

Housing Authority of St. Louis County
Board of Commissioners
Regular Meeting
Tuesday, March 8, 2022
12 pm

Held via Zoom: <https://us06web.zoom.us/j/82873766141>
Telephone: 312-626-6799
Meeting ID: 828 7376 6141

Agenda Item	Individual	Action
1. Roll Call	Terri Acoff-States	None
2. Approval of Minutes Regular Meeting held February 8, 2022	Chairman	Motion Second Vote
3. Public Comments	Chairman	Informational
4. Executive Director's Report	Shannon Koenig	Informational
5. Financial Reports for period ending February 28, 2022	Mark O. Miles	Motion Second Vote
6. Other Business		
A. Housing Authority of St. Louis County Procurement Policy, Resolution No. 1404	Shannon Koenig	Motion Second Vote
B. Appointing Trustees of the Retirement Plan and the Deferred Compensation Trust, Resolution No. 1403	Judy Ricks	Motion Second Vote
C. Public Housing Occupancy Report	William Barry	Informational
D. Housing Choice Voucher Report	Nicole O'Dell	Informational
7. Executive Session	Chairman	Motion Second Vote
Subject to an affirmative vote of the Board of Commissioners, an Executive Session may be held to discuss personnel issues, real estate, or litigation matters pursuant to RSMo Sections 610.021 to 610.022.		
8. Scheduling Next Meeting April 12, 2022	Chairman	Informational
9. Adjournment	Chairman	Motion Second Vote

HOUSING AUTHORITY OF ST. LOUIS COUNTY
BOARD OF COMMISSIONERS MEETING
TUESDAY, FEBRUARY 8, 2022
MEETING MINUTES

ATTENDANCE:

COMMISSIONERS:

Bishop Calvin Scott, Chairman
David Nehrt-Flores, Vice Chairman
Lora Gulley, Commissioner
Joan Kelly Horn, Commissioner
Reverend Gabrielle N.S. Kennedy, Commissioner
LaToya Scott, Commissioner

STAFF:

Shannon Koenig, Executive Director
Terri Acoff-States, Executive Assistant
Mike Chapman, Deputy Executive Director
Mark O. Miles, Chief Financial Officer
Joe Jacobson, General Counsel
William Barry, Director of Public Housing
Nicole O'Dell, Director of Housing Choice Voucher

PUBLIC:

Sarah Turner, Legal Services of Eastern Missouri

Approval of Minutes of Regular Board Meeting held Tuesday, January 11, 2022.

Commissioner Horn moved to approve the minutes of the regular board meeting held Tuesday, January 11, 2022, which motion was seconded by Commissioner L. Scott. Upon roll call the "Ayes" and "Nays" were as follows:

AYES

C. Scott
Nehrt-Flores
Kelly Horn
Kennedy
L. Scott

NAYS

None

The Chairman declared the motion passed.

PUBLIC COMMENTS:

There were no public comments.

EXECUTIVE DIRECTOR'S REPORT:

Ms. Koenig greeted everyone and welcomed them to the meeting. She informed the Board that strategic planning with consultant Gateway CDFI has begun. Two Authority staff teams will work concurrently with the consultant: one will develop strategies for more access to housing while the other will focus on strategies for increasing community partnerships. Ms. Koenig also informed the Commissioners that they will be asked to provide input into strategic plans.

Ms. Koenig informed the Board of upcoming revisions to the procurement policy and personnel manual. The policies are tentatively scheduled for Board review and approval on the March and April agendas.

Ms. Koenig introduced an agency status report. She explained that the report includes key information about the agency such as the mission, purpose, and values. The report also shows the Authority's progress on strategic recommendations and core objectives that were adopted last year. She stated this report will be provided regularly so that commissioners, residents, and the general public can monitor the Authority's progress toward its goals and objectives.

FINANCIAL REPORT:

A. Mr. Miles reviewed the Financial Reports for period ending January 31, 2022.

Commissioner Horn moved to approve the January 31, 2022 Financial Report as read and discussed which motion was seconded by Vice Chairman Nehrt-Flores and upon roll call the "Ayes" and "Nays" were as follows:

<u>AYES</u>	<u>NAYS</u>
C. Scott Nehrt-Flores Gulley Kelly Horn Kennedy L. Scott	None

The Chairman declared the motion passed.

OTHER BUSINESS:

A. Executive Director's Quarterly Expense Report: Mr. Miles reviewed the Executive Director's Expense Report for the fourth quarter of 2021.

After discussion, Chairman Scott asked for a motion to approve the Executive Director's Quarterly Expense Report. Commissioner Kennedy motioned for approval, Commissioner L. Scott seconded the motion and upon roll call the "Ayes" and "Nays" were as follows:

<u>AYES</u>	<u>NAYS</u>
C. Scott Nehrt-Flores Gulley Kelly Horn Kennedy L. Scott	None

The Chairman declared the motion passed.

B. Public Housing Occupancy Report: Mr. Barry reviewed the Occupancy Report.

C. Housing Choice Voucher Report: Ms. O'Dell reviewed the Housing Choice Voucher Report.

EXECUTIVE SESSION:

Commissioner L. Scott motioned to end the Regular Session and enter an Executive Session to discuss personnel issues. Vice Chairman Nehrt-Flores moved to enter, and upon roll call the "Ayes" and "Nays" were as follows:

AYES

NAYS

C. Scott
Nehrt-Flores
Gulley
Kelly Horn
Kennedy
L. Scott

None

The Chairman thereupon declared said motion passed.

Commissioner Kennedy moved to exit Executive Session and enter back into Regular Session. Commissioner Horn seconded the motion to exit and upon roll call the "Ayes" and "Nays" were as follows:

AYES

NAYS

C. Scott
Nehrt-Flores
Gulley
Kelly Horn
Kennedy
L. Scott

None

The Chairman thereupon declared said motion passed.

NEXT BOARD MEETING: The next meeting is scheduled for Tuesday, March 8, 2022 at noon via Zoom.

ADJOURNMENT OF MEETING: There being no further business to come before the Board, Vice Chairman Nehrt-Flores motioned to adjourn, and it was seconded by Commissioner Kennedy. Upon roll call, "Ayes" and "Nays" were as follows:

AYES

NAYS

C. Scott
Nehrt-Flores
Gulley
Kelly Horn
Kennedy
L. Scott

None

The Chairman declared the motion passed.

Chairman

Secretary

Date

Memorandum



To: Board of Commissioners
Housing Authority of St. Louis County

From: Shannon Koenig, Executive Director

Date: March 8, 2022

Subject: *Executive Director's Report*

This memo provides an update on select Housing Authority activities.

I. Public Housing Management Contract

The current public housing management contract period with Sansone Group ends June 30. Due to recent conversations with the local U.S. Department of Housing and Urban Development field office, Authority leadership is strongly considering bringing public housing management back in-house. To competitively bid management services that would be effective July 1, the request for proposals would need to be issued in the very near term. Management has therefore requested that Sansone Group extend the current contract for six months (as opposed to the typical one-year renewal) which will provide sufficient time to conduct a feasibility analysis. Sansone Group has agreed to the extension.

II. Wellston Public Housing Redevelopment Update

Authority staff are working with the City of Wellston (City), Legal Services of Eastern Missouri (LSEM), and Equity Homes to finalize how the groups will work together to address the properties that abut former Wellston public housing properties. We have been meeting weekly since January 6, 2022. Grant agreements for the City and LSEM are drafted and in the final stages of review and negotiation.

III. Agency Status Report

For your information, attached to this memo is a status report that includes key information about the agency and shows progress toward this year's objectives.

A. Attachments
Status Report



Status Report

March 2022

OUR MISSION

- > Provide decent, safe, and affordable housing
- > Ensure equal housing opportunity
- > Promote self-sufficiency
- > Improve the quality of life and economic vitality for low- and moderate-income families

OUR VALUES

- Service
- Respect
- Integrity
- Excellence
- Collaboration

2022 CORE OBJECTIVES

- 1) Deliver services safely, effectively, and efficiently.
- 2) Ensure residents, landlords, and employees feel respected during their interactions with HASLC.
- 3) Help our residents and families gain self-sufficiency through partnerships with other organizations in the community.
- 4) Expand access to desirable and affordable housing.

OUR "WHY"

Because every person is worthy of a stable foundation that provides the opportunity to lead a healthy, secure, and productive life.

STRATEGIC RECOMMENDATIONS

Create a set of values	● ● ●	Completed
Hire a deputy executive director	● ● ●	
Hire a full-time human resources director	● ● ●	
Delegate budget authority	● ● ●	
Update the phone system	● ● ●	
Finalize objectives, key results	● ● ●	In progress
Create an external partnerships plan	● ●	
Designate a contracting officer	● ●	Up next
Develop a comprehensive training program	● ●	
Update the website	●	
Update job descriptions, integrate with PM	●	
Measure and improve customer satisfaction	●	
Launch a board review process to ensure it is optimized to support HASLC objectives	●	

KEY RESULTS

(Obj 1) High performer status with no compliance or audit findings *Baseline figures from most recent reporting*



(Obj 2) Define satisfaction for residents, landlords, & employees	●			
(Obj 2) Implement survey tools	●			
(Obj 3) Develop partnership strategy	●			
(Obj 4) Develop access strategy	●			
(Obj 4) Revise Admission and Continued Occupancy Policy	●			



Memorandum

To: Board of Commissioners
Housing Authority of St Louis County

From: Mark O. Miles, Chief Financial Officer

Date: March 8, 2022

Subject: *Financial Summary*

This memo provides a narrative explanation of the current financial reports.

I. Recommendation

Staff recommend the Board approve financial statements and accompanying narrative, as prepared.

II. General Purpose Financial Statements

Attached are financial reports referred to as the General Purpose financial statements. The statements are primarily a Balance Sheet and an Income Statement. The following is a list of items to pay particular attention to when reading these reports. Also, included in this package is the Financial Dashboard report along with its narrative.

A. Balance Sheet

- (1) Current Assets: This refers to the amount of cash, receivables (amounts people owe you) and investments that can be quickly turned into cash so that it is available to you today.
- (2) Current Liabilities: This refers to the account payables (bills for the current period) and wages payable this upcoming pay period.
- (3) Working Capital: This is the difference between those two amounts. Working Capital refers to the amount of liquid cash and cash type items you have available today for operations.
- (4) Working Capital Ratio: This ratio is derived by dividing the Current Assets by Current Liabilities. The ratio lets you see how many times your current resources cover your current obligations.

