



Procurement Guide for Tribal Communities

TribalTAB.org

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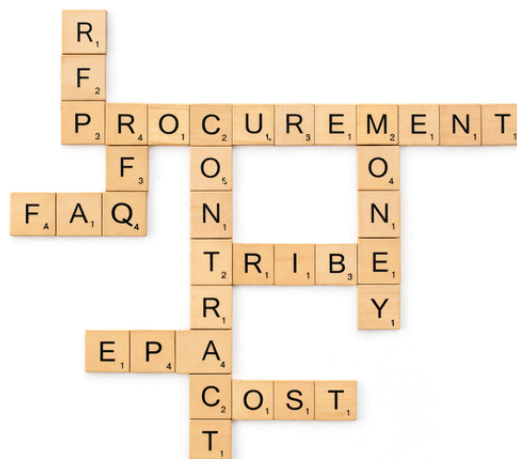
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Using This Guide

Procurement is an essential step in implementing the majority of federally funded projects, including awards granted through the U.S. Environmental Protection Agency (EPA). The process can be intimidating and complicated, like learning the rules to a new game. This is especially true for new grantees or staff managing a federal award for the first time, though even seasoned professionals can benefit from a refresher.

This guide offers an overview of procurement based on EPA resources, federal guidance, and established practices. It begins with foundational concepts and key regulations, then explains the importance of procurement, including considerations related to Tribal sovereignty. The guide also walks through the procurement lifecycle—from planning to implementation and oversight—and concludes with common questions, pitfalls, and key terminology. With a clear understanding of the process, procurement can become a powerful tool for successful project implementation and positive community outcomes.



Procurement Basics

What is Procurement?

Procurement is the structured process an organization uses to acquire the goods, equipment, and services it needs to operate and achieve its goals. Rather than simply making purchases, it involves planning, soliciting qualification, bids or proposals, evaluating responses, awarding contracts, and overseeing performance to ensure decisions are intentional, cost-effective, and aligned with organizational priorities.

When procurement involves public funding, such as from the U.S. Environmental Protection Agency (EPA), the process becomes more formalized and closely regulated. Since these are public dollars, their use must be transparent, accountable, and defensible.

For Tribal organizations receiving EPA funding through grants or cooperative agreements, procurement must follow federal requirements outlined in the Code of Federal Regulations (CFR) and applicable EPA policies. These safeguards ensure funds are used appropriately and that vendors have a fair opportunity to compete.

Strong procurement practices help prevent waste, fraud, and favoritism and ensure the best value for project resources. Failure to comply can result in audit findings, disallowed costs, repayment of funds, or project delays.

A central principle of regulated procurement is open and fair competition. In most cases, this means seeking bids or quotes from multiple vendors rather than selecting a provider without comparison. This approach helps demonstrate that decisions are objective, pricing is reasonable, and the process is equitable. In certain circumstances noncompetitive procurement, otherwise known as sole source, may be considered.

At the same time, Tribes retain the ability to shape procurement policies in ways that reflect their own priorities and community values—allowing them to meet federal requirements while advancing locally defined goals.



Why is Procurement Important?

The procurement process is important for a number of reasons that benefit the Tribal entity, vendors, community members, and funding agencies. A well-designed procurement system supports transparency, fairness, accountability, and long-term capacity building while also helping ensure that projects deliver strong community outcomes.



Fair Competition

A strong procurement process ensures fair and open competition among all qualified contractors and vendors—Tribal, Native-owned, and non-Native alike.

- Level playing field: Clear procedures ensure all qualified vendors have an equal opportunity to compete for work.
- Encouraging quality: Competitive processes encourage stronger proposals, better pricing, and more qualified teams.
- Avoiding favoritism and disputes: Transparent competition reduces concerns about bias, strengthens trust in decision-making, and helps prevent challenges from unsuccessful bidders or external agencies.
- Project integrity: Fair competition reinforces accountability to Tribal leadership, the community, and funding agencies.



Transparency

Transparent procurement practices build trust and protect the Tribe throughout the decision-making process.

