

173-3-05

Older Americans Act: procurement standards.

(A) Federal requirements: When an AAA procures goods or services paid, in whole or in part, with Older Americans Act funds, the AAA shall comply with the requirements under 45 C.F.R. 75.327 to 75.335 (December 26, 2014).

- (1) 48 C.F.R. Subpart 2.1 (December 26, 2014) establishes the federal micro-purchase threshold at three thousand dollars, except as otherwise discussed in Subpart 2.1. An AAA shall not use micro-purchase procurement for AAA-provider agreements ("agreements") worth more than three thousand dollars.
- (2) 2 C.F.R. Part 300 (December 26, 2014) establishes the federal simplified acquisition threshold at one hundred fifty thousand dollars. An AAA shall not use small-purchase procurement for agreements worth more than one hundred fifty thousand dollars.

(B) Additional state requirements: If an AAA submits a written request to ODA seeking permission to use a non-competitive procurement process, the AAA shall comply with paragraph (A) of this rule and the following:

- (1) The AAA shall submit its written request to ODA no fewer than thirty days before the AAA needs a decision from ODA.
- (2) The AAA's written request shall not consider a public exigency or emergency to be a basis for non-competitive procurement if the AAA created the exigency or emergency.
- (3) The AAA's request shall provide ODA with evidence to verify that the circumstances in 45 C.F.R. 75.329(f) (December 26, 2014) exist.
- (4) If the AAA wants to procure goods or services from a single source, the AAA's request shall verify that the circumstances in 45 C.F.R. 75.329(f)(1) (December 26, 2014) exist by including the names of all known providers of the goods or services that are located in, or willing to do business in, the planning and service area. The AAA's request shall also include emails or letters from each of those providers to verify that the providers are unable to provide the goods or services that the AAA wants to procure.

Replaces: 173-3-05

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 173.01, 173.02, 173.392; Section 305(a)(1)(C) of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended by the Older Americans Act Reauthorization Act of 2016; 45 C.F.R. 1321.11 (October, 2015 edition).
Rule Amplifies: 173.392; Section 321 of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001
Prior Effective Dates: 02/15/2009, 06/01/2014.