

173-3-05

**Older Americans Act: procurement standards.**(A) General procurement standards:

~~(A)(1) 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 is~~ subject to the requirements in 45 C.F.R. 75.327 to 75.335.

~~(1)(2)~~ 48 C.F.R. Subpart 2.1 establishes the federal micro-purchase threshold. 45 C.F.R. 75.329 prohibits an AAA from using micro-purchase procurement for AAA-provider agreements (agreements) worth more than the federal micro-purchase threshold.

~~(2)(3)~~ 2 C.F.R. Part 300 establishes the federal simplified acquisition threshold. 45 C.F.R. 75.329 prohibits an AAA from using small-purchase procurement for agreements worth more than the federal simplified acquisition threshold.

~~(B) Additional state requirements:~~ Authorization for non-competitive procurement: If an AAA submits a written ~~To request authorization to from ODA seeking permission to~~ use a non-competitive procurement process, the AAA shall comply with paragraph (A) of this rule and provide a written or electronic request to ODA that meets all of the following conditions:

(1) The AAA shall ~~submit~~ make 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) 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) exist by including the names of all known providers of the ~~goods or~~ services 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 document their inability to provide the ~~goods or~~ services the AAA wants to procure. If the providers are unwilling to ~~submit~~ provide emails or letters to the AAA, the AAA shall ~~document~~ retain records of its efforts to obtain information from the providers.

Effective:

Five Year Review (FYR) Dates: 10/5/2021

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 121.07, 173.01, 173.02, 173.392; 42 U.S.C. 3025; 45 C.F.R. 1321.11  
Rule Amplifies: 173.39, 173.392; 42 U.S.C. 3030d; 45 C.F.R. Part 75, 1321.11, 1321.53  
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