- Clear documentation: RFPs, evaluation criteria, and scoring tools create an open record of how decisions are made, which helps protect the Tribe in the event of audits or grant compliance reviews.
- Accountability to community and funders: Transparent processes demonstrate that decisions are made fairly and consistently.



Maximizing Resources

Strong procurement helps ensure that limited funding is used effectively and delivers the greatest possible impact.

- Efficient use of funds: Helps stretch grant and Tribal dollars across complex, multi-funding brownfields projects.
- Better project outcomes: Attracts vendors with the right technical expertise and cultural competency to deliver higher-quality results and not just the lowest bidder.
- Leveraging partnerships: Procurement can encourage match contributions, joint ventures, or added community benefits that expand project impact.
- Supporting broader impact: Well-structured contracts can align project delivery with long-term community and redevelopment goals.



Building Tribal Capacity

Procurement is also a tool for strengthening Tribal systems, workforce, and economic development over time.

- Skills transfer: Contracts can include expectations for training, mentorship, or collaboration that builds internal expertise.
- Growing Native-owned businesses: Evaluation criteria or preferences can support Native-owned firms and strengthen Tribal economies.
- Institutional strengthening: Each procurement cycle improves staff experience, policies, and administrative systems.
- Long-term resilience: Strong procurement practices build capacity that extends beyond individual projects, supporting future development efforts.

What Makes a Cost Allowable Under Federal Grants?

Costs procured for a project must meet the four federal principles of cost allowability to be eligible for reimbursement. This means that every purchase, contract, or service obtained through procurement must be necessary, reasonable, and properly documented. For additional guidance, refer to the [General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance](#).

Procurement and cost allowability work together, but they serve different purposes. Procurement determines whether a cost was “procured properly,” meaning it followed required procedures such as competition, documentation, and conflict-of-interest safeguards. Cost allowability determines whether the expense is allowed under federal rules once it has been properly procured. Poor procurement practices can result in otherwise allowable costs becoming unallowable.

Eligible



A cost is eligible if it is allowed by statute, program guidance, or regulations. Some costs, particularly administrative expenses, may be restricted or prohibited by law. Additionally, program offices may issue guidance or include specific terms and conditions that render otherwise allowable costs ineligible.

Reasonable



A cost is reasonable if it does not exceed what a prudent person would incur under the circumstances at the time the decision was made. Factors for determining reasonableness are outlined in [2 CFR 200.404](#). Costs that are unusual or not typical for the scope under the agreement are considered unreasonable.

Allocable



A cost is allocable if it benefits the EPA-funded project or program and is distributed in reasonable proportion to that benefit, or if it is incurred specifically to carry out the project or program. In other words, a cost must be incurred either directly or indirectly to support the project’s scope of work.

Allowable



A cost is allowable if it meets the requirements outlined in [2 CFR 200.403](#) and is not specifically prohibited by EPA. Examples of unallowable costs include alcoholic beverages, interest on borrowed funds, and lobbying or litigation. EPA Grant Specialists are primarily responsible for determining if a cost is unallowable.

Competition Thresholds and Sole Source Procurement

The federal regulations outline the following procurement methods in section [2 CFR 200.320](#), informal procurement methods (for micro-purchases and simplified acquisitions); formal procurement methods (through sealed bids or proposals); and noncompetitive procurement methods. For all of these methods, the recipient or subrecipient must maintain and use documented procurement procedures.

Informal Procurement Methods

Micro-purchases - \$15,000 threshold*

Micro-purchases may be awarded without soliciting competitive price or rate quotations if the recipient or subrecipient considers the price reasonable based on research, experience, purchase history, or other information; and maintains documents to support its conclusion. Purchase cards may be used as a method of payment for micro-purchases. The micro-purchase threshold is currently **\$15,000** as defined in [48 CFR 2.101](#).

***Potential increase to the micro-purchase threshold up to \$50,000.** A higher threshold may be established on an annual basis provided the self-certification includes a justification, clear identification of the threshold, and supporting documentation related to risk in accordance with [2 CFR 200.320\(a\)\(1\)\(iv\)](#).

