

WATTS HALL COMMUNITY PLAYERS

PROCUREMENT PROCEDURES AND CODE OF CONDUCT

In Compliance with 2 CFR 200 as Required of Recipients of Federal Funds

The policy set forth in this document establishes standards and guidelines for the procurement of supplies, equipment, construction, and services to ensure that they are obtained as economically as possible through an open and competitive process, and that contracts are managed with good administrative practices and sound business judgment.

Code of Conduct

A Code of Conduct shall govern the performance, behavior, and actions of Watts Hall Community Players (WHCP), including Board members, employees, directors, volunteers, or agents who are engaged in any aspect of procurement, including – but not limited to – purchasing goods and services; awarding contracts and grants; or the administration and supervision of contracts.

1. No officer, director, volunteer, or agent of WHCP shall participate in the selection, award or administration of a bid or contract supported by Federal funds if she or he has a real or apparent conflict of interest.
2. Conflicts of interest may arise when any officer, director, volunteer, or agent of WHCP has a financial, family or any other beneficial interest in the vendor firm considered for an award.
3. No officer, director, volunteer or agent of WHCP shall award a contract or bid which violates the spirit or intent of Federal, State and local procurement laws and policies established to maximize free and open competition among qualified vendors.
4. WHCP's officers, directors, volunteers or agents shall neither solicit nor accept gratuities, gifts, consulting fees, trips, favors or anything of monetary value from contractors or parties to subcontracts
5. As permitted by law, rule, policy, or regulation, WHCP shall pursue appropriate legal, administrative, or disciplinary action against an officer, director, volunteer, vendor, or vendor's agent who is alleged to have committed a procurement related infraction. Based on the severity of the infraction, the penalties could include a written reprimand to their personnel file, a suspension with or without pay, or termination.

Solicitation and Competition

All procurement transactions will be conducted to provide – to the maximum extent possible – free and open competition among suppliers. The Organization or designated individual must begin with an analysis of the need for the procurement, to avoid the purchase of unnecessary items (this shall include an examination of lease versus purchase alternatives). The purchaser must then identify and clearly specify standards for the goods or services desired and seek competitive pricing to obtain the best possible quality at the best possible price. In general:

- All procurements must be associated with a Board approved activity and where appropriate, comply with a board approved budget for the activity. For procurements under \$5,000, the decision may be made by the designated activity manager. For procurements greater than \$5,000, prior approval must be obtained from WHCP Board.
- Some form of cost or price analysis shall be made with every procurement action. Price analysis may be accomplished in various ways, including the comparison of market prices and submitted price quotations.
- Purchases of an item or items with an aggregate total of \$5,000 or less may be made according to Micro-purchasing procedures as identified in 2 CFR 200.67. Solicitation of competitive price quotations is not necessary if the price is considered reasonable. To the extent practicable, Watts Hall Community Players will distribute purchases equitably among qualified suppliers.

- For procurements greater than \$5,000 but less than \$75,000, quotes must be requested based on written specifications. Contracts will be awarded to the most responsive and responsible vendor with a price being the primary consideration.
- For procurements that exceed \$75,000 WHCP competitive bids will be utilized and requests for these bids will be written in a way that does not restrict competition. (A clear and accurate description of the technical requirements for the material, product, or service to be procured; all requirements which offerors must fulfill; and all other factors to be used in evaluating bids or proposals.)
- Generally, contracts will be fixed price. Time-and-materials type contracts may be used only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk.
- Whenever possible, WHCP will engage in affirmative efforts to utilize small businesses, minority-owned firms, and women's business enterprises.

Selection

Price must be a priority factor in the evaluation of responses, but the Organization is not required to take the lowest price if other factors are important to the decision.

- There should be an objective method for selection, and any factors for evaluation and selection must be listed in the procurement documents.
- Awards shall be made to the bidder or offeror whose bid is responsive to the solicitation and is most advantageous to the Organization (price, quality and other factors considered).
- A bid may be rejected when it is in the Organization's interest to do so.
- Watts Hall Community Players will check the "Excluded Parties List" system for suspended or debarred sub-grantees and contractors, prior to awarding funds or issuing payment.

Documentation

Watts Hall Community Players will retain all books, records, and other documents relative to the award of procurement contract for three (3) years after final payment. Specifically, for procurement transaction greater than \$5,000 Watts Hall Community Players shall maintain, at a minimum, the following documents:

- a copy of the original solicitation;
- selected the method of procurement and the type of contract to be used
- pre-bid meeting attendance logs (if applicable);
- the basis for vendor/contractor selection;
- the basis for award cost or price;
- the terms and conditions of the contract;
- billing and payment records;
- Justification for lack of competition when competitive bids or offers were not obtained.

Contract Administration

Watts Hall Community Players has an overall system of contract administration to ensure proper oversight and management of procurement actions. The WHCP or its designee is responsible for evaluating contractor performance and documenting, as appropriate, whether contractors have met the terms, conditions, and specifications of the contract. This may include progress inspections, interim products, inspection of goods delivered, and other such methods that provide assurance that the goods or services purchased are being delivered within the scope of the contract. The Organization's contract administration system must ensure that:

- The method of procurement is documented and records maintained for three years after final payment is made;
- All activities are carried out and costs are incurred in compliance with applicable requirements; and
- Services performed are adequate and consistent with the contract scope of services before payments are made.

Exceptions

Non-competitive contracts are allowed under the following conditions and with the written approval of the federal agency that awarded the federal funds:

- **Inadequate Competition.** A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from a number of sources as required under this Policy does not result in a qualified winning bidder.
- **Sole Source.** A contract may be awarded without competitive bidding when the item is available from only one source. Watts Hall Community Players shall document the justification for and lack of available competition for the item.
- **Public Exigency.** A contract may be awarded without competitive bidding when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from a competitive bidding.

This institution is an equal opportunity provider. In accordance with state and federal law and policy, it is prohibited from discriminating on the basis of race, color, ancestry, creed, religion, national origin, citizenship status, sexual orientation, gender identity or expression, genetic information, sex, disability, marital status, age, active military and veteran's status, membership in the armed forces of the United States and any other basis prohibited by law.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible State or local Agency that administers the program.

Complaints of discrimination must be filed at the office of the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333-0051. If you wish to file a discrimination complaint electronically, visit the Human Rights Commission website at <https://www.maine.gov/mhrc/file/instructions> and complete an intake questionnaire. Maine is an equal opportunity provider and employer.

Adopted _____ by a vote of the Watts Hall Community Players Board of Directors and signed by
_____, Board Chair.
(Printed Name)

(Signature)