B. Income Statement

- (1) Revenues: Revenues are inflows for the period. Revenues are primarily in the form of cash, however, can be in the form of receivables (IOU'S) or other inflows of resources.
- (2) Expenses: Expenses are outflows of resources either in the form of cash payments or increases in the amounts owed (accounts payables).
- (3) Net Income: The difference is referred to as Net Income or Net Loss for the period ("the bottom line"). Net Income (Net Loss) is a measure of the increase or decrease in assets (resources available for use, and therefore Working Capital) mentioned above for the period then ended.

III. Summary

For the period ending February 28, 2022, below are the financial highlights:

Current Assets: \$ 17,976,485

Current Liabilities: \$ 4,508,058

Current Working Capital: \$ 13,468,427

Working Capital Ratio: Approximately 4 to 1

Revenues: \$ 10,724,544

Expenses: \$ 10,297,364

Net income: \$ 427,180

Housing Authority of St Louis County
Balance Sheet
 As of February 28, 2022

		Current Balance
Assets		
10000	Cash - Operations	12,740,554.81
11000	Cash - Restricted	4,422,600.91
12000	Receivables	591,172.25
13000	Other Current Assets	222,156.88
14000	Property, Net	15,907,803.81
15000	Loans from Affiliates, net	3,864,999.33
16000	Other Non-current Assets	2,936,485.31
		<hr/>
19999	Total Assets	<u>40,685,773.30</u>
 Liabilities and Net Position		
Liabilities		
20000	Accounts Payable and Accrued Liabilities	4,273,899.16
21000	Accrued Compensated Absences	234,158.67
22000	Deferred Revenue	351,537.01
23000	Long-term Liabilities	9,511,146.97
		<hr/>
29999	Total Liabilities	14,370,741.81
 Net Position		
30000	Invested in Capital Assets	8,139,599.93
31000	Restricted	4,285,215.96
32000	Unrestricted	13,890,215.60
		<hr/>
39998	Total Net Position	26,315,031.49
		<hr/>
39999	Total Liabilities and Net Position	<u>40,685,773.30</u>

Housing Authority of St Louis County
Income Statement
For the Period ending February 28, 2022

		Period to Date	%	Year to Date	%
40000	Income				
41000	Voucher Grants	4,909,422.00	0.92	9,816,643.00	0.92
42000	Operating Subsidy	155,598.50	0.03	311,197.00	0.03
43000	Capital Grants	0.00	0.00	11,504.00	0.00
44000	Tenant Charges	119,890.30	0.02	238,205.10	0.02
45000	Fraud Recovery, Net	197.48	0.00	362.34	0.00
46000	Other Income	133,605.83	0.03	346,632.42	0.03
49999	Total Income	5,228,857.76	100%	10,724,543.86	100%
50000	Expenses				
51000	Housing Assistance Payments	4,482,601.00	0.90	8,951,903.97	0.87
52000	Salaries	153,612.51	0.03	452,514.40	0.04
53000	Benefits and Taxes	43,074.44	0.01	132,337.88	0.01
54000	Occupancy	86,975.45	0.02	272,420.13	0.03
55000	Insurance	17,121.03	0.00	83,099.56	0.01
56000	Technology and Telephone	20,410.68	0.00	39,677.85	0.00
57000	Other Expenses	153,112.38	0.03	365,410.12	0.04
59999	Total Expenses	4,903,209.36	100%	10,297,363.91	100%
60000	Change in Net Position Before Other Changes	325,648.40	1.12	427,179.95	na
70000	Other Changes				
71000	Depreciation	-70,498.28	-1.49	-140,996.56	na
72000	Gains or Losses on Disposition of Assets	0.00	0.00	0.00	na
73000	Transfers	0.00	0.00	0.00	na
79999	Total Other Changes	-70,498.28	-1.49	-140,996.56	na
82000	Ending Net Position	255,150.12	-0.37	286,183.39	na

Housing Authority of St Louis County
Budget Comparison

For the Period ending February 28, 2022

		PTD Actual	PTD Budget	Variance	% Var	YTD Actual	YTD Budget	Variance	% Var	Annual
40000	Income									
41000	Voucher Grants	4,909,422.00	4,899,767.16	9,654.84	0.2%	9,816,643.00	9,799,534.32	17,108.68	0.2%	58,797,205.89
42000	Operating Subsidy	155,598.50	118,623.59	36,974.91	31%	311,197.00	379,509.50	-68,312.50	-18.0%	1,423,483.11
43000	Capital Grants	0.00	144,407.28	-144,407.28	-100%	11,504.00	297,271.26	-285,767.26	-96.1%	1,732,887.47
44000	Tenant Charges	119,890.30	50,112.79	69,777.51	139%	238,205.10	119,968.02	118,237.08	98.6%	601,353.19
45000	Fraud Recovery, Net	197.48	5,166.67	-4,969.19	-96%	362.34	10,333.34	-9,971.00	-96.5%	62,000.00
46000	Other Income	133,605.83	260,622.14	-127,016.31	-49%	346,632.42	551,895.50	-205,263.08	-37.2%	3,127,465.64
49999	Total Income	5,318,714.11	5,478,699.63	-159,985.52	-0.74	10,724,543.86	11,158,511.94	-264,232.49	-2.4%	65,744,395.30
50000	Expenses									
51000	Housing Assistance Payments	4,482,601.00	4,663,989.99	-195,011.99	-4%	8,951,903.97	9,328,916.48	-377,012.51	-4.0%	55,967,879.77
52000	Salaries	153,612.51	319,660.78	-182,723.47	-57%	452,514.40	663,923.72	-211,409.32	-31.8%	3,835,929.47
53000	Benefits and Taxes	43,074.44	101,490.87	-58,262.68	-57%	132,337.88	213,416.22	-81,078.34	-38.0%	1,217,890.50
54000	Occupancy	86,975.45	146,218.50	-111,456.84	-76%	272,420.13	371,027.30	-98,607.17	-26.6%	1,754,621.01
55000	Insurance	17,121.03	13,651.19	-13,651.19	-100%	83,099.56	53,223.06	29,876.50	56.1%	163,813.87
56000	Technology and Telephone	20,410.68	21,542.73	-9,429.04	-44%	39,677.85	44,850.84	-5,172.99	-11.5%	258,512.48
57000	Other Expenses	153,112.38	189,975.60	-27,444.02	-14%	365,410.12	384,770.32	-19,360.20	-5.0%	2,279,706.00
59999	Total Expenses	4,956,907.49	5,456,529.66	-597,979.23	-11%	10,297,363.91	11,060,127.94	-597,979.23	-5.4%	65,478,353.10
60000	Change in Net Position Before Other Change	361,806.62	22,169.97	437,993.71	1976%	427,179.95	98,384.00	333,746.74	N/A	266,042.20
70000	Other Changes									
71000	Depreciation	-70,498.28	0.00	-70,498.28	-145.86	-140,996.56	0.00	-140,996.56	N/A	0.00
72000	Gains or Losses on Disposition of Assets	0.00	0.00	0.00	N/A	0.00	0.00	0.00	N/A	0.00
73000	Transfers	0.00	0.00	0.00	N/A	0.00	0.00	0.00	N/A	0.00
79999	Total Other Changes	-70,498.28	0.00	-70,498.28	-145.86	-140,996.56	0.00	-140,996.56	0.00	0.00
82000	Ending Net Position	291,308.34	22,169.97	367,495.43	N/A	286,183.39	98,384.00	192,750.18	N/A	266,042.20

IV February 28, 2022, Financial Dashboard Narrative

A. HASLC Consolidated (All programs and administration)

- Consolidated revenues for the month ending February 28, 2022, were \$10,725,000 That amount is 1% greater than the same time last year and 4% less than planned.
- Consolidated expenses are \$10,297,000 which is 4% less than last year and 7% less than planned.
- At the close of the second month we may be beginning to have a picture of where we are, but it is still too early to call it a trend going forward. Going forward, I expect revenues to increase with respect to budget and expenses slightly.

B. Housing Choice Voucher Program

- HAP revenues as of February 28, 2022, were \$9,502,000. That is approximately 2% greater than last year and 1% greater than planned for this year.
- HAP expenses were \$8,700,000 which is 1% less than last year and 6% less than anticipated for this year.
- We will be watching closely how the numbers look over the next couple of months as the 2022 program year proceeds. Based on discussions with program staff and working with the 2-year analysis tool, we expect the program to get closer to its performance targets as compared to last year. Program staff are taking an aggressive stance with respect to issuing vouchers for the 2022 year.

C. All Housing (All physical assets including public housing, low-income housing, and miscellaneous property)

- Revenues for All Housing were \$407,000 which is 29% less than last year and 27% less than planned for this year so far.
- Expenses for All Housing were \$333,000 which is 44% less than last year and 1% less than planned.
- There is a time lag in the early months with respect to funding and expenditures. These numbers will smooth-out and be more informative as the year progresses.

D. Wellston Public Housing

- Revenues for Wellston public housing were \$76,000 and expenses were \$110,000.
- HASLC is fully funded for the Wellston operation; public housing funds anticipated in the short run are adequate for operations. Also, there is approximately \$250,000 in reserve available for Wellston operations.

Housing Authority of St Louis County
Financial Performance Dashboard
As of February 28, 2022

HASLC Consolidated - 2 Months ending						
	2/28/2021	(Y/Y)%	2/28/2022	%	Budget	
Revenue	\$ 10,652	1%	\$ 10,725	-4%	\$	11,159
Expenses	10,693	-4%	10,297	-7%		11,060
sub-total	-		428			99
Net Income (Loss)	\$ (41)	NA	\$ 428		\$	99

Housing Choice Voucher Program - 2 Months ending						
	2/28/2021	(Y/Y)%	2/28/2022	%	Budget	
Revenue	\$ 9,297	2%	\$ 9,502	1%	\$	9,436
Expenses *	8,798	-1%	8,700	-6%		9,297
Net Income (Loss)	\$ 499		\$ 802		\$	139

All Housing - 2 Months ending						
	2/28/2021	(Y/Y)%	2/28/2022	%	Budget	
Revenue	\$ 573	-29%	\$ 407	-27%	\$	559
Expenses *	599	-44%	333	-1%		337
Net Income (Loss)	\$ (26)		\$ 74		\$	222

Wellston Housing Authority
Financial Dashboard
As of February 28, 2022

Operating and Administration - 2 Months ending						
	2/28/2021	(Y/Y)%	2/28/2022	%	Budget	
Revenue	\$ 248		\$ 76		\$	201
Expenses	179		110			147
Net Income (Loss)	\$ 69		\$ (34)		\$	54



Memorandum

To: Board of Commissioners
Housing Authority of St. Louis County

From: Shannon Koenig, Executive Director

Date: March 8, 2022

Subject: *Revised Procurement Policy, Resolution No. 1404*

This memo provides an overview of the updates to the procurement policy.

I. Recommendation

Staff recommend the Board approve the revised procurement policy as presented. Executive, finance, and legal staff have reviewed and approved the draft.

II. Background

The existing procurement policy was established by Board action on August 6, 1991 and last amended on March 9, 2010. Changes to the policy must be submitted to the Board of Commissioners for approval. The Board appoints and delegates procurement authority to the Executive Director and is responsible for ensuring that any procurement policies adopted are appropriate for the Housing Authority. The Executive Director may further delegate procurement authority.

The Housing Authority's procurement practices have been impacted by the adoption of the new uniform administrative guidelines at 2 CFR 200, which were enacted in 2014. The revised policy reflects this change.

III. Substantive Changes to the Existing Policy

A. New Category of Purchase: Micro Purchase

The updated guidelines authorized a new category of purchase, the micro purchase. This new category provides simplified acquisition procedures for supplies and services. Except for this addition, the methods of procurement outlined in the new policy are largely unchanged from the existing document.

B. Purchasing Thresholds are Increased in the Revised Policy

Listed below are the existing and revised thresholds for making purchases.

The existing policy does not have a micro-purchase threshold; instead, there are two categories of small purchases requiring different procurement actions.

The substantial increase to the large purchase threshold brings the Authority in line with the federal Simplified Acquisition Threshold. This threshold is set and periodically increased by federal regulation and sets the maximum for small purchases.

	Existing	New
<i>Petty cash</i>	\$100	\$100
<i>Micro Purchase</i>	\$100 - \$2,000	\$100 - \$10,000
<i>Small Purchase</i>	\$2,000 - \$25,000	\$10,000 - \$250,000
<i>Large Purchase</i>	Over \$25,000	Over \$250,000

C. Minority and Women Owned Business (MBE/WBE) Contracting Goals

The existing policy does not set goals for MBE/WBE contracting but does permit HASLC to set them periodically. The revised policy sets MBE/WBE goals:

- For all purchases, contracts, and subcontracts, HASLC's goal is to award 24% of the dollar amount to MBEs and 9.5% of the dollar amount to WBEs.
- For all architecture and engineering contracts, HASLC's goal is to award 16% of the dollar amount to MBEs and 15% of the dollar amount to WBEs.

IV. **Attachments**

Draft Procurement Policy, March 8, 2022



Housing Authority of St. Louis County
PROCUREMENT POLICY

Resolution No. 1404
March 8, 2022

DRAFT

Housing Authority of St. Louis County
PROCUREMENT POLICY

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I. General Provisions

A. General

The rules and regulations in this policy govern the process of acquiring goods and services by the Housing Authority of St. Louis County (HASLC).

This Procurement Policy is intended to comply with the requirements of: the Annual Contributions Contract (ACC) between HASLC and the U.S. Department of Housing and Urban Development (HUD); the Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR §200, with specific reference to 2 CFR §§200.317-200.326 ("Procurement Standards") and Appendix II to Part 200 ("Contract Provisions for Non-Federal Entity Contracts Under Federal Awards"); Office of Management and Budget (OMB) Memorandum M-18-18 dated June 20, 2018 ("Implementing Statutory Changes to the Micro-Purchase and the Simplified Acquisition Thresholds for Financial Assistance"); and the HUD Procurement regulations, 24 CFR §85.36, and the Procurement Handbook for Public Housing Agencies, HUD Handbook 7460.8, Rev 2; as well as Chapter 99, R.S.Mo.

1. The HASLC procurement system shall:

- a. Provide for fair and equitable treatment of all persons and firms involved in any purchasing transaction with HASLC.
- b. Ensure that all supplies and services, including construction, are procured efficiently, effectively, and at the lowest cost. Cost will not be a controlling factor for professional and consulting services.
- c. Promote full and open competition through use of competitive procedures.
- d. Ensure all purchasing actions are in full compliance with federal, state, and local laws and regulations.

B. Application

This Procurement Policy applies to all procurement actions, regardless of the source of funds, except as noted below under Section I-D Exclusions, provided however, that nothing in this policy shall prevent HASLC from complying with the terms and conditions of any grant, contract, gift, or bequest that is otherwise consistent with the law.

1. When both federal and non-federal grant funds are used for a project, the work to be funded by each source of funds should be separately identified before procurement so that the appropriate requirements can be applied. If it is not possible to separate the funds, then HUD procurement regulations should be applied to the total project. If funds and work can be separated and the work can be completed by separate contracts, then regulations applicable to each source of funding should be followed.

C. Definition

The term "procurement," as used in this policy, includes the procuring, purchasing, leasing, or renting of: (1) goods, supplies, equipment, and materials, (2) construction and maintenance, (3) consultant services, (4) architectural and engineering (A/E) services, (5) social services, and (6) other services.

D. Exclusions

Exclusions are subject to applicable state and local requirements.

1. This policy does not govern:

- a. The expenditure of earned administrative fees, the award of vouchers, or the execution of owner Housing Assistance Payments (HAP) contracts under the Housing Choice Voucher (HCV) (formerly Section 8) program.
- b. The use of income earned with respect to properties in the Public Housing Program not classified as formula income under 24 CFR §990.

2. Where the provisions of federal statutes or regulations differ from state or local regulations, federal statutes or regulations control.

E. Changes in Laws and Regulations

If an applicable law or regulation is modified, eliminated, or if a new law or regulation is adopted affecting or controlling HASLC procurement, the new or revised law or regulation will automatically supersede this policy to the extent this policy is inconsistent with the new or revised law.

F. Public Access to Procurement Information

HASLC procurement information that is not proprietary to the bidder submitting such information is a matter of public record and is available to the public as provided in Chapter 610, R.S.Mo.

II. Ethics in Public Contracting

A. General

The HASLC establishes the following code of conduct for procurement issues and actions. Violations of these standards by HASLC employees will result in discipline up to termination of employment. Violations of these standards by Commissioners will result in sanctions up to removal from the Board of Commissioners. Potentially criminal violations of these standards may result in a referral to the appropriate prosecuting authority.

B. Conflicts of Interest (2 CFR §200.318 (c))

1. No HASLC employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by federal funds if such person is subject to a conflict of interest.

A conflict of interest exists whenever the employee, officer, or agent, or any member of their Family (as defined in the following paragraph), has a direct or indirect financial interest in any organization or other person competing or selected for an award, contract, or other procurement by HASLC. A promise or understanding of future employment by such organization or person is a financial interest for purposes of this provision.

A person is a member of the subject person's "Family" under this policy if they are related within the 3rd degree of consanguinity or the 2nd degree of affinity. This includes the subject person's spouse or partner, parents, children, siblings, aunts and uncles, nephews, and nieces, all whether related by blood or adopted, and including half-siblings. "Family" for the purpose of this policy also includes the spouses and partners of all of the foregoing.

2. Neither HASLC nor any of its contractors or their subcontractors may enter into any contract, subcontract, or other arrangement in connection with any project under the ACC in which any person described below or their Family have a direct or indirect financial interest. This ban is effective during the person's employment by HASLC or service as a Commissioner and for a period of one year following the termination of such relationship:

- a. A HASLC Commissioner or any member of their Family.

This prohibition does not extend to a HASLC Commissioner selected because of their status as a tenant of a HASLC-managed or affiliated property, or to members of that Commissioner's Family, provided that the Commissioner does not (i) serve on the governing body of a resident corporation or (ii) occupy a policy making position with a resident corporation, and the Commissioner recuses themselves from voting on or otherwise participating in the procurement or the award of the contract.

- b. Any HASLC employee who formulates policy generally or who has influence over decisions with respect to the project at issue, or any member of their Family.
- c. Any elected or appointed public official, including the County Executive and members of the County Council, or any state or federal legislator, who directly exercises functions or responsibilities with respect to HASLC's projects.

3. No HASLC employee, officer, or agent shall sell or attempt to sell any supplies, services, or construction to HASLC. Nor shall former HASLC employee, officer, or agent engage in such activity for one year following their official date of separation from HASLC.

The term "sell" as used above means signing a bid or proposal, negotiating a contract, contacting any HASLC employee, officer, or agent for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract, settling contract disputes, or any other activity conducted towards consummation of a sale even though the actual contract is negotiated by another person.

C. Gratuities, Kickbacks, and Use of Confidential Information

1. **Gratuities.** No officers, agents, current employees, or former employees within one year of employment may solicit, accept, or agree to accept gratuities, favors, or anything that exceed \$25 in value from contractors, potential contractors, or parties to sub-agreements.
2. **Kickbacks and Anti-competitive Practices.** No contractor or subcontractor of any tier, or anyone seeking to become a contractor or subcontractor under any contract being procured by or on behalf of HASLC or any of its affiliated entities, may offer any payment, gratuity, employment, or other thing of value to (a) any HASLC employee, officer, or agent, or Family member, or to (b) any higher tier contractor or subcontractor, as an inducement for the award of a contract or subcontract order or as a gift or compensation for the award of the same.

The Contracting Officer shall report to the Executive Director and to appropriate state and local authorities if the Contracting Officer has credible evidence that a contractor or subcontractor has engaged in offering or giving kickbacks or any other illegal anticompetitive practices.

3. **Use of Confidential Information.** No officer, agent, current employee, or former employee within one year of employment may knowingly or carelessly use any confidential information obtained through their relationship with HASLC for their actual or anticipated personal gain or for the unfair actual or anticipated personal gain of any other person.

Confidential information for purposes of this prohibition includes but is not necessarily limited to: the contents of a bid (prior to bid opening) or proposal (prior to contract award using competitive proposals); the names of individuals or firms that have submitted bids (prior to bid opening) or proposals (prior to contract award); HASLC-generated information related to a procurement (including HASLC cost estimates, contractor selection, and evaluation plans specifications before a solicitation is issued); and any other information the disclosure of which would have a direct impact upon a contract award or the competitive process.

Disclosure of Confidential Information to any person not authorized by the Contracting Officer to receive such information is a breach of HASLC's ethical standards subject to the entire range of HASLC disciplinary action.

D. Prohibition Against Contingent Fees

No person shall be retained to solicit or secure a HASLC contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, provided, however, that a bidder's regular sales employees may be employed under a contract that includes commission income as a basis for the employee's compensation.

This prohibition prohibits the employment of former HASLC officials and employees on a contingency basis to obtain contracts with the HASLC by a business seeking HASLC contracts for a period of one year after termination of their employment with HASLC.

E. Sanctions

Employees who violate the conflict-of-interest provisions are subject to discipline, up to and including termination. Contractors or subcontractors who violate the conflict of interest provisions are subject to discipline, up to and including termination of the contract, a claw back of funds paid under the contract, and debarment from future contracting with HASLC.

III. Procurement Planning

A. General

1. Planning is essential to managing the procurement function properly. The nature and extent of planning needed for any procurement will depend on, among other factors, the method and size of the procurement, with larger and more complex procurements requiring more planning.
2. Careful advance planning provides HASLC with adequate time to accomplish procurement actions and helps to:
 - a. Maximize competition and competitive pricing among contracts and decrease HASLC's procurement costs and reduce HASLC's administrative costs.
 - b. Ensure supplies and services are obtained without any need for re-procurement, e.g., avoiding the need to resolve bid protests.
 - c. Minimize errors that may occur when there is inadequate lead-time.
3. HASLC will periodically review prior purchase records, as well as anticipated future needs, to identify patterns of procurement actions that could be performed more efficiently or economically. Items purchased repetitively might be obtained more economically through master contracts. Consideration should be given to storage, security, and handling requirements when planning purchasing goods or materials.

B. Individual Procurement Plans (IPPs)

For purchases of in excess of \$250,000 and for more complex procurements, such as major computer purchases or construction projects, HASLC will use an IPP.

IPPs establish deadlines or milestones for completion of the steps necessary to assure timely delivery or performance. IPPs may also include staffing assignments.

C. Equipment Lease or Purchase

For equipment purchases in excess of \$100,000, the Contracting Officer should perform an analysis of purchasing versus finance leasing versus true leasing to determine the most economical mode of procurement.

1. Factors to be considered in evaluating a lease alternative should include, but are not limited to:
 - a. length of time the equipment is to be used and the expected intensity of use within that time period;
 - b. financial and operating advantages of alternative types and makes of equipment.
 - c. cumulative rental payments for the estimated period of use;
 - d. net purchase price;
 - e. transportation and installation costs;
 - f. maintenance and other service costs;
 - g. potential technological obsolescence of the equipment;
 - h. availability of the equipment for purchase and for lease;
 - i. trade-in or salvage value for purchased equipment versus residual value for leased equipment;
 - j. imputed interest; and
 - k. availability of in-house and external servicing capability.

IV. Purchasing Methods 2 CFR §200.320

A. Petty Cash Purchases – Up to \$100

HASLC individual purchases not exceeding \$100 may be paid through the petty cash account without following a formal procurement policy.

Petty cash accounts may be established in an amount sufficient to cover small purchases made during a reasonable period, e.g., one month. For all petty cash accounts, HASLC shall ensure that security is maintained, and only authorized individuals have access to the account. These accounts should be replenished and reconciled periodically, but not less than twice a year.

B. Micro Purchase Procedures (2 CFR §200.320 (a)) – less than \$10,000

Micro purchases are those that exceed the petty cash ceiling but are less than \$10,000. HASLC requires that a micro purchase be supported by one quote that HASLC considers reasonable.

Micro purchases should be equitably distributed among qualified sources to the greatest extent feasible to promote competition and equity. Quotes supporting a micro purchase may be obtained orally, either in person or by phone, or in writing by email or physical documents, or through e-procurement. To minimize misinterpretations and dissatisfaction, the preferred method is to obtain quotes in writing.

HASLC will not break down or separate procurements above the micro- purchase threshold into multiple procurements below the micro purchase threshold to avoid requirements that applies to larger procurements.

Construction contracts that qualify as micro-purchases but exceed \$2,000 are subject to the Federal Labor Standards, the Davis Bacon Act, the Copeland Act, and related regulations and Executive Order as provided by Subpart 22.4 of the Federal Acquisition Regulations (“FAR”). Mandatory contract clauses required by such Acts, regulations, and orders shall be incorporated into contracts for development or construction projects above \$2,000. All laborers and mechanics under such contracts will be paid unconditionally and not less often than once per week.

C. Small Purchase Procedures (2 CFR §200.320 (a)) – \$10,000 but less than \$250,000

HASLC may use small purchase procedures when the purchase amount is above the micro purchase ceiling of \$10,000 but does not exceed \$250,000.

These procedures require HASLC to obtain a reasonable number of quotes, preferably three, from which the prevailing contractor is to be selected. Small purchases should be equitably distributed among qualified sources to the greatest extent feasible to promote competition.

Quotes supporting a small purchase may be obtained orally, either in person or by phone, or in writing by email or physical documents, or through e-procurement. To minimize misinterpretations and dissatisfaction, the preferred method is to obtain quotes in writing.

A small purchase contract should be awarded to the qualified vendor that provides the best value to HASLC.

If the award is to a vendor other than the vendor offering the lowest price, the contract file should document the reason for the decision, including why a higher-price offer provides the best value and the extent to which spreading contracts equitably among qualified sources played a part in the decision.

HASLC will not break down or separate procurements above the small purchase threshold into multiple procurements below the small purchase threshold to avoid requirements that applies to larger procurements.

D. Sealed Bids (2 CFR §200.320 (c)) - Above \$250, 000

Sealed bidding is the preferred method for procuring construction, supply, and non-complex service contracts that are expected to exceed the small purchase limit of \$250,000 in total. Thus, for example, if a single project consists of three phases each of which is anticipated to cost approximately \$100,000, the project should be bid under these sealed bid procedures and not as three small purchase contracts.

These procedures require HASLC to publicly solicits bids from multiple qualified bidders and to advertise the solicitation by means calculated to gain the attention of other qualified bidders. HASLC should provide sufficient time from the solicitation of bids to the deadline for submitting bids to give potential bidders a fair opportunity to bid. The solicitation, or Invitation for Bids (IFB), should detail the work to be performed, all material terms and conditions, and whether the bids should be based on a fixed lump sum, fixed unit prices, or cost plus. All bids received will be sealed. No bids will be unsealed before the deadline for submission has passed. All bids will be opened simultaneously and then compared to each other and to HASLC's IFB to determine the best conforming bid submitted by a responsible bidder. The contract will be offered to the responsible bidder whose bid conforms with all the material terms and conditions of the IFB and is the lowest in price.

1. Conditions for Using Sealed Bids. HASLC will use the sealed bid method if the following conditions are present:

- a. a complete, adequate, and realistic statement of work, specification, or purchase description is available;
- b. two or more responsible bidders are willing and able to compete for the work;
- c. the selection of the successful bidder can be made principally on the basis of the lowest price.

2. **Solicitation and Receipt of Bids.** The IFB includes the specifications and all contractual terms and conditions applicable to the procurement, and a statement informing interested bidders that the award will be made to the lowest responsible, responsive bidder whose bid meets the requirements of the solicitation. The IFB must clearly state the time and place for receiving bids and of the public bid opening.

All bids received will be date and time-stamped and stored unopened in a secure place until the public bid opening. A bidder may withdraw the bid at any time prior to the bid opening.

3. **Bid Opening and Award.** Bids will be opened publicly. All bids received will be recorded on a tabulation of bids and then made available for public inspection.

If two or more responsible bidders make responsive bids at the same price that are in all other respects materially equivalent, then HASLC will select the winning bid by drawing lots or by using a similar random method.

If only one responsive bid is received from a responsible bidder, HASLC will not award a contract based on that bid unless HASLC determines that the price and other material terms are reasonable. Price reasonableness will be determined using a cost or price analysis.

4. **Mistakes in Bids.**

- a. General. Corrections or withdrawals of opened bids should be rarely granted and require careful consideration. Permitting such actions challenges the integrity of the competitive bidding system, may be unfair to other bidders, and may likely result in delay. While bidders are bound by their bids (the "firm bid rule"), circumstances may arise where correction or withdrawal of a bid may be permitted.
- b. Before Bid Opening. Bidders are permitted to withdraw or modify their bids by written notice delivered to the Contracting Officer no later than the end of business the day before bid opening. A notice to withdraw a bid may be delivered by email, in-person, or by U.S. Mail or other carrier service so long as actually received by HASLC by the deadline. A modification of a bid may not be delivered by email and must be delivered sealed just like a bid.
- c. Review of Bids for Mistakes. After the bid opening, the Contracting Officer will review all bids to confirm that the bidders have not made any obvious mistakes in their bids, e.g., the Contracting Officer should confirm that the total bid price equals the sum of individual bid line items.

If the Contracting Officer believes that a bidder appears to have made a mistake, the Contracting Officer should immediately notify bidder about the apparent mistake and request confirmation of the bid as submitted. If the error is in the bid price relative to the total of the individual bid items, the Contracting Officer will provide the bidder with the corrected total and ask whether the bidder wishes

their total bid amount to be changed to the corrected total.

After Bid Opening. With rare exceptions, bidders will not be permitted to withdraw or change a bid after bid opening. Withdrawal of a bid is permitted after bid opening only if there is an obvious error in the bid readily apparent from the bid itself of such nature and magnitude that it would be manifestly unfair and unjust to bind the bidder to its bid. A simple "bid bust" is not sufficient to justify the withdrawal of a bid, nor is the fact that a bid is substantially lower than all other bids. However, the Contracting Officer may, with the consent of the Executive Director, permit the withdrawal of a bid that is a "bid bust" or otherwise substantially below the other bids if (a) the bidder submits written evidence that clearly and convincingly demonstrates that a mistake was made and (b) HASLC faces a serious risk that the contract will not be completed or properly performed because the bidder, as a result of its mistake, will lack adequate financial resources to properly complete its contract.

If a bid is withdrawn before bid opening, the bid bond will be returned to the bidder. If a bid is permitted to be withdrawn after bid opening, HASLC may charge against the bid bond the costs and expenses that HASLC in its sole discretion determines it has suffered or incurred as a result of the bidder's error; the balance of the bid bond, if any, will then be returned to the bidder.

E. Competitive Proposals (2 CFR §200.320 (d))

Unlike sealed bidding, the competitive proposal method permits consideration of technical factors other than price. The method allows discussion with offerors about all relevant topics, including offers submitted, negotiation of contract price or estimated cost and other contract terms and conditions, and revision of proposals before the final contractor selection. This method also permits the withdrawal of an offer at any time up until the point of award.

A competitive proposal award is made based on the proposal that represents the best overall value to HASLC, considering price and the other factors stated in the solicitation. The award is not based solely on the lowest price.

1. **Conditions for Use.** The competitive proposals method should be used whenever any of the following conditions exist:
 - a. The requirements cannot be described specifically enough to permit the use of sealed bidding. In other words, the work is not definite enough or is so subject to changing conditions as to make it not feasible to accurately estimate the total cost of the contract so that a reasonable contractor would have to build monetary contingencies into their price to protect themselves from the uncertainty involved.
 - b. The nature of the requirements are such that the HASLC needs to consider more than just price to select the prospective contractor that can best understand HASLC's needs and successfully perform the contract. This is

especially pertinent when contracting for professional services, such as legal, architectural, engineering, and accounting, where specific expertise and experience is wanted.

- c. The requested work lends itself to materially different approaches and the expertise and experience of the prospective contractors benefits HASLC in developing or formulating the work to be performed through its discussions with multiple potential contractors.

- 2. Form of Solicitation.** Other than architectural and engineering services, competitive proposals will be solicited through the issuance of a Request for Proposals (RFP).

The RFP will clearly identify the importance and relative value of each of the evaluation factors as well as any subfactors and price. A mechanism for fairly and thoroughly evaluating the technical and price proposals will be established before the solicitation is issued. HASLC may assign price, a specific weight in the evaluation criteria, or HASLC may consider price in conjunction with technical factors. The method for evaluating price will be stated in the RFP.

Proposals will be handled to prevent disclosure of the number of offerors, the identity of the offerors, and the contents of their proposals until after award of the contract.

- 3. Evaluation.** All RFPs will be evaluated by an appropriately appointed Evaluation Committee chaired by the Contracting Officer. Committee members will be required to disclose any potential conflicts of interest and sign a non-disclosure statement. The committee will prepare an Evaluation Report summarizing the results of the evaluation before award of a contract.

The proposals will be evaluated only on the criteria stated in the RFP.

Each response to the RFP will receive a score based upon the points assigned to the evaluation factors by each committee member. All individual factors will be added to obtain an accumulated total score. Should HASLC deem it beneficial to obtain additional information, those respondents presenting proposals yielding clearly competitively high scores on the evaluation factors may be invited to a technical question and answer conference to be held at a time and date scheduled by the Contracting Officer. The Contracting Officer is not required to invite all respondents to participate in such oral presentations and the Contracting Officer may choose to invite only a single respondent to make an oral presentation if the Evaluation Committee scores make such respondent the clear leader. If oral presentations are held, the proposals will be reevaluated on the stated evaluation factors using both the written submissions and information obtained from the oral presentations.

- 4. Negotiations.** Negotiations will be conducted with all respondents who submit a proposal that the Evaluation Committee finds has a reasonable chance of being selected for award, unless the Evaluation Committee determines that negotiations are not needed with any of the respondents. This determination will be based on the relative score of the proposals as they are evaluated and rated in accordance with the

technical and price factors specified in the RFP.

Respondents with whom negotiations will be conducted will be treated fairly and equitably with respect to any opportunity to negotiate or revise their proposal. No respondent will be given any information about any other respondent's proposal, and no respondent will be coached or assisted in making its proposal more competitive with any other proposal. A deadline will be set for receipt of proposal revisions based on negotiations; all respondents will be subject to the same revision deadline.

Negotiations are discussions between HASLC and respondents for the purpose of allowing the respondent to revise its proposal. Negotiations may include bargaining.

Negotiations will be conducted by the Contracting Officer and will be tailored to each respondent's proposal in light of the competitive range established by the universe of responsive proposals. The primary object of negotiations is to maximize HASLC's ability to obtain best value in its ultimate contract, based on the requirements and the evaluation factors stated in the solicitation.

The Contracting Officer may discuss with each respondent still being considered for award any significant weaknesses or deficiencies in its proposal, and such other aspects of its proposal (such as cost, price, technical approach, past performance, and terms and conditions) that could, in the opinion of the Contracting Officer, be altered or explained to enhance the respondent's competitive position for award of the contract.

The Contracting Officer may inform a respondent that its price is considered by HASLC to be too high or too low and may reveal HASLC's analysis supporting that conclusion. The scope and extent of such discussions are reserved to the Contracting Officer's discretion and judgment.

The Contracting Officer may also disclose the cost or price that HASLC's price analysis, market research, and other work has identified as reasonable, but only if disclosed to all respondents with whom negotiations are underway. The Contracting Officer is prohibited from disclosing to any respondent the price terms of any other respondent's offer.

5. **Award.** After evaluation of the revised proposals, if any, the contract shall be awarded to the responsible respondent whose technical approach to the project, qualifications, price, and other factors considered are most advantageous to HASLC, provided that the price is within the maximum total project budgeted amount established by HASLC.
6. **Architectural and Engineering (A/E) Services.** HASLC will contract for A/E services using Qualification Based Solicitation (QBS) procedures, by issuing a Request for Qualifications (RFQ). Sealed bidding will not be used for A/E solicitations.

Under QBS procedures, competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable

compensation. Price is not used as a selection factor under QBS. QBS procedures will not be used to purchase other types of services even if architectural/engineering firms are potential providers of such.

F. Noncompetitive Proposals 2 CFR §200.320 (f)

1. **Conditions for Use.** Procurement by noncompetitive proposals, or sole-source contracts, may be used only when it is not feasible to award a contract using small purchase procedures, sealed bids, cooperative purchasing, or competitive proposals, and if one of the following factors also applies:

- a. HASLC determines the good or services are only available from a single source; or
- b. HASLC determines that immediate action is necessary because of an emergency that seriously threatens the public health, welfare, or safety, or that endangers property, or that would otherwise cause serious injury to HASLC. Examples of such emergencies include flood, earthquake, epidemic, riot, and serious equipment failure.

In each case, HASLC must first determine that it faces such an immediate and serious need for supplies, services, or construction that it cannot meet its immediate needs through any of its ordinary procurement methods. The emergency procurement will be limited to procuring those supplies, services, or construction necessary to meet the emergency; or

- c. HUD authorizes the use of noncompetitive proposals; or
- d. HASLC determines that competitive solicitations are inadequate to its needs after unsuccessfully soliciting a reasonable number of potential suppliers.

2. **Justification.** Each procurement based on non-competitive proposals must be supported by a written justification for the selection of this method. The justification must be approved in writing by the Contracting Officer before the non-competitive process is used. Poor planning or lack of timely planning will not justify the use of emergency or sole-source procurements. The justification, which must be included in the procurement file, will include the following information:

- a. description of the requirements;
- b. history of relevant prior purchases and their nature (competitive vs. noncompetitive);
- c. a statement of the specific exception in 2 CFR 2 CFR §200.320 (1) - (4) that applies;

- i. the item is available only from a single source;
 - ii. the public emergency that prevents the use of a competitive solicitation;
 - iii. whether the federal awarding agency or pass-through entity expressly authorizes the use of noncompetitive proposals in response to a written request for such authorization; or
 - iv. whether, after solicitation of sources, HASLC has determined that competition is inadequate.
- d. statement as to the specific or unique circumstances that require an award by non-competitive proposals;
- e. description of the efforts made by HASLC to find competitive sources, such as advertisement in trade journals or local publications, phone calls to local suppliers, issuance of written solicitations, etc.;
- f. statement of the efforts HASLC will take in the future to promote competition for the requirement;
- g. an analysis of the reasonableness of the non-competitive contract price for the procurement; and
- h. approval by the Contracting Officer and the Executive Director.

G. Cooperative Purchasing and Intergovernmental Agreements

HASLC may enter into cooperative or intergovernmental agreements with state or local government agencies to purchase or use common supplies, equipment, or services.

The decision to use an interagency agreement instead of conducting a direct procurement should be based on economy and efficiency. All interagency agreements will specify who is authorized to make purchases on behalf of the parties and will specify inspection, acceptance, termination, payment, and other relevant terms and conditions.

HASLC may purchase federal or state excess and surplus property instead of purchasing new if feasible and if doing so will result in a reduction of project costs. Goods and services obtained under a cooperative purchasing agreement must be procured consistent with the laws, rules, and regulations controlling HASLC procurement.

H. HUD Notifications and Approval

HASLC will provide HUD with notice of, and will obtain HUD approval for, all procurements where such notice or approval are required under 24 CFR §85.36 and HUD Handbook 7460.8 ("Procurement Handbook for Public Housing Agencies") at Chapter 12, or any related regulation or successor handbook.

V. Independent Cost Estimate (ICE)

A. Use of ICE (2 CFR §200.324)

The Contracting Officer will prepare, or have prepared, an ICE for all purchases and contract modifications over \$10,000 in value. The level of detail will depend upon the dollar value of the proposed contract and the nature of the goods or services to be acquired. The ICE must be prepared before the solicitation of offers. The requirements for ICEs are as follows.

1. **For Micro Purchases (less than \$10,000)**, generally there is no need to prepare an ICE. Price reasonableness normally will be based on a comparison with historical prices paid for the item, commercial catalog prices, or other offers.
2. **For purchases above \$10,000, but less than \$250,000**, documentation should be kept to a minimum. The ICE may be based on prior purchases, commercial catalogs, or advertisements.
3. **For purchases above \$250,000**, the level of detail may vary, but should be commensurate with the dollar value, complexity, and nature of the requirement. ICEs are normally broken out into major categories of cost (e.g., labor, materials, and other direct costs such as travel, overhead, and profit). Commercially available products and services may require less detail as the marketplace tends to provide current reliable pricing information for commercially available products. Requirements that are not generally commercially available and work designed specifically for HASLC will require more extensive documentation and analysis in a detailed ICE.

VI. Cost and Price Analysis

Before entering into a contract, HASLC must assure itself that the price is reasonable.

A. Petty Cash and Micro-Purchases

No formal analysis is required for Petty Cash and Micro-Purchases. The execution of a contract by the Contracting Officer will serve as the Contracting Officer's determination that the price is reasonable based on the Contracting Officer's prior experience or other factors.

B. Small Purchases

A comparison of the proposed contract with other offers will generally be sufficient to establish the reasonableness of price and no further analysis would be required. If a reasonable number of alternative quotes are not obtained to establish reasonableness through price competition, the Contracting Officer will document price reasonableness through other means, such as prior similar purchases, catalog prices, advertisements, the Contracting Officer's personal knowledge, comparison to the ICE, or any other reasonable basis.

C. Sealed Bids

The presence of adequate competition should generally be sufficient to establish price reasonableness. Where sufficient bids are not received, the best bid is substantially more expensive than the ICE, and HASLC cannot reasonably determine price reasonableness, HASLC must conduct a cost analysis, consistent with federal guidelines, to ensure that the price it is asked to pay is reasonable.

D. Competitive Proposals

The presence of adequate competition should generally be sufficient to establish price reasonableness. Where sufficient bids are not received, HASLC must compare the proposed price with the ICE. For competitive proposals where prices cannot be easily compared among offerors, there is not adequate competition, or the proposed price is substantially greater than the ICE, HASLC must conduct a cost analysis, consistent with federal guidelines, to ensure that the price it is asked to pay is reasonable. This method is generally used when conditions are not appropriate for the use of sealed bids.

E. Non-Competitive Procurement

Because non-competitive procurement is a flexible process used only when more traditional procurement methods are not available or appropriate, the development of an appropriate cost and price comparison for such procurements must also be flexible. The Contracting Officer will use any legitimate methodology available to determine a reasonable price for the proposed goods, services, or construction. Methodologies supported by academic research, when available, are preferred but not required. The Contracting Officer may, but is not required to, consult with subject matter experts in determining the reasonable costs for a non-competitive procurement.

F. Contract Modifications

A cost analysis, consistent with federal guidelines, will be conducted for all proposed contract modifications for projects procured through sealed bids, competitive proposals, or non-competitive proposals, as well as for projects originally procured through Small Purchase procedures where the amount of the contract following the proposed modification will result in a contract price exceeding the small purchase threshold of \$250,000.

VII. Solicitation and Advertising

A. Method of Solicitation

1. **Petty Cash and Micro-Purchases.** The HASLC may solicit only one source if the price is considered reasonable.
2. **Small Purchases.** Quotes may be solicited orally, through email, or by any other reasonable method.

3. Sealed Bids and Competitive Proposals. Solicitation must be done publicly. HASLC must use one or more of the following solicitation methods, provided that the method employed provides for meaningful competition.

- a. Advertising in newspapers or other local or general print media.
- b. Advertising in various trade journals or industry publications (for construction).
- c. Through internet advisements and notices on HASLC's webpage.
- d. E-Procurement. HASLC may conduct its public procurements through the internet using e-procurement systems.

B. Time Frame

For purchases of more than \$250,000, the public notice of solicitation in print media should run not less than once each week for two consecutive weeks. Postings on websites, including HASLC's website, should run continuously for two weeks.

C. Form

At minimum, notices and advertisements should state: the general nature of the goods, services, or construction sought by HASLC, and the place, date, and time that the bids or proposals are due. The notice should also identify the solicitation by number and provide a contact email that will provide detailed information about the solicitation.

D. Time Period for Submission of Bids

HASLC will generally provide potential bidders a minimum of 30 days to prepare and submit sealed bids and competitive proposals. Under extraordinary circumstances, the Contracting Officer may allow a period of less than 30 days. The solicitation file will document the reasons why a short time period is necessary.

E. Cancellation of Solicitations

1. An IFB, RFP, or other solicitation may be cancelled before bids or offers are due if:
 - a. the supplies, services, or construction are no longer needed;
 - b. the funds are no longer available;
 - c. proposed amendments to the solicitation are of such magnitude that a new solicitation ought to be issued; or
 - d. other reasons of similar nature and magnitude.

2. A solicitation may be cancelled and all bids or proposals that have already been received may be rejected if:
 - a. the supplies, services, or construction are no longer required;
 - b. HASLC determined that the specifications were ambiguous, ill-defined, or otherwise inadequate;
 - c. HASLC determined that it had not considered all factors of significance before issuing the solicitation;
 - d. the costs or prices stated in the responses to the solicitation exceed available funds and HASLC determines that it would not be beneficial to HASLC to adjust quantities to bring the cost within the funds available;
 - e. HASLC determines that there is reason to believe that bids or proposals may not have been independently reached in open competition, that there is the possibility of collusion among respondents, or that one or more bids were submitted in bad faith; or
 - f. HASLC determines for good cause of a similar nature that it is in the best interest of HASLC to cancel the solicitation.
3. The reasons for cancellation will be documented in the procurement file. The reasons for cancellation or rejection are public information and will be provided to the bidders and the public upon request, unless HASLC believes that the solicitation or bid process was tainted with possible criminal conduct, in which case HASLC will refer the information to the proper authorities and will consider requests for such information on a case by case basis.
4. A notice of cancellation will be sent to all bidders or offerors solicited. It will state the reason for the cancellation and, if appropriate, will disclose any anticipated future opportunity to respond to a future procurement for the goods, services, or construction.
5. If HASLC finds problems with the specifications of a solicitation, HASLC should cancel the solicitation, revise the specifications, and resolicit.

F. Credit Cards

Credit card usage should follow the small purchase rules and guidelines.

Goods and services should be purchased using a credit card only if there is no other reasonable means available to pay for the services, such as when a vendor will not accept a HASLC check or purchase order.

A credit card may also be used for business travel.

Any other use of a credit card must have the prior approval of the Chief Financial Officer, for expenditures of up to \$1,000, or the Executive Director.

VIII. Bonding Requirements

This section applies only to construction contracts that exceed \$100,000. There are normally no bonding requirements for small purchases or for procurements under competitive proposals. HASLC may, however, require bonds for non-construction contracts when HASLC deems it appropriate. In such circumstances, this section will apply.

A. Bid Bonds.

For construction contracts exceeding \$100,000, bidders shall each be required to submit a bid guarantee equal to 5% of the bid price. The bid guarantee will be delivered with the bid in the sealed bid envelope.

B. Performance and Payment Bonds.

For construction contracts exceeding \$100,000, the successful bidder will furnish HASLC with a third-party assurance of completion of the contract. This assurance may be in any one of the following four forms:

1. A performance and payment bond for the benefit of HASLC equal to 100% of the contract price.
2. Separate performance and payment bonds, each for the benefit of HASLC in an amount equal to 50% of the contract price.
3. A 20% cash escrow deposited with HASLC.
4. A 25% irrevocable letter of credit payable on demand by HASLC.

C. Sureties

All bonds must be obtained from an insurance, guarantee, or surety company listed on U.S. Treasury Circular No. 570 as acceptable to the U.S. government, authorized to do business in the State of Missouri, and listed in Circular No. 570 as having a contract underwriting limit above the amount of the contract for which it is being bonded.

Individual sureties and general corporate sureties are not acceptable.

IX. Contractor Qualifications and Duties

A. Contractor Responsibility

HASLC shall not award any contract to a prospective contractor until the prospective contractor has been determined to be responsible. To be responsible, a prospective contractor must:

1. have access to adequate financial resources to fully perform the contract;

2. be able to satisfy the required or proposed delivery or performance schedule, taking into consideration prospective contractor's other existing business commitments;
3. have a satisfactory performance record;
4. have a satisfactory reputation for integrity and business ethics, including no court judgments or pending cases suggesting a lack of integrity and ethics;
5. have the necessary organization, experience, accounting and operational controls, and technical skills to fully perform the contract, or have arrangements in place to outsource those elements it lacks;
6. have access to the necessary production, construction, and technical equipment and facilities; and
7. be qualified and eligible to be a HASLC contractor under applicable laws and regulations, including not be suspended, debarred, or listed on a HUD Limited Denial of Participation (LDP) list.

If HASLC finds a prospective contractor not to be responsible, HASLC will prepare a written determination of non-responsibility which HASLC will include in the official contract file. HASLC will notify the prospective contractor of this finding and will advise it of the reasons for the determination.

B. Suspension and Debarment

Contracts will not be awarded to any debarred, suspended, or ineligible prospective contractor.

Contractors may be suspended, debarred, or determined to be ineligible by HUD in accordance with HUD regulations (see 2 CFR 4) or by other federal agencies, such as the Department of Labor.

If HASLC awards a contract to a debarred, suspended, or ineligible contractor and then learns of the contractor's ineligibility for the contract, HASLC will, if feasible, cancel the contract for cause. Upon such cancellation, HASLC will pay the contractor for such portion of the contract actually performed to the date of cancellation, less any amount that HASLC reasonably believes represents the additional costs or expenses anticipated to be incurred by HASLC as a result of the premature termination of the contract. These additional costs include, but are not limited to, preparation and advertisement of a new solicitation, and losses resulting from delayed completion of the contract (including consequential damages).

If HASLC awards a contract to a contractor who subsequently becomes debarred, suspended, or ineligible, HASLC will normally, if permissible under applicable law, allow the contractor to complete their performance under the contract. If completion of the contract is prohibited by any law, rule, or regulation, then HASLC will cancel the contract for cause and the provisions of the paragraph above will be in effect.

C. Vendor Lists

All interested businesses will be given the opportunity to be included on HASLC's vendor mailing lists of persons from who supplies, services, and construction may be solicited. All HASLC vendor lists will be kept current and will include enough potential vendors to maximize competition.

X. Contract Pricing Arrangements

A. Contract Types

General Guidance. A wide range of contract types are available to provide HASLC flexibility in procuring supplies, services, and construction.

1. Contract types vary according to:
 - a. the degree and timing of the responsibility assumed by the contractor for the costs of performance; and
 - b. the amount and nature of the profit incentive offered to the contractor for achieving or exceeding specified standards or goals.

The contract types are grouped into two broad categories: fixed-price contracts and cost-reimbursement contracts.

The specific contract types range from firm-fixed-price, in which the contractor has full responsibility for the performance costs and resulting profit (or loss), to cost-plus-fixed-fee, in which the contractor has minimal responsibility for the performance costs and the negotiated fee (profit) is fixed.

In between are various incentive contracts in which a contractor's responsibility for performance costs and the profit or fees offered are tailored to the uncertainties involved in the contract's performance.

2. Contracts resulting from sealed bidding will normally be firm-fixed-price contracts or fixed-price contracts with an economic price adjustment, such as cost-plus fee.
3. Contracts resulting from competitive proposals may be of any type or combination of types.
4. The use of the following types of contracts is prohibited:
 - a. **Cost-plus-percentage-of-cost.** This type of contract is prohibited because it obligates HASLC to pay all costs incurred throughout the contract, plus a commission based on the percentage of future costs. In this type of pricing arrangement, the contractor's profit increases in proportion to its costs incurred in the performance of the contract. The contractor has a clear incentive to increase costs.

- b. **Cost-plus-percentage-of-construction-cost.** This type of contract is prohibited because the cost for individual construction-related services is determined by applying a percentage of actual construction costs as a fee, such as an architecture and engineering (A/E) contract in which the fee is determined based on the total construction cost. Such an arrangement allows the possibility of the contractor designing an overly expensive construction project to increase profits.
5. For all cost reimbursement contracts, HASLC must include a written determination as to why no other contract type is suitable. All cost reimbursement contracts issued by HASLC must include a not-to-exceed ceiling price. If the contractor's costs exceed the not-to-exceed amount, the excess amount will not be reimbursed by HASLC and thus will come out of the contractor's own funds.

B. Options

HASLC's contracts may include options permitting HASLC to order additional quantities or to extend performance periods, provided that:

1. the option is stated in the solicitation;
2. the option is a unilateral right of HASLC to be exercised at its sole discretion;
3. the contract states an outer limit on the additional quantities that can be ordered under the contract and on the overall durational term of the contract;
4. the option prices will be evaluated as part of the initial competition;
5. the contract states the time periods within which each option may be exercised;
6. the options may be exercised only at the price specified in or reasonably determinable from the contract; and
7. HASLC may only exercise its option if HASLC determines that doing so will be more advantageous to HASLC than conducting a new procurement.

XI. Contract Requirements

A. Contract Clauses

All contracts should state the contract pricing arrangement as well as other pertinent terms and conditions, as determined by HASLC. Each contract will expressly reference any HUD-required clauses that are required to be incorporated in the contract. Each contract will have attached to it any HUD-required contractual forms. These forms may include HUD-5369-A, -B, and -C, HUD-5370-A, -B, and -C, and HUD-51915-A.

B. Contract Administration

HASLC shall maintain a system of contract administration designed to ensure that contractors perform in accordance with their contracts. These systems will be managed by the Contracting Officer. These systems will provide for inspection of supplies, services, or construction, as well as monitoring contractor performance,

status reporting on major projects including construction contracts, and similar matters.

XII. Specifications

A. General

All specifications will be drafted to promote economic satisfaction of HASLC's purposes and to encourage competition among vendors. Specifications are to be reviewed before issuing any solicitation to ensure that they are not unnecessarily restrictive, so as to limit competition, and that they do not include unnecessary or duplicative items.

Function or performance specifications are preferred. Detailed product specifications should be avoided whenever possible.

Consideration should be given to either consolidating or breaking out procurements to obtain a more economical purchase.

For equipment purchases, a lease versus purchase analysis should be performed to determine the most economical form of procurement. In analyzing leases, HASLC should analyze and compare both financing leases and true leases to determine which would more economically satisfy HASLC's requirements.

B. Limitations

The following types of specifications will be avoided:

1. **Geographic restrictions** not mandated or encouraged by applicable federal law, except for architecture and engineering contracts, which may include geographic location as a selection factor if adequate competition is available.
2. **Brand name specifications**, unless the specifications list the minimum essential characteristics and standards to which the item must conform to satisfy its intended use, or multiple brand name products are specified.

C. State Licensing Laws

Nothing in this procurement policy will preempt any state licensing laws. Specifications will be reviewed to ensure that organizational conflicts of interest do not occur.

XIII. Appeals and Remedies

A. General

It is HASLC policy to resolve all contractual issues informally and without litigation. Disputes will not be referred to HUD unless all administrative remedies have been exhausted. When appropriate, a mediator may be used to help resolve differences.

B. Informal Appeals Procedure

For contracts that do not exceed \$100,000, HASLC will use an informal bid protest and appeal procedure. Under these procedures, a bidder or contractor may request a meeting with the Contracting Officer to discuss their issues or complaints. After such meeting, the Contracting Officer will provide the bidder or contractor with a written response that summarizes the discussion and states the actions HASLC will take in response.

C. Formal Appeals Procedure

For contracts that exceed \$100,000, HASLC will use formal appeals procedures, that nature of which will be included in the solicitation documents. In general, the formal appeal procedures provide for the following:

1. **Bid Protest.** Any actual or prospective contractor may protest the solicitation or award of a contract for an alleged violation of the HASLC procurement policy.

All bid protests must be in writing and submitted to the Contracting Officer. The Contracting Officer will consider the protest, conduct such investigation as may be needed, and then issue a written decision.

Any protest concerning a solicitation must be delivered to the Contracting Officer before the due date for the bids or proposals. Any protest concerning the award of a contract must be delivered to the Contracting Officer within ten (10) calendar days after the contract is awarded. A protest that is not delivered to the Contracting Officer within the time stated will not be considered.

The Contracting Officer may at their discretion suspend the procurement pending resolution of the protest if the Contracting Officer believes the situation so warrants.

2. **Contractor Claims.** All claims by a contractor relating to performance of a contract must be submitted in writing to the Contracting Officer for a written decision. The contractor may request a conference on the claim. The Contracting Officer may require a conference on the claim. If no conference is requested or required, the Contracting Officer will make their decision solely on the written submissions.

The Contracting Officer's written decision, should it be unfavorable to the complaining party, will inform the complaining party of its appeal rights to the next higher level of authority in HASLC.

XIV. MBE/WBE and Section 3 and Small Businesses Assistance Requirements

A. Required Efforts

Consistent with Presidential Executive Orders 11625, 12138, and 12432, and Section 3 of the HUD Act of 1968, all reasonable efforts will be made to ensure that HASLC contracts with small businesses, minority business enterprises (MBE), women's business enterprises (WBE), and businesses located in or owned in substantial part by persons residing in the area of HASLC projects when possible. Such efforts will include, but will not be limited to:

1. Including such firms, when qualified, on solicitation mailing lists;
2. Encouraging participation through direct solicitation of bids or proposals whenever they are potential contractors;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by such businesses;
4. Establishing delivery schedules, where the requirements permit, to encourage participation by such businesses;
5. Using the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce;
6. Including in contracts, to the greatest extent feasible, a clause requiring contractors to provide opportunities for training and employment for lower income residents of the project area and to award subcontracts for work in connection with the project to businesses providing opportunities to low-income residents;
7. Requiring prime contractors, when subcontracting is anticipated, to take the actions listed above.

B. Definitions

1. **A small business** is defined as a business that is: independently owned; not dominant in its field of operation; and not an affiliate or subsidiary of a business dominant in its field of operation. The size standards in 13 CFR Part 121 should be used to determine business size.
2. **A minority business enterprise (MBE)** is defined as a business which is (a) at least 51% owned by one or more minority group members or, in the case of a publicly- owned business, one in which at least 51% of its voting stock is owned by one or more minority group members, and (b) whose management and daily business operations are controlled by one or more minority group members. Minority group members include, but are not limited to, Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Asian Indian Americans, and Hasidic Jewish Americans.

3. **A women's business enterprise (WBE)** is defined as a business that is at least 51% owned by a woman or women who are U.S. citizens and who control and operate the business.
4. **A labor surplus area business** is defined as a business which, together with its immediate subcontractors, will incur more than 50% of the cost of performing the contract in an area of concentrated unemployment or underemployment, as defined by the DOL in 20 CFR Part 654, Subpart A, and is on the list of labor surplus areas published by the Employment and Training Administration.
5. **A Section 3 business** is defined as a business that is:
 - a. fifty-one percent (51%) or more owned by Section 3 residents; or
 - b. whose permanent, full-time employees include persons, at least thirty (30%) of whom are currently Section 3 residents, or within three (3) years of the date of first employment with the business concern were Section 3 residents; or
 - c. that provides evidence of a commitment to award subcontracts in excess of twenty-five (25%) of the dollar award of all subcontracts to business concerns that meet the qualifications set forth in paragraphs (a) or (b) of this section.

C. Participation Goals

HASLC has established goals for participation by MBE, and WBE in its prime contracts and subcontracting opportunities. These goals are as follows:

1. For all purchases, contracts, and subcontracts, HASLC's goal is to award 24% of the dollar amount to MBEs and 9.5% of the dollar amount to WBEs.
2. For all architecture and engineering contracts, HASLC's goal is to award 16% of the dollar amount to MBEs and 15% of the dollar amount to WBEs.

Goals may be periodically established in HASLC's prime contracts and subcontracting opportunities for participation by small businesses and labor surplus area businesses which are located in or owned in substantial part by persons residing in the area of HASLC's projects.

D. Section 3 Businesses and Resident Participation

1. Required Efforts

Section 3 is a provision of the Housing and Urban Development Act of 1968, which requires that programs of direct financial assistance administered by HUD provide, to the greatest extent feasible, opportunities for job training and employment to lower income residents in connection with projects in their neighborhoods.

Consistent with Section 3 of the Housing and Urban Development Act of 1968, HASLC encourages contractors and subcontractors to make a good faith effort to provide job training, employment, and contracting to Section 3 residents and businesses. Such efforts may include, but are not limited to:

- a. advertising in local media;
- b. distributing flyers about training and job opportunities to public housing sites and posting flyers in common areas;
- c. informing labor organizations and private job training agencies of potential jobs and contract opportunities; and
- d. participating in job information meetings and workshops to help Section 3 residents complete applications and learn interviewing techniques.

Contractors and subcontractors will demonstrate compliance with Section 3 requirements to the greatest extent feasible by meeting the numerical goals stated in this section for providing training, employment, and contracting opportunities to Section 3 residents and Section 3 business concerns.

2. Training and Employment

Thirty percent (30%) of all new hires and of new fulltime hires should be Section 3 residents.

3. Contracts

At least ten percent (10%) of the total dollar amount of all Section 3 covered contracts for building trades work for maintenance, repair, modernization, or development of public housing, or other public construction, and at least three percent (3%) of the total dollar amount of all other Section 3 covered contracts, should be awarded to Section 3 businesses.

XV. Board Approval of Procurement Actions

While procurement is an operational function, and not a policy making function, and is thus normally not subject to approval by the HASLC Board of Commissioners, the Executive Director may exercise their discretion to submit larger planned procurements to the Board for its review and feedback pre-procurement to ensure consistency with the Board's policy making goals. In addition, should difficulties arise in the award of a larger contract, the Executive Director may delay the award to consult with the Board in Executive Session. In all cases, however, it is the responsibility of the Executive Director to make sure that all procurement actions and awards are conducted in accordance with these policies.

XVI. Delegation of Contracting Authority

While the Executive Director is responsible for HASLC procurement, the Executive Director may delegate procurement authority as they deem appropriate to other HASLC employees. The person to whom such authority is primarily delegated is referred to as the Contracting Officer when they perform the procurement functions, regardless of any other responsibilities or position titles they may have at HASLC. The delegation of procurement authority sets the following limits for contracting obligation:

1. Micro Purchase – less than \$10,000
 - a. Supervisor, Senior Accountant – Up to \$100
 - b. Planning and Procurement Officer, Chief Financial Officer – up to \$2,499
 - c. Chief Financial Officer– \$2,500 to \$10,000
 - d. Executive Director – All above \$5,000
2. Small Purchase - \$10,000 up to \$250,000
 - a. Chief Financial Officer– All up to \$250,000
 - b. Executive Director – All above \$5,000
3. IFB, RFP - over \$250,000
 - a. Chief Financial Officer– All up to \$5,000
 - b. Executive Director – All above \$5,000
4. The Contracting Officer may further re-delegate authority upon the approval of the Executive Director.
5. Each contract or purchase action (e.g., new contract, modification, interagency agreement, purchase order etc.) that obligates HASLC to pay a contractor or vendor must be signed or otherwise authorized by the individual to whom HASLC has expressly delegated the authority to make such an obligation.
6. If an individual is not an authorized Contracting Officer, that individual is not authorized to contractually bind HASLC by making a promise or purported agreement or stating an intent to purchase, whether orally or in writing. All prospective contractors are on notice of these Procurement Policies and are therefore on notice that any such purported unauthorized contract, whether written or oral, is not effective.

XVII. Documentation

The level of documentation should be commensurate with the value of the procurement.

A. Records

1. HASLC will maintain records sufficient to detail the significant history of each procurement action. These records will include the following information plus any additional information deemed appropriate at the time to properly document the procurement:

- a. Rationale for the method of procurement.
 - b. Rationale of contract pricing arrangement.
 - c. Reason for accepting or rejecting the bids or offers.
 - d. Basis for the contract price.
 - e. A copy of the contract documents awarded or issued and signed by the Contracting Officer or Executive Director.
 - f. Basis for any contract modifications.
 - g. Related contract administration actions.
2. Records should be retained for a period of three years after final payment and after all matters pertaining to the contract are closed, such as litigation, audits, etc.

XVIII. Disposition of Surplus Property

Property, other than real property, no longer needed for HASLC's purposes should be transferred, sold, or disposed of in accordance with applicable federal, state, and local laws and regulations. Unless the property is of negligible value, the property should be disposed of at a price and on terms that maximize the return to HASLC, provided, however, that HASLC may, at the Executive Director's discretion, contribute surplus property to a charity, community group, or other association doing work that either benefits HASLC's clients or is complementary to HASLC's governmental purpose of providing safe, decent, and affordable housing in the St. Louis community.

XIX. Funding Availability

Before initiating any contract, HASLC will ensure that it has sufficient funds available to cover the anticipated cost of the contract.

XX. Self-Certification

HASLC certifies that this procurement policy, and HASLC's procurement system, complies with all applicable federal regulations. Consequently, HASLC is exempt from requirements providing for prior HUD review and approval of individual procurements.

XXI. HUD Review

HASLC recognizes that HUD reserves the right to review any HASLC records pertaining to its procurement activities.



Memorandum

To: Board of Commissioners
Housing Authority of St. Louis County

Through: Shannon Koenig, Executive Director

From: Judy Ricks, Director Human Resources

Date: March 8, 2022

Subject: *Appointing Trustees of the Retirement Plan and the Deferred Compensation Trust, Resolution No. 1403*

This memo provides an overview of Resolution No. 1403, Appointing Trustees of the Retirement Plan and the Deferred Compensation Trust.

I. Recommendation

Staff recommend the board adopt the enclosed resolution.

II. Background

The Authority has two retirement plans: a pension benefit plan and a 457(b) deferred compensation plan. For both plans, Moneta Group is the investment advisor and EPIC RPS is the record keeper. Authority employees serve as trustees for the plans.

Due to the changes in executive level staff, new trustees will be assigned to the plans. The Board of Commissioners is required to approve trustee changes, which are authorized by the enclosed resolution.

III. Existing Trustees

Katie Carpenter, Assistant Director of Public Housing
William Barry, Director of Public Housing
Tim McDermott, Director of Development

IV. New Trustees

Shannon Koenig, Executive Director
Mike Chapman, Deputy Executive Director
Mark Miles, Chief Financial Officer

RESOLUTION NO. 1403

**RESOLUTIONS OF THE BOARD OF COMMISSIONERS OF
HOUSING AUTHORITY OF ST. LOUIS COUNTY**

WHEREAS, the Housing Authority of St. Louis County (“Authority”) maintains an employee pension benefit plan and trust known as Housing Authority of St. Louis County Retirement Plan and Trust (“Retirement Plan”); and

WHEREAS, the Authority also maintains an employee pension benefit plan and trust known as the Housing Authority of St. Louis County Deferred Compensation Plan (“Deferred Compensation Plan”) and the Housing Authority of St. Louis County Deferred Compensation Trust (“Deferred Compensation Trust”); and

WHEREAS, the Authority has determined to appoint Shannon Koenig, Michael Chapman, and Mark Miles as Trustees of the Retirement Plan and of the Deferred Compensation Trust, effective as of December 2, 2021.

NOW, THEREFORE, BE IT

RESOLVED, that effective as of December 2, 2021, Shannon Koenig, Michael Chapman, and Mark Miles be appointed to serve as Trustees of the Retirement Plan and of the Deferred Compensation Trust, their rights, powers, duties, and obligations being set forth in the Retirement Plan and the Deferred Compensation Trust, respectively. Shannon Koenig’s, Michael Chapman’s, and Mark Miles’s acceptance of responsibilities as Trustees under the Retirement Plan and the Deferred Compensation Trust shall be evidenced by their execution of a statement of acceptance in the respective forms attached hereto.

RESOLVED, that Shannon Koenig, Michael Chapman, and Mark Miles shall serve as the only Trustees of the Retirement Plan and of the Deferred Compensation Trust and no other former Trustees shall continue to serve.

Adopted this ____ day of _____, 2022.

Bishop Calvin Scott

David Nehrt-Flores

Lora Gulley

Joan Kelly Horn

Gabrielle N. S. Kennedy

LaToya Scott

Memorandum



To: Board of Commissioners
Housing Authority of St. Louis County

Through: Shannon Koenig, Executive Director

From: William Barry, Public Housing Director

Date: March 08, 2022

Subject: *Public Housing Occupancy Report*

Enclosed is the public housing occupancy report from March 2021 to February 2022.

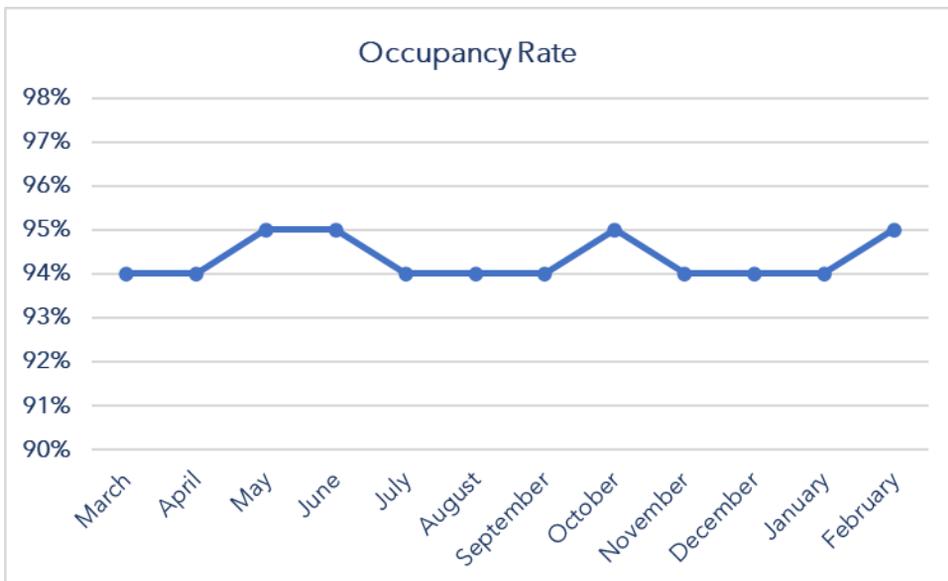


PUBLIC HOUSING OCCUPANCY

March 2021 - February 2022

Housing Units Available: 309
 12-Month Occupancy Rate Average: 94%

	<u>Month</u>	<u>Occupied</u>	<u>Vacant</u>	
2021	March	291	18	
	April	290	19	
	May	292	17	
	June	293	16	
	July	290	19	
	August	289	20	
	September	291	18	
	October	292	17	
	November	291	18	
	December	291	18	
	2022	January	289	20
		February	292	17





Memorandum

To: Board of Commissioners
Housing Authority of St. Louis County

Through: Shannon Koenig, Executive Director

From: Nicole O'Dell, HCV Director

Date: March 8, 2022

Subject: *Housing Choice Voucher Performance Report*

Enclosed is a report on the Housing Choice Voucher (HCV) program's performance from January 2021 to January 2022.

I. Highlights

A. Mainstream

The mainstream program is a special program that assists non-elderly, disabled adults. Currently the Authority has a total of 310 vouchers for this special program and staff are working diligently to issue all the vouchers. This month, there is a 64 participant increase over last year, which represents a 31% increase in program participation. Only about 15% of the allocation (40+ vouchers) remains to be filled.



HOUSING CHOICE VOUCHER PERFORMANCE

	January 2021	January 2022	Year-to-Year
Housing Choice Program			
Vouchers Authorized	6,954	6,961	0.1%
Vouchers Utilized	6,477	6,438	-0.4%
Vouchers Authorized vs. Utilized	477	525	-0.05%
Vouchers Utilization Percentage	93.1%	92.3%	-0.4%
Specialty Programs			
Home Ownership	9	10	11.1%
Family Unification Vouchers			
Vouchers Authorized	178	178	0.0%
Vouchers Utilized	168	161	-1.0%
Non-elderly Disabled Vouchers			
Vouchers Authorized	100	100	0.0%
Vouchers Utilized	97	97	0.0%
Portable Vouchers	62	62	0.0%
Tenant Protection Vouchers	44	43	-4.3%
Veterans Voucher			
Vouchers Authorized	110	115	0.0%
Vouchers Utilized	100	93	-6.7%
Mainstream			
Vouchers Authorized	310	310	0.0%
Vouchers Utilized	206	270	31.07%
Family Self Sufficiency	144	134	-6.9%