

**Environmental Protection Agency**

**§ 35.4220**

encourage and facilitate participation by small businesses, minority-owned firms, and women’s business enterprises.

(3) When procuring firms for larger contracts, consider whether those firms intend to subcontract with small businesses, minority-owned firms, and women’s business enterprises.

(4) Encourage contracting with consortiums of small businesses, minority-owned firms and women’s business enterprises when a contract is too large for one of those to handle on its own.

(5) Use the services and help, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce’s Minority

Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women’s business enterprises.

(6) If your contractor awards a contract, require the contractor to take the steps in 40 CFR 30.44(b) as summarized in paragraphs (g)(1) through (5) of this section.

**§35.4210 Must my group solicit and document bids for our procurements?**

(a) The steps needed to be taken to procure goods and/or services depends on the amount of the proposed procurement:

If the aggregate amount of the	Then your group
(1) purchase is \$1,000 or less .....	may make the purchase as long as you make sure the price is reasonable; no oral or written bids are necessary.
(2) proposed contract is over \$1,000 but less than \$25,000.	must obtain and document oral or written bids from two or more qualified sources.
(3) proposed contract is \$25,000 to \$100,000 .....	must: <ul style="list-style-type: none"> <li>(i) Solicit written bids from three or more sources who are willing and able to do the work;</li> <li>(ii) Provide potential sources in the scope of work to be performed and the criteria your group will use to evaluate the bids;</li> <li>(iii) Objectively evaluate all bids; and</li> <li>(iv) Notify all unsuccessful bidders.</li> </ul>
(4) proposed contract is greater than \$100,000	must follow the procurement regulations in 40 CFR part 30 (these regulations outline the standards for your group to use when contracting for services with Federal funds; they also contain provisions on: codes of conduct for the award and administration of contracts; competition; procurement procedures; cost and price analysis; procurement records; contract administration; and contracts generally).

(b) Your group must not divide any procurements into smaller parts to get under any of the dollar limits in paragraph (a) of this section.

**§35.4215 What if my group can’t find an adequate number of potential sources for a technical advisor or other contractor?**

In situations where only one adequate bidder can be found, your group

may request written authority from the EPA award official to contract with the sole bidder.

**§35.4220 How does my group ensure a prospective contractor does not have a conflict of interest?**

Your group must require any prospective contractor on any contract to provide, with its bid or proposal: