

TERMINATION FOR CAUSE

DED Federal CDBG Contracts read: Termination for Cause.

In the event of a default or violation of the terms of this contract by the Grantee or a failure to use the grant for only those purposes set forth herein, the Department may take the following actions (which are supplemental to other default remedies specified elsewhere in this contract):

- (a) Suspension. After notice to the Grantee, the Department may suspend the contract and withhold any further payment or prohibit the Grantee from incurring additional obligations of grant funds pending corrective action by the Grantee or a decision to terminate.
- (b) Termination. The Department may terminate the contract, in whole or in part, at any time whenever it is determined that the Grantee has failed to comply with the terms and conditions of the contract.

The Department will promptly notify the Grantee in writing of the determination to and the reasons for termination, along with the effective date.

Payments made to the Grantee or recoveries by the Department under contracts terminated for cause will be in accordance with the legal rights and liabilities of the parties.

Payments and recoveries may include, but are not limited to, payments allowed for costs determined to be in compliance with the terms of this contract up to the date of termination.

The Grantee must return all unencumbered funds, and any costs previously paid by the Department that are subsequently determined to be unallowable through audit, and closeout procedures may be recovered from present grant funds or deducted from future grants.

This guidance is being brought to you in partnership between the

Nebraska Regional Officials Council

and the

**Nebraska Department of Economic
Development**



www.nrocne.com

opportunity.nebraska.gov

YOU MAY CONTACT YOUR REGIONAL DEVELOPMENT DISTRICT FOR ANSWERS TO QUESTIONS:

**CENTRAL NEBRASKA ECONOMIC
DEVELOPMENT DISTRICT—402-340-0106**

**METROPOLITAN AREA PLANNING
AGENCY—402-444-6866**

**NORTHEAST NEBRASKA ECONOMIC
DEVELOPMENT DISTRICT—402-379-1150**

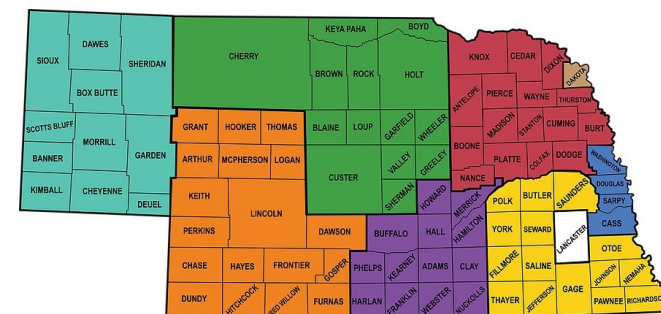
**PANHANDLE AREA DEVELOPMENT
DISTRICT—308-436-6584**

**SIOUXLAND INTERSTATE METROPOLITAN
PLANNING COUNCIL—712-279-6286**

**SOUTH CENTRAL ECONOMIC
DEVELOPMENT DISTRICT—308-455-4770**

**SOUTHEAST NEBRASKA ECONOMIC
DEVELOPMENT DISTRICT—402-475-2560**

**WEST CENTRAL NEBRASKA
DEVELOPMENT DISTRICT—308-284-6077**



A BASIC GUIDE TO MEETING FEDERAL PROCUREMENT REQUIREMENTS FOR PROFESSIONAL SERVICES

2 CFR 200 PROCUREMENT—PROFESSIONAL SERVICES



We know that many of our counties and communities are now looking to federal funds through FEMA, CDBG, and other federally-funded programs.

We want to help you prepare for these funding opportunities and ensure your community follows the Federal Government's Code of Regulations in 2 CFR 200 in utilizing these funds for community improvements.

The following are pertinent sections of the regulation as they appear in code, emphasis added. You can review 2 CFR 200 in its entirety at <https://www.ecfr.gov/>.



FULL AND OPEN COMPETITION

Competition—§200.319—(a)- All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specification, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. [...]

ARCHITECT/ENGINEERING PROFESSIONAL SERVICES

Methods of Procurement to be Followed—§200.320—Competition, Paragraph (d)(5) - The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms. [...]

There are two "types" of procurement by competitive proposal:

- Request for Proposals
- Request for Qualifications

OPPORTUNITIES FOR SMALL AND MINORITY AND WOMEN'S BUSINESSES, AND LABOR SURPLUS AREA FIRMS

Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms

200.321 (a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. (b) Affirmative steps must include: (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists; (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; [...] (Refer to code for complete listing.)

WHAT HAPPENS IF PROPER PROCUREMENT PROCEDURES ARE NOT FOLLOWED?

Non-federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, [2 CFR part 180](#). These regulations restrict awards, sub-awards, and [contracts](#) with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

TIPS FOR FOLLOWING PROPER PROCUREMENT PROCEDURES

- 1) SAM.gov verification of non-Federal entity (applicant), as well as Firm/Consultant is required prior to entering contract.
- 2) Grantee is required to procure for professional services unless grantee has an in-house professional, has a history of appointment (records of appointment for year of award and two prior years), or is a member of a Development District that is qualified in one of the professional service areas.
- 3) NOTE: A consultant that intends to respond to the RFP/RFQ **cannot participate** in the development or drafting (or provision of) bid specifications, requirements, statements of work, or invitations for bids or requests for proposals, including, but not exclusive to, the development of the scoring criteria, the final selection of firms contacted, or the scoring of proposals (Reference 2 CFR 200.319(a)).

NON-COMPLIANCE PUTS YOUR COMMUNITY AT RISK

Compliance with procurement procedures is required to remain in good standing. A grantee found to be non-compliant may risk full or partial termination of contract, repayment, being determined ineligible for future awards, etc. (See reverse side for CDBG Contract Provision, Termination for Cause.)