

# **HOUSING AUTHORITY OF THE CITY OF ERIE**

## **Capital Fund Stimulus Grant Procurement Policy**

**Adopted November 23, 2009 as an amendment to the  
HACE Procurement Policy, revised June 25, 2007**

### **I. GENERAL PROVISIONS**

The purpose of this amendment is to incorporate the requirements and procedures for processing the additional amount of Fiscal Year 2009 Public Housing Capital Fund Grants being provided in accordance with the American Recovery and Reinvestment Act of 2009 (the Recovery Act). These requirements are further delineated in Notice PIH 2009-12, issued March 18, 2009.

### **II. STATE AND LOCAL REQUIREMENTS**

Any requirements relating to the procurement of goods and services arising under state and local laws and regulations shall not apply to Capital Fund Stimulus Grants. The Housing Authority of the City of Erie (HACE) shall instead follow the Part 85 requirements.

### **III. PART 85 COMPLIANCE**

This amendment is adopted in order to expedite and facilitate the use of Recovery Act funds. This amended policy can be used only for procurements related to Capital Fund Stimulus Grants. The adoption of this amendment is consistent with HACE policies and procedures, and shall be labeled as Capital Fund Stimulus Grant Procurement Policy. HACE shall remove all procurement standards that are contrary to Part 85 or the Recovery Act.

### **IV. HUD GUIDANCE**

HACE shall use the Procurement Handbook for Public Housing Agencies (HUD 7460.8 REV-2) for guidance in the administration of this amendment.

### **V. NONCOMPETITIVE PROPOSALS**

According to 24 CFR 85.36(d)(4), if solicitation of a proposal is only from one source, or if HACE finds that after solicitation of a number of sources, that competition is inadequate, HACE may award the contract noncompetitively where small purchase procedures, sealed bids, or competitive proposals are infeasible and one of the circumstances in 24 CFR 85.36(d)(4) applies.

Section 3 of the Recovery Act provides that these funds shall be managed and expended to achieve the purposes specified, including commencing expenditures and activities as quickly as possible consistent with prudent management.

HACE may use the noncompetitive proposal method, but must do so on a contract-by-contract basis and in compliance with all Part 85 requirements including the requirement for a cost analysis and the conflict of interest requirement. If this procurement method is used, HACE will insure that it is administered in accordance with all applicable provisions of its Procurement Policy, and shall maintain records sufficient to detail the significant details of each contract's procurement.

#### VI. FORCE ACCOUNT WORK

HACE may consider employing existing or additional force account laborers on either a permanent or temporary basis to perform Capital Fund stimulus grant work. Such work, if utilized, shall be incorporated into the Capital fund planning, budgeting, and reporting requirements.

#### VII. BUY AMERICAN PROVISIONS

HACE shall follow the Buy American provisions of Section 1605 of the Recovery Act and use only iron, steel, and manufactured goods produced in the United States in its projects.

#### VIII. ARRA PROCUREMENT POLICY REQUIREMENTS

The requirements of the American Recovery and Reinvestment Act found at 24 CFR 85.36 are hereby incorporated into the HACE Procurement Policy by reference.