Simplified Acquisition - \$350,000 threshold

Transactions which are higher than the micro-purchase threshold but do not exceed the simplified acquisition threshold of **\$350,000** in accordance with [48 CFR 2.101](#). If simplified acquisition procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources. Generally three responses is considered to be adequate. Prices and quotations received should be maintained in accordance with record retention policies.

Noncompetitive Method (Sole Source)

There are specific circumstances in which the recipient or subrecipient may use a noncompetitive procurement method. [2 CFR 200.320\(c\)](#) outlines the complete requirements associated with utilizing the sealed bid method. Important points to consider include:

- Procurement transaction can only be fulfilled by a single source.
- There is a public emergency that will not permit for the delay resulting from other methods.
- Federal agency has granted approval in writing.
- After thorough solicitation, competition is determined to be inadequate.

Competition Thresholds and Sole Source Procurement

Formal Procurement Methods

Formal procurement methods are required when the value of the procurement transaction under a Federal award **exceeds \$350,000**, the simplified acquisition threshold. Formal procurement methods are competitive and require public notice. There are two methods under the formal procurement process.

Sealed Bids

This is a procurement method in which bids are publicly solicited through an invitation and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid conforms with all the material terms and conditions of the invitation and is the lowest in price. The sealed bids procurement method is preferred for procuring construction services. [2 CFR 200.320\(b\)\(1\)](#) outlines the complete requirements associated with utilizing the sealed bid method. Important points to consider include:

- The specification or purchase description is complete, adequate and realistic.
- At least two responsible bidders have been identified.
- Selection can be made principally on price.
- Solicit bids through an adequate number of qualified sources.
- Public notifications may be required.
- Provide an adequate amount of time to respond, recommended 30 days.
- Identify the date, time and place bids will be opened.
- Awards are made in writing to the lowest responsive bid and responsible bidder.
- Maintain document of any rejected bids.

Proposals

This is a procurement method used when conditions are not appropriate for using sealed bids. This procurement method may result in either a fixed-price or cost-reimbursement contract. [2 CFR 200.320\(b\)\(2\)](#) outlines the complete requirements associated with utilizing the sealed bid method. Important points to consider include:

- Requests for proposals require public notice.
- Evaluation criteria must be identified.
- You must have written procedures for evaluation and selection process.
- Contracts are awarded to responsible respondents that most advantageous to the recipient based on price and other factors.
- A method, where the price is not used as a selection factor, can only be used to procure architectural/engineering (A/E) professional services.

Procurement Regulations

Using the Code of Federal Regulations (CFR)

The CFR is the official compilation of rules issued by federal agencies, including those governing EPA-funded grants and cooperative agreements. For Tribal organizations managing EPA funding, the CFR provides the regulatory framework for procurement, cost allowability, and financial management.

Treat the CFR as your regulatory “roadmap.” It defines what is required, prohibited, and expected for accountability in federally funded projects. Keeping it handy and referencing it during planning, procurement, and reporting helps ensure transparency and compliance. Other tips for reading and using the CFR include:

- 1. Identify the relevant parts:** For EPA grants, the most commonly referenced regulations are in [2 CFR Part 200](#) (Uniform Administrative Requirements, Cost Principles, and Audit Requirements). Specific program offices may reference additional parts of the CFR that apply to certain types of projects or funding.
- 2. Understand the hierarchy:** The CFR contains general provisions, cost principles, and specific prohibitions. Always check for both overarching rules and project-specific requirements.
- 3. Look for examples and guidance:** While the CFR sets the rules, EPA guidance documents and program-specific FAQs often provide examples that clarify how the rules are applied in practice.
- 4. Cross-reference with EPA policies:** Use the CFR together with EPA’s program guidance, terms and conditions of the award, and any Tribal-specific procurement policies to ensure compliance.
- 5. Use the CFR to support documentation:** When making procurement or financial decisions, citing relevant CFR sections helps demonstrate that purchases are allowable, allocable, eligible, and reasonable, and that procurement followed federal rules.



How is Procurement Regulated?

