

(1) Federal Programs

The Tribe shall not hire, contract with, or otherwise do business, either directly or indirectly, with contractors or individuals that have been debarred or suspended) by the U.S. Government. Prior to purchasing, the Procurement Officer shall verify that the contractor or individual has not been debarred or suspended by searching for exclusions at: www.sam.gov. The Procurement Officer will document the review within the procurement records.

Purchasing levels and requirements:

(1) Level One; procurements of up to \$3,500 may be awarded on the basis of verbal quotations with or without competition, except for construction projects subject to the Davis-Bacon Act which will be limited to procurements of up to \$2,000. The purchase requisition/order in conjunction with the quote from the vendor may serve as the binding agreement if the goods or services that are to be received are adequately described.

(2) Level two; procurements between \$3,500 and \$150,000 shall be awarded on the basis of three (3) competitive quotations (fax, email, in writing, etc.) unless purchasing through an approved Federal or State contract.

(3) Level three; procurements over \$150,000 (sealed bids) require a formal solicitation process. The Tribe must ensure that any sealed bid procurement actions exceeding \$150,000 include a complete, adequate and realistic specification or purchase description and must be solicited from at least three known suppliers and publicly advertised. Must result in a firm fixed price contract award in writing to the lowest responsive and responsible bidder.

(4) Level three; procurements over \$150,000 (competitive proposals) are to be used when sealed bids are not appropriate (architecture and engineering). Must be publicized and identify all evaluation factors and their relative importance. Must try to obtain a minimum of three proposals from qualified sources. Must be in line with a written method for conducting technical evaluations of the proposals received and selecting recipients. Must be awarded to the responsible firm who proposal is most advantageous to the Tribe, with price and other factors considered.

(5) Level four; noncompetitive proposals are only allowable when at least one of the following conditions apply:

(a) The item is available only from a single source

- (b) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation
 - (c) The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals
 - (d) After solicitation of a number of sources, competition is determined inadequate
- (a) Purchases utilizing the Open Purchase Order accounts shall be restricted to staff designated on the purchase requisition and approved by the Executive Director or their designee.
 - (e) Open Purchase Orders will not be issued on behalf of departments for consumable supplies that are not directly related to operations of that department. This will include general snacks, party supplies and gifts. Department may still purchase food for occasional working lunches and meetings; however this will need to be processed on a separate Purchase Order for the specific event and include justification.
 - (f) Where funding sources do not require it, lowest price is not required to be the deciding factor in selecting the awardee for procurement. Other factors that may be considered shall include, Indian preference, past experience with the Tribe, quality of work, availability, local community businesses, etc.

10. Procurement Records

Records shall be maintained for all procurements indicating the quotations received, other factors considered and the reason for selection of the person or entity to which the award is made when quotations or bids are required. The Procurement Officer shall be responsible for ensuring that the record of each procurement justifies the selection and award on the basis of fairness and efficient use of resources.

11. Contractual and Lease Agreements

The Executive Director shall determine those goods and services for which formal written contracts shall be entered into, and the form of such contracts, or leases as applicable, to ensure the protection of the Tribes' interests and the appropriate conduct of business. All contractual and lease agreements must go through the Internal Review process and be executed by the Executive Director.