

**Office  
of  
Contracts  
&  
Acquisitions  
(OCA)**

ODJFS processes for  
Procurement Planning  
& Competitive Procurements

# OCA

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**Columbus, OH 43215-3414**

**County Agency Requests for Waivers  
from Competitive Selection are reviewed here.**

# A Quiz!

Write the “special” word on the lines:

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# ODJFS Office of Contracts and Acquisitions

- We are the procurement experts for ODJFS.
- We develop all ODJFS legally binding agreements such as personal service contracts, grant agreements, interagency agreements, etc.
- Office of Contracts and Acquisitions provides county prior approval.
- We are the primary drafters of the Fiscal Administrative Procedure Letter (FAPL) No. 2.

# Office of Contracts & Acquisitions (OCA)

- We are a general support area that assists each directorate within the department.
- The OCA deputy director is the principal advisor to the ODJFS Director on contracting and procurement issues.
- We work with the Department of Administrative Services (DAS) and its Office of Information Technology (OIT) on issues related to personal service contracts and RFPs.

# Office of Contracts & Acquisitions (OCA)

- We provide technical assistance to all ODJFS program areas on each aspect of the procurement of goods and services.
- We ensure that agreements are awarded through fair and open competition.
- We develop and provide training for ODJFS' agreement managers.

## Code of Federal Regulations:

- Federal Acquisition Requirements – 48 CFR vol.1 (general information)
- DOL-specific procurement information is found at:
  - 29 CFR 95.40 (through 95.48) and
  - 29 CFR 97.36
- Comparable CFR regulations for HHS, Dept. of Agriculture, etc.

Federal funding comes with certain requirements on how it can be used and how it must be accounted for.

Recipients of Federal funding must comply. Any sub-recipients or lower-tier sub-recipients must also comply.

The terms and conditions follow the money.

- Always refer to local, state, & federal guidelines.
- Most restrictive requirements apply!
- Federal Law dictates the threshold at \$100,000.
- Use procurement method/type best suited to the project, even if a less complex method may be permissible.

## 29 CFR 97.36 - Procurement Methods:

- **Small Purchase Procedures –**
  - Below SAT
  - For Simple & Informal Procurements
  - Price or Rate Quotes Required from Adequate Number of Qualified Sources.
  
- **Procurement by Sealed Bids**
  - Publicly Solicited
  - For Firm-Fixed-Price Contract
  - Awarded to lowest-priced responsible bidder
  - Good, complete, realistic specs are required
  - Two or more responsible bidders compete

## 29 CFR 97.36 - Procurement Methods:

### ➤ Procurement by Competitive Proposals

- Publicly solicited.
- All evaluation factors & relative weights.
- Detailed system for technical evaluation of proposals and vendor selection.
- Awarded to the responsible vendors offering the most advantageous proposal, based on price and other factors.

### ➤ Procurement by Non-Competitive Proposals

- Public emergency prohibits delay.
- Solicitation from only one source or after competition is attempted, but deemed inadequate.
- Awarding agency may approve non-competitive selection.
- Cost analysis is required.

OCA HAS A ROLE HERE!

**Procurements: use maximum open and free competition.**

**29 CFR 97.36 (c) identifies some unfair restrictions on competition –**

- Unreasonable requirements on vendors to win business
- Requiring excessive experience
- Brand-name specifications

Think about REASONABLENESS.

**29 CFR 95.43 : “All procurement transactions shall be conducted in a manner to provide, the maximum extent practical, open and Free competition.”**

## OTHER IMPORTANT CFR RESOURCES:

29 CFR 95.42 – Written Code of Conduct for employees in procurement and contract administration.

29 CFR 95.44 – Written Procurement Procedures are Required.

29 CFR 95.45 – Cost or Price Analysis Requirements.

29 CFR 95.46 – Required Procurement Records (basis of vendor selection and basis of cost or price, at minimum).

29 CFR 95.47 – Written system must be in place for Contract Administration, including monitoring, evaluating, and documenting contractor performance.

# Deliverables/Specifications Development Tips

- In order to be enforceable, contract deliverables must be clear, specific, meaningful, and measurable
- Deliverables should be specific enough so that if agency and/or key contractor staff win the lottery, replacement staff can pick up the contract and understand exactly what is intended
- Deliverables should not be so specific that only one vendor could win the competition

# Clear Communication of the Need

## The procurement document should:

- What we need
- Why we need it
- When and how we need it done and/or provided
- Who is qualified to perform the services or provide the goods
- How we will evaluate proposals and select vendors

## Tell them how to respond in order to convince you they can do it!

- What they must tell you
- What documentation to provide
- How to present it
- When and where

# Balance

- The more definitive you can be about the outcome you need, the greater the selection emphasis on vendors' proposed costs
- The more you need a creative and specialized response in proposals, the greater the selection emphasis on vendors' technical quality

# Scoring

- Emphasis on what is most important in vendors' technical qualifications and plans
- Weighting technical criteria
- Consider relative importance of technical quality and cost
- Criteria and selection process must be included in the published RFP

# Documentation and Records Retention

- Legally supportable.
- Paper trail.
- Records Retention Requirements  
& Policies
- Public records.

# Why the hassle?

Compliance

Competition

Stewardship

No impropriety

We are all Tax Payers!

## Contact us:

**ODJFS/OCA Main Telephone Line: 614-728-5693**

OCA web site: <http://jfs.ohio.gov/oca/>

Procurement List web site: <http://jfs.ohio.gov/RFP/>

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