Procurement is generally regulated at the local, state and federal levels, depending on the source of funding and applicable rules. The following summarizes the federal regulations applicable to EPA-funded projects:

- **2 CFR Part 200** - This section applies government-wide to all federal agencies issuing grants or cooperative agreements. It establishes standard rules for federal financial assistance, including:
 - Administrative requirements
 - Cost principles
 - Audit requirements for federal awards
- **2 CFR Part 1500** - This section includes EPA Implementation. It adopts and supplements 2 CFR Part 200 for EPA awards and provides EPA-specific policies and procedures for managing those awards.
- **40 CFR Part 33** - Establishes the EPA's Disadvantaged Business Enterprise (DBE) Program, which requires recipients of EPA financial assistance to provide fair opportunities for disadvantaged businesses to participate in contracting.
- Keep up to date on Policy and Guidance Documents, Orders, and Terms & Conditions as they are released: [EPA Grants Policy Resources | US EPA](#)

Additional guidance is available from EPA resources:

- [Brownfields Grants: Guidance on Competitively Procuring a Contractor](#) summarizes factors to consider when issuing solicitation documents, such as a Request for Proposals (RFP) or Request for Qualifications (RFQ), for services under current or future EPA Brownfields grants. While primarily intended for non-state and non-Tribal entities, it is a useful reference.
- [Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements](#) provides more detailed guidance and is available on the EPA website.



How do Regulations Apply to Tribes?

Under federal grant rules, Tribal procurement systems are designed to both ensure compliance with federal requirements and uphold Tribal sovereignty. This means outside agencies and contractors must respect Tribal laws, traditions, and decision-making processes.

Importantly, Tribes are not required to adopt a one-size-fits-all federal template. Instead, they may develop their own procurement policies that reflect community priorities, cultural values, and economic development goals. For example, Tribal procurement policies may incorporate evaluation criteria such as local hiring, support for Native-owned businesses, or cultural competency. A Tribe may also structure scoring systems—for instance, allocating a portion of evaluation points (e.g., 20%) to Native-owned firms—so long as full and open competition is maintained.

Under [2 CFR 200.317](#) - Procurements by State and Indian Tribes, when using federal funds, a State or Indian Tribe must:

- Follow its own written procurement policies and procedures when they exist and apply them consistently to both federal and non-federal funds
- If no such policies exist, **at the time of the award**, follow the federal procurement standards in [2 CFR 200.318](#) through [2 CFR 200.327](#).

In addition to Tribal or State procedures, the following federal standards always apply:

- [2 CFR 200.321](#) - Contracting with small, minority, women-owned, veteran-owned, and labor surplus area firms (encouraging equitable access to contracting opportunities)
- [2 CFR 200.322](#) - Domestic preferences for procurement (promoting U.S.-produced goods and materials where applicable)
- [2 CFR 200.323](#) - Procurement of recovered materials (supporting recycled and environmentally responsible purchasing)
- [2 CFR 200.327](#) - Contract provisions (required terms and conditions in contracts)

All other entities receiving federal funds—including subrecipients under a State or Tribe—must follow the full procurement standards in [2 CFR 200.318](#) through [2 CFR 200.327](#).

How Does Tribal Sovereignty Impact Procurement?

According to the [1984 EPA Policy for the Administration of Environmental Programs on Indian Reservations](#), the fundamental objective of the EPA is to protect human health and the environment. To achieve this objective while respecting and supporting Tribal sovereignty, EPA follows specific principles when working with Tribal governments. These principles directly influence how procurement is structured and implemented in Tribal projects.

Reinforcing Self-Determination

Procurement is a key mechanism for exercising Tribal self-determination in practice.

- Designing Tribal-specific procurement systems: Tribes can develop procurement policies that reflect their own governance structures, priorities, and cultural values rather than relying on outside models.
- Defining evaluation criteria: Tribes determine what “best value” means for their community, which may include factors such as local hiring, support for Native-owned businesses, and cultural competency.
- Controlling project delivery: Procurement establishes not only who does the work, but how the work is conducted, ensuring alignment with Tribal expectations and protocols.

Protect Tribal Interests

Tribal sovereignty ensures that procurement is not just an administrative process, but a tool for protecting Tribal interests and decision-making authority.

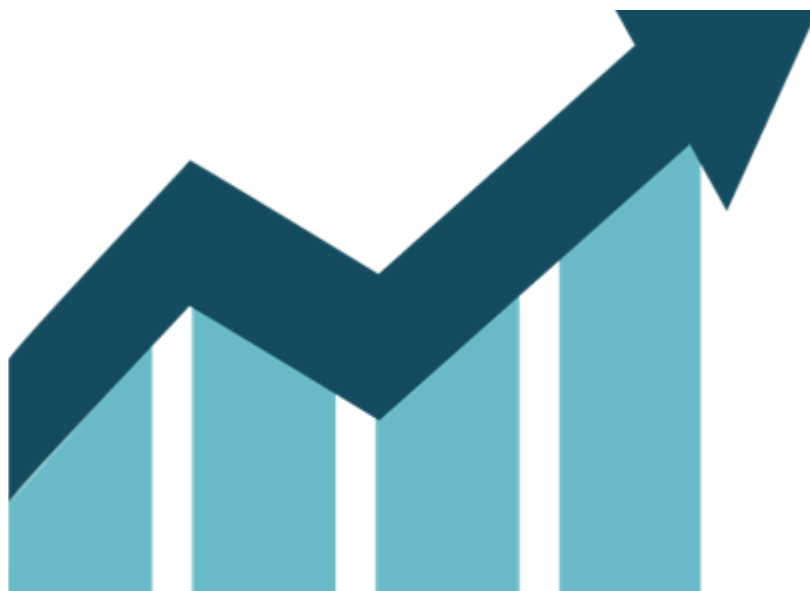
- Safeguarding Tribal decision-making: Procurement choices and local policies help ensure that projects align with Tribal priorities rather than external templates or expectations.
- Protecting cultural and natural resources: Well-designed procurement processes can include requirements that safeguard cultural sites, environmental resources, and community health.
- Transparency and accountability: Clear procurement structures help prevent exploitation and reduce the risk of contracts that do not serve long-term community goals.
- Community-centered outcomes: Procurement decisions reinforce that project delivery must support Tribal-defined values and priorities.

Economic Empowerment & Nation Building

Procurement also serves as a direct tool for economic development and long-term capacity building within Tribal communities.

- Supporting Native-owned businesses: Prioritizing or incorporating evaluation weight for Native-owned firms strengthens Tribal and regional Indigenous economies.
- Creating workforce opportunities: Procurement can require or encourage local hiring, training, and workforce development as part of contract delivery.
- Building long-term capacity: Each procurement cycle helps develop internal Tribal expertise in contracting, project management, and oversight.
- Advancing community wealth building: When structured intentionally, procurement shifts economic benefits from external contractors toward Tribal communities, reinforcing self-sufficiency and nation building.

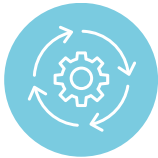
Community Wealth Economic Development



Procurement Lifecycle

How Does the Procurement Process Work?

Procurement follows a step-by-step process to plan, evaluate, request, select, and manage a contractor or vendor to complete a project.



Planning: Define the Scope

The scope drives everything—if it's too vague, costs balloon; if it's too rigid, opportunities are missed. Defining a clear scope of work is the first step in the procurement process. In brownfields work, scopes often include technical tasks such as Phase I and Phase II Environmental Site Assessments (ESAs), cleanup planning, demolition, or reuse planning, and must balance environmental requirements with community needs such as protecting cultural sites and supporting local jobs.

Other brownfields scope items may include grant management support, community engagement or other specific related activities.

The Tribe determines what is included in the scope beyond federal minimum requirements, ensuring the work reflects Tribal priorities, values, and long-term community goals.

Some important elements to consider in this phase include:

- Ensure your scope is clear and concise about work to be completed, program expectations, deliverables, and timelines.
- If there are specific qualifications or licences that may be required based on local, state or federal guidelines, include those details in the scope.
- Consider your funding source and level when preparing your scope to ensure that what is being requested aligns with the funding amounts available.

