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Title 22@ Social Security

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Division 1.8@ California Department of Aging

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Chapter 3@ Title III Programs-PSAs and AAAs

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Article 4@ AAA Procurement Procedures

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Section 7352@ Procurement-General

7352 Procurement-General

(a)

Except as specified in (g) and Section 7360, an AAA shall obtain goods and services through open and competitive awards. Each AAA shall have written policies and procedures, including application forms, for conducting an open and competitive process, and any protests resulting from the process. At a minimum, the procedures shall include the requirements set forth in this article and federal regulation 45 CFR 92.36.

(b)

The competitive process shall include all of the following: (1) Preparation of an Invitation for Bid (IFB) or Request for Proposal (RFP). (2) Publication of the IFB or RFP. (3) Dissemination of the written policies and procedures specified in (a) to all prospective contractors. (4) Submission of bids or proposals by prospective contractors. (5) Evaluation of the bids or proposals submitted. (6) Resolution of protests. (7) Award of the contract.

(1)

Preparation of an Invitation for Bid (IFB) or Request for Proposal (RFP).

(2)

Publication of the IFB or RFP.

(3)

Dissemination of the written policies and procedures specified in (a) to all prospective

contractors.

(4)

Submission of bids or proposals by prospective contractors.

(5)

Evaluation of the bids or proposals submitted.

(6)

Resolution of protests.

(7)

Award of the contract.

(c)

An IFB shall be used when a specific service such as janitorial, audit or consultation services or a specific product or piece of equipment is required.

Awards shall be made to the lowest responsive and responsible bidder that meets the specifications of the IFB.

(d)

An RFP shall be used when a solution to a specific problem or service need such as nutrition, information and assistance, or transportation is sought. All of the following shall be considered in the evaluation of RFPs: (1) The price. (2) The originality and effectiveness of the proposal. (3) The background and experience of the bidder.

(1)

The price.

(2)

The originality and effectiveness of the proposal.

(3)

The background and experience of the bidder.

(e)

In all instances a responsible bidder shall have the capacity to fulfill all contract responsibilities and, in the case of RFPs, adequate resources to carry out the proposal.

(f)

An AAA shall be responsible for the settlement and satisfaction of all contractual obligations and administrative issues arising out of its contracts. Matters concerning violation of laws shall be referred to the appropriate local, State or federal authority.

(g)

In the case of small contracts, not over \$100,000 in the aggregate, an AAA need only obtain price or rate quotations from a number of qualified sources and informally select the source with which to contract or obtain the purchase.

(h)

An AAA shall maintain all of the following for a period of three years after final payments are made and all other pending matters are closed: (1) Copies of approved bids or proposals and any amendments or changes thereto. (2) A statement of the criteria used to approve the awards. (3) Copies of the award document and contracts entered into pursuant to Section 7364. (4) Other information as requested by 45 CFR 92.36 (b) (9).

(1)

Copies of approved bids or proposals and any amendments or changes thereto.

(2)

A statement of the criteria used to approve the awards.

(3)

Copies of the award document and contracts entered into pursuant to Section 7364.

(4)

Other information as requested by 45 CFR 92.36 (b) (9).

(i)

An AAA shall develop written procedures and time schedules for monitoring and assessing service providers awarded contracts to ensure that the service providers are complying with the terms of the contract, including but not limited to: (1) Adherence to all applicable federal and State laws and regulations. (2) Expenditure of funds in keeping with the purposes for which the funds were awarded.

(1)

Adherence to all applicable federal and State laws and regulations.

(2)

Expenditure of funds in keeping with the purposes for which the funds were awarded.

(j)

The monitoring and assessment required in (i) shall be conducted for each provider on a quarterly basis, if possible, but no less than annually prior to the anniversary of the initiation of the award.

(k)

Throughout the award and contracting process an AAA shall comply with the requirements set forth in this article and federal regulation 45 CFR 92.36.