 Multiple award)</i></p> <p><i>e. General Terms and Conditions (7.1 Basis of award)</i></p> <p><i>f. N/A</i></p> <p><i>g. General Terms and Conditions, Standard Terms and Conditions for Construction when applicable, Special Terms and Conditions, Specifications and Scope of Work (1. Description), including historical volume of purchases and any projected increase.</i></p> <p><i>h. General Terms and Conditions (7. Evaluation & Award) and Scope of Work (5. Award Criteria)</i></p>
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<p>included in the invitation for bids. Examples of such criteria include, but are not limited to, transportation cost, energy cost, ownership cost and other identifiable costs. Evaluation factors need not be precise predictors, but to the extent possible the evaluation factors shall be reasonable estimates based upon information the school district has available concerning future use;</p> <p>i. The contract terms and conditions, including:</p> <ul style="list-style-type: none"> i. Warranty and bonding or other security requirements, as applicable; ii. The length of the contract and whether the contract will include an option for extension; and iii. Any other contract terms and conditions; <p>j. The name of the district representative or district representatives;</p> <p>k. The manner by which the bidder is required to acknowledge amendments;</p> <p>l. The minimum information required in the bid;</p> <p>m. The specific requirements for designating trade secrets and other proprietary data as confidential;</p> <p>n. Any specific responsibility criteria;</p> <p>o. A statement specifying where documents incorporated by reference may be obtained;</p> <p>p. A statement that the school district may cancel the solicitation or reject a bid in whole or in part if deemed advantageous to the school district;</p> <p>q. Notice that the bidder is required to certify that submission of the bid did not involve collusion or other anticompetitive practices;</p> <p>r. Notice that the bidder is required to declare whether the bidder has been debarred, suspended, or otherwise lawfully prohibited from participating in any public procurement</p>	<p><i>i. General Terms and Conditions, Standard Terms and Conditions for Construction when applicable, Special Terms and Conditions (7.2 Bid Bond, 7.3 Bonding Capacity, 11. Term of Contract and Extension, 12. Warranty/Quality Guarantee)</i></p> <p><i>j. General Terms and Conditions (18. Protests)</i></p> <p><i>k. IFB Instructions to Bidder & Checklist (Tab 1b), Scope of Work (5. Award Criteria)</i></p> <p><i>l. IFB Instructions to Bidder & Checklist</i></p> <p><i>m. General Terms and Conditions (4.1 Confidential information request)</i></p> <p><i>n. General Terms and Conditions (7.7 Responsible bidder)</i></p> <p><i>o. Scope of Work (References and definitions)</i></p> <p><i>p. Page 1</i></p> <p><i>q. General Terms and Conditions (2. Certification)</i></p> <p><i>r. General Terms and Conditions (2. Certification)</i></p>
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<p>activity, including, but not limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body;</p> <p>s. Any bid security required;</p> <p>t. A description of all information that will be recorded and available for public inspection at bid opening; and</p> <p>u. The date, time and location of any pre-bid conference.</p>	<p><i>s. IFB Instructions to Bidder & Checklist (Tab 1f), Special Terms and Conditions (7.2 Bid Bond), Standard Terms and Conditions for Construction (1. Bid Security)</i></p> <p><i>t. Page 1</i></p> <p><i>u. Page 1, Scope of Work (2. Estimated timeline of events)</i></p>
<p>5) Stamp sealed bids or proposals with the time and date upon receipt and store bids or proposals unopened until the due date and time set for opening? R7-2-1029 or R7-2-1045</p>	<p>Mohave complies. Bids and proposals are time and date stamped, and logged upon receipt. Bids and proposals are stored unopened until opening date and time. Log is included in online contract due diligence package.</p>
<p>6) If a multiple award was made for the IFB or RFP:</p>	
<p>i. Did the cooperative establish and follow procedures for the use of multiple award contracts? R7-2-1031(D) and R7-2-1050(C)</p>	<p>Mohave complies. Multiple awards are substantiated & documented. Evaluation and contract award documentation maintained in procurement file. Award recommendation documentation included in online contract due diligence package.</p>
<p>ii. Did the cooperative include in the solicitation(s) notification that multiple contracts may be awarded, the cooperative's basis for determining whether to award multiple contracts, and the criteria for selecting vendors for the multiple contracts? R7-2-1031(C) and R7-2-1050(B)</p>	<p>Mohave complies. See General Terms and Conditions (7.6 Multiple Award), Scope of Work (5. Award Criteria), Evaluation documents and Award Recommendation included in online contract due diligence package.</p>
<p>iii. Determine, with the specific reason(s) in writing, that a single award was not advantageous to the cooperative's members and retain documentation that supported the basis for a multiple award? R7-2-1031(D)</p>	<p>Mohave complies. See Award Recommendation included in online contract due diligence package.</p>
<p>iv. Limit contract awards to the least number of suppliers necessary to meet the requirements of the members? R7-2-1031(D) and R7-2-1050(C)</p>	<p>Mohave complies. Contracts are awarded to the least number of vendors determined necessary to meet the requirements of members. See Award</p>

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	Recommendation included in online contract due diligence package.
7) For contracts where only one responsive bid or proposal was received, determine that the price submitted was fair and reasonable, and that either other prospective offerors had reasonable opportunity to respond or there was not adequate time for resolicitation, and retain documentation that supported the basis for the determination? R7-2-1032 or R7-2-1046(A)(1)	Mohave complies. Written determination prepared to substantiate any award for a single bid or proposal. Written determination is maintained in the procurement file and included in online contract due diligence package.
b. For (____) contracts awarded through competitive sealed bidding, did the cooperative award the contracts to the lowest responsible and responsive bidder whose bid conformed, in all material respects, to the requirements and evaluation criteria set forth in the IFB? R7-2-1031	Mohave complies. Contract(s) awarded to low responsive and responsible bidder(s). IFB evaluation criteria are basis of award. Award recommendation and supporting documentation included in online contract package.
2. Did the cooperative have signed conflict-of-interest disclosures filed for any employee or nonemployee evaluation committee members? R7-2-1008 and R7-2-1015	Mohave complies. See Evaluators Agreement included in online contract due diligence package.
3. If the cooperative used a qualified select bidders list to procure construction services, did the cooperative comply with requirements of R7-2-1101?	N/A
5. If the cooperative procured goods and services using reverse auctions or electronic bidding, did the cooperative comply with the requirements of R7-2-1018, R7-2-1021, or R7-2-1041?	N/A
6. For purchases made through the Simplified School Construction Procurement Program, did the cooperative follow the requirements of R7-2-1033?	N/A
7. If the cooperative used multi-term contracts for any of the contracts tested in question 1:	
a. Were the terms and conditions of renewal or extension, if any, included in the IFB or RFP? A.R.S. §15-213(K) and R7-2-1093	Mohave complies. See Special Terms and Conditions (12. Term of Contract and Extension)
8. Did the cooperative prevent additional purchases by new members that would materially change the volume of goods or services estimated in the original solicitation? R7-2-1011	Member usage of a contract is not limited in order to change the volume of estimated usage. Estimates provided in the solicitation are based on historical purchases only. These estimates are not to be considered a guarantee of volume under a contract.
9. Did the cooperative maintain current cooperative purchasing agreements with participating school districts? R7-2-1191through R7-2-1195	Mohave complies. Current cooperative purchasing agreements from each member are kept on file.
10. Based upon review of (____) emergency procurements, was the basis for each emergency	N/A

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<p>procurement reasonable; did the cooperative maintain a written statement for each emergency procurement documenting the basis for the emergency, the selection of the particular contractor, and why the price paid was reasonable; and was such statement signed by the individual authorized to initiate emergency procurements? R7-2-1055 and R7-2-1056</p>	
<p>11. Based upon review of (____) sole source procurements, was the basis for the sole source procurement reasonable, and did the cooperative retain its written determination that there was only one source for the required materials, service, or construction items? R7-2-1053</p>	<p>N/A</p>

Cooperative	# of Contracts Used	# District Reviewed Contracts	# Contracts Tested by Audit Firm