Key Steps:

- Identify the need or problem to be addressed
- Define the tasks, deliverables, and timeline
- Set clear expectations for outcomes and success
- Ensure the scope aligns with funding requirements and Tribal/community priorities

Solicitation: Prepare and Issue the Request (i.e. RFP/RFQ)



This step turns the scope into a formal request for vendors to respond. The solicitation method depends on the type of work and how you want to structure competition.

Brownfields projects often use an RFP (Request for Proposals) for cleanup or complex implementation work. The vendor will propose how they will complete the work, including their approach and cost. This may also be considered a bid. An RFQ (Request for Qualifications) is used when you first want to select a vendor based on experience and expertise, and is often used when soliciting environmental consulting firms. A single source procurement is a noncompetitive option used only in limited cases when a service is uniquely available from one provider.

Some important elements to consider in this phase include:

- The solicitation can also include criteria that reflects Tribal priorities such as Native-owned firm preference, local hiring, and cultural competency expectations.
- Solicitations may be posted on the recipient's website, through online bid-posting services, with local media outlets, through e-blasts or direct communication if sent to multiple vendors.
- Specify key dates in the solicitation including the date posted, date and time response are due, deadlines for submitting questions or dates for meetings such as a site walk-through, should be clearly stated.
- Clearly define acceptable forms of communication for questions. This includes who to contact and expectations to avoid an unfair advantage.
- Define the evaluation criteria and scoring method.
- Keep your solicitation open for at least 30 days is the recommended good practice.

Key Steps:

- Select the appropriate procurement method (informal, formal or single source)
- Translate the scope into a clear solicitation document
- Include requirements, timelines, and evaluation criteria
- Issue or publish the solicitation for vendor response



Evaluation: Criteria Review & Selection

This step involves reviewing and scoring proposals based on pre-established criteria such as technical expertise, cost, past performance, and cultural competency. A structured evaluation process ensures that decisions are fair, transparent, and consistent.

A scoring matrix, like the sample shown below, is commonly used to document how proposals are assessed and compared. In brownfields work, the lowest cost is not always the best choice—experience with environmental cleanup, safety, and regulatory compliance is often critical. Evaluation criteria can also reflect Tribal values and priorities, not just price. Before awarding a contract, contractors must also be checked to ensure they are not suspended or debarred from federal funding.

Key Steps:

- Finalize evaluation criteria before issuing solicitation
- Use a scoring matrix to evaluate each submission consistently
- Compare and rank proposals based on results
- Document the selection decision and verify contractor eligibility

Evaluation Criteria	Weight (%)	Scoring Guidance
1. Firm Experience & Qualifications	20	Demonstrated experience with EPA Brownfields projects, grant management, environmental consulting, and redevelopment support.
2. Technical Approach & Understanding	25	Quality and completeness of proposed methodology, understanding of project goals, EPA requirements, and deliverables.
3. Key Personnel & Project Team	10	Qualifications, certifications, availability, and relevant experience of proposed staff.
4. Past Performance & References	5	Success on similar projects, client satisfaction, timeliness, and regulatory compliance history.
5. Community Engagement & Approach	10	Experience with public involvement, stakeholder outreach, and inclusive redevelopment practices.
6. Cost Proposal / Value	25	Reasonableness of pricing, clarity of budget, cost control measures, and overall value.
7. Schedule & Responsiveness	5	Ability to meet timelines, reporting deadlines, and EPA grant milestones.
TOTAL	100	

Bonus Category	Points
DBE/MBE/WBE participation	3
Tribal/local/regional experience	3
Innovative redevelopment strategies	3
Grant writing support experience	3



Contracting: Formalize the Terms

This is the step where the agreement becomes legally binding. Contracts define exactly what work will be done, how it will be done, when it will be completed, and how payment will be handled. They also ensure compliance with applicable federal and program requirements, especially in federally funded brownfields projects.

Contracts should also reflect Tribal protections, including safeguarding sensitive information, protecting cultural and natural resources, and establishing dispute resolution processes that may align with Tribal law. They also ensure that all program-specific requirements (such as Community-wide Assessment or Cleanup grant conditions) are included.

Key Steps:

- Draft contract terms including items such as, scope, deliverables, timeline, payments, and termination conditions
- Incorporate federal funding and program-specific requirements
- Consult with your legal counsel for review
- Review and negotiate terms with the selected vendor
- Execute the contract to authorize work to begin



Oversight: Compliance & Ongoing Monitoring

Procurement does not end when the contract is signed. Oversight ensures that the contractor delivers the agreed-upon work, follows all requirements, and meets quality and compliance standards throughout the project.

In brownfields projects, this includes compliance with requirements such as Davis-Bacon prevailing wage rules, Build America, Buy America (BABA) provisions, and environmental health and safety standards set by OSHA and EPA. Oversight is also an opportunity for Tribes to ensure cultural and environmental protections are followed while building internal staff capacity through direct engagement with contractors.

Key Steps:

- Establish clear communication procedures with the selected vendor so if a problem does arise it can be communicated timely and efficiently.
- Monitor progress against contract deliverables and schedule
- Review invoices before payment
- Ensure compliance with safety, labor, and funding requirements

Questions & Pitfalls

Conflicts of Interest

A conflict of interest can be real or apparent, and both should be taken seriously throughout the procurement process. Federal rules prohibit any employee, officer, or agent from participating in the selection, award, or administration of a contract supported by a federal award if they have a real or apparent conflict of interest.

A real conflict of interest occurs when someone involved in decision-making has a direct personal, financial, or professional interest that could influence the outcome. For example, this could include an individual who has an ownership interest in a company responding to a solicitation while also serving in a role responsible for recommending or selecting the contractor.

An apparent conflict of interest exists when there may be no actual improper influence, but the situation could reasonably appear to others—such as the public or stakeholders—as compromising. For example, an individual may have access to non-public information through meetings and also have a familial relationship with someone who could benefit from the outcome.

In small and Tribal communities, it is common for individuals to hold multiple roles, such as serving on Tribal Council or a committee while also being a business or property owner. This overlap can create situations where apparent conflicts arise. To prevent issues, it is critical to be transparent, disclose potential conflicts early, and clearly define roles and responsibilities within the procurement process.

- Key considerations:
 - Disclose any real or apparent conflicts of interest
 - Ensure individuals with conflicts do not participate in decision-making
 - Document how conflicts are identified and addressed



Unfair Competitive Advantages

It is important to avoid creating situations where one vendor has an unfair competitive advantage. The procurement process must remain open, fair, and competitive. The EPA's [Brownfields Grants: Guidance on Competitively Procuring a Contractor](#) outlines several scenarios that can unintentionally compromise fairness and should be avoided. For example:

- Exclude contributing contractors: Contractors who help develop or draft specifications, statements of work, or solicitation documents must be excluded from competing for that same procurement.
- Limit support from competing contractors: Do not use sample language, direct input, or templates from contractors planning to submit a bid.
 - EPA Technical Assistance to Brownfields (TAB) providers are a great resource if you are looking for sample documents or need to discuss a specific strategy or question. [Tribal TAB](#) specifically supports all federally recognized Tribes, Alaska Native Villages, and other Tribal entities across the U.S.
- Avoid narrowly defined selection criteria: Overly narrow or restrictive requirements can also limit competition and result in only one contractor being able to meet the criteria.
- Avoid perceived favoritism: Naming or informally promoting a specific contractor—especially one that may respond to the solicitation—can discourage other vendors from submitting proposals.
- Maintain open and transparent communication: If you plan to accept questions during the procurement process, require that they be submitted in writing and share responses publicly—such as through an addendum—to ensure all vendors have access to the same information. Avoid holding individual meetings with prospective contractors to maintain fairness and transparency.

Cost Evaluation & Reasonableness

Cost evaluation is a required component of procurement, but it must be considered alongside other evaluation criteria. While the process may vary depending on the solicitation, all cost evaluations should be grounded in federal principles of cost allowability and relevant EPA guidance.

Evaluation criteria—including cost—should be clearly defined at the beginning of the procurement process and reflected in the solicitation. The EPA recommends that cost be a meaningful portion of the total evaluation (often at least 25%), but it does not require selecting the lowest-priced proposal. In many cases, qualifications, experience, and alignment with Tribal priorities may justify selecting a higher-priced option.

Regardless of the outcome, it is essential to clearly document the decision-making process. This includes explaining how proposals were evaluated, how scores were assigned, and the rationale for the final contract price. Using a scoring rubric can help ensure consistency across reviewers and strengthen defensibility.

Record retention is also a critical component of compliance. Procurement records must be maintained in accordance with established policies and should include sufficient detail to demonstrate how decisions were made.

- Key considerations:
 - Evaluate cost alongside technical and qualitative factors
 - Document the rationale for selecting the bid
 - Use a scoring rubric to ensure consistent evaluation
 - Maintain records of procurement decisions, including:
 - Procurement method used
 - Contractor selection or rejection
 - Basis for contract price
 - Follow record retention requirements for all procurement documentation



Glossary

The following terms are commonly used in the procurement process. This list is not exhaustive and is intended to provide general definitions for ease of understanding. More specific language may be outlined in applicable regulations, grant awards, cooperative agreements, or other EPA policies.

Bid

A formal offer from a vendor to provide goods or services at a specified price, typically submitted in response to a solicitation such as an Invitation for Bids (IFB) or Request for Proposal (RFP).

Competition

The requirement that multiple vendors be given the opportunity to compete for a contract. Federal grant rules generally require open and fair competition to ensure reasonable pricing.

Conflict of Interest

A situation in which an employee, officer, or agent involved in procurement has a financial or personal interest in a vendor competing for a contract. Federal rules require organizations to prevent and disclose conflicts of interest.

Contract

A legally binding agreement between the grant recipient and a vendor to provide goods or services in exchange for payment.

Contractor

An entity that provides goods or services to a grant recipient under a procurement contract.

Cost or Price Analysis

A review conducted by the recipient to determine whether the price proposed by a vendor is reasonable and justified. This may involve comparing bids, reviewing cost breakdowns, or benchmarking against market rates.

Debarment and Suspension

A federal status that prohibits certain individuals or organizations from receiving federal funds or contracts due to violations, fraud, or other misconduct. Grant recipients must verify that vendors are not debarred before awarding contracts.

Micro-Purchase

A very small purchase that falls below the federal micro-purchase threshold (currently \$15,000 in most cases). These purchases may be made without competitive quotes if the price is considered reasonable.

Noncompetitive Procurement (Sole Source)

Procurement through a single vendor without competition. This is only allowed in limited circumstances, such as when only one supplier exists or in emergencies.

Procurement

The process of acquiring goods, services, or equipment needed to carry out a federally funded project, following required regulations and procedures.

Procurement Policy

An organization's written procedures describing how it conducts purchasing activities, including competition requirements, approval processes, and documentation practices.

Quotation (Quote)

A vendor's price and terms submitted in response to a request (often an RFQ) for specific goods or services, used by the buyer to evaluate and make a purchase decision.

Request for Proposals (RFP)

A competitive procurement method used when factors beyond price (such as technical expertise or project approach) are important. Vendors submit detailed proposals that are evaluated against established criteria.

Request for Qualifications (RFQ)

See definition for Request for Proposals (RFP). The EPA uses RFP and RFQ interchangeably.

Responsible Vendor

A vendor that has the capability, experience, and integrity to successfully perform the contract.

Responsive Bid

A bid that fully complies with the requirements outlined in the solicitation.

Small Purchase Procedures

Procurement procedures used for purchases above the micro-purchase threshold but below the simplified acquisition threshold. These typically require obtaining price quotes from multiple vendors.

Simplified Acquisition Threshold (SAT)

The maximum dollar amount under which simplified procurement procedures may be used. The federal threshold is generally \$350,000, though organizations may adopt lower internal limits.

Sole Source Justification

A written explanation documenting why a noncompetitive procurement was necessary and permissible under federal rules.

Subrecipient

An organization that receives a portion of the federal award from the primary recipient to carry out part of the funded project. Subrecipients are different from contractors because they help implement the program itself.

Uniform Guidance ([2 CFR Part 200](#))

The federal regulation that establishes administrative requirements, cost principles, and procurement standards for federal grants.

Vendor

A company or individual that sells goods or performs services to a grant recipient through a procurement contract.



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