



Arcata Purchasing Policies Summarized for Vendors

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I. Selection and Evaluation of Vendors

It is the policy of Arcata Associates, Inc. (Arcata) to procure all goods and services in an efficient and cost-effective manner, with emphasis on technical, quality, and price considerations. Arcata may award and/or negotiate a Purchase Order/Subcontract (PO/SC) with any vendor in accordance with stated evaluation criteria.

All proposals or quotes will be evaluated based upon stated factors of the applicable RFQ or RFP; or in the absence of stated criteria, based upon price, delivery and technical compliance. Selection criteria will normally include such factors as: technical approach or excellence, management of the project to include key personnel or skills, past performance, delivery/schedule requirements, and price. The evaluation factors are generally listed in descending order of importance and final award is made based on the factors which together form the best value for Arcata. The associated "weights" assigned to each evaluation criterion may vary from one procurement to the next in accordance with the type or dollar value of the goods or services being acquired.

Arcata may award a subcontract or purchase order to the responsible vendor whose offer conforms to the solicitation (responsive) and is most advantageous to Arcata, cost or price and other factors considered.

A written award or acceptance of offer mailed or otherwise furnished to the successful vendor within the time for acceptance specified in the offer shall result in a binding subcontract or purchase order without further action by either party. Arcata may accept an offer at any point prior to the offer's specified expiration time, unless a written notice of withdrawal is received prior to award.

Neither financial data submitted with an offer, nor representation concerning facilities or financing, will form a part of the resulting subcontract or purchase order. However, if the resulting subcontract/order contains a clause providing for price reduction for defective cost or pricing data; the subcontract or purchase order price will be subject to reduction if the cost or pricing data furnished is incomplete, inaccurate, or not current.

Arcata is a commercial contractor entity that principally operates its business functions pursuant to generally accepted practices by the guidance of the Uniform Commercial Code, or applicable local statutes of incorporation and shall not at any time, implied or otherwise, emulate or represent a Government Agency.

II. Competitive Bid and Sole Source Procurement

It is the policy of Arcata Associates, Inc. to competitively solicit bids or proposals for procurement of goods and services from vendors who can provide quality products/services at reasonable prices and on schedule. In each procurement transaction, full and open competition shall be the preferred method of solicitation.

III. Vendor Surveys

Vendor Surveys are required of all Vendors. These may be completed by the Vendor on-line and submit directly to the appropriate contract.

Vendor Survey – Research Facilities & Engineering Support Services Contract

Vendor Survey – Crew Exploration Vehicle Contract

Vendor Survey – Unified NASA Information Technologies Support Contract

IV. Business Ethics and Code of Conduct

It is the policy of Arcata and all Arcata employees to conduct business in a manner that is honest, forthright and beyond reproach.

a. The Anti-Kickback Act—U.S. Government Contracting and Subcontracting

The Anti-Kickback Act was enacted by Congress to deter vendors from making payments to influence the award of subcontracts. Accepting kickbacks or giving kickbacks are improper business practices as defined the Anti-Kickback Act of 1986. The Act is addressed in the FAR at 3.502, -1 and 52.203.7.

The Anti-Kickback Act prohibits any person from: providing, attempting to provide, or offering to provide any kickback; soliciting, accepting, or attempting to accept any kickbacks; or including, directly or indirectly, the amount of any kickback in the contract price charged by a subcontractor to a prime contractor or a higher tier subcontractor or in the contract price charged by a prime contractor to the United States Government.

The Anti-Kickback Act imposes criminal penalties on any person who accordingly and willfully engages in the prohibited conduct addressed in FAR 3.502 and provides for the recovery of civil penalties by the United States Government from any person who knowingly engages in such prohibited conduct and from any person whose employees, vendor, subcontractor, or subcontractor employee provides, accepts or charges a kickback.

b. Conflict of Interest

Arcata does not procure goods or services from vendors that are owned or controlled by Arcata employees or relatives of Arcata employees.

c. Gifts, Loans, or Favors from Vendors

Arcata employees may not accept gifts, loans, or favors from vendors.

d. Improper Business Practices/Restriction on Lobbying

It is the policy of Arcata not to use federally appropriated funds for lobbying in connection with its efforts, or vendors, to receive a Federal contract (refer to Federal Acquisition Regulation (FAR) Subpart 3.8).

e. Truth in Negotiations Act

It is the policy of Arcata to ensure all procurement activities comply with the provisions of Public Law (PL) 87-653.

PL 87-653, Truth in Negotiations Act, was enacted by Congress in 1962 in response to concern that negotiated prices paid by the Government were excessive because full disclosure of the facts needed for a fair negotiation was not being made. Prime contracts and subcontracts subject to the Law (e.g., excess of \$650,000) were required to invoke the specific applicable clauses. In addition to requiring cost or pricing data and a Certificate of Current Cost and Pricing Data, the Law also provided that a contract price may be reduced by any significant amount by which the Prime Contract or Subcontract price was overstated, because the contractor did not submit accurate, complete, and current cost or pricing data, when required by Law.

Arcata procurement activities require subcontractors/vendors to submit cost or pricing data for procurements in excess of \$650,000 in accordance with FAR 15.408, Table 15-2 – Instructions for Submitting Cost/Price Proposals When Cost or Pricing Data Are Required, unless an exemption applies to the procurement (see FAR 15.403-1). In addition, Arcata requires subcontractors/vendors to certify that the data submitted are accurate, complete, and current, as of the date of agreement on price. Exceptions will be made in accordance with FAR 15.403-1.

Arcata Procurement Policy follows provision of FAR 15.408 when determining the appropriate clause to be included in the solicitation, Purchase Orders, and subcontracts issued by Arcata, as appropriate and required.

f. Debarment, Suspension and Proposed Debarment

It is the policy of Arcata not to award any Purchase Order/Subcontract (PO/SC) to any vendor that has been debarred, suspended, or proposed for disbarment in accordance with applicable regulations.

Procurement will obtain the necessary certificate from all vendors in accordance with Federal Acquisition Regulation (FAR) 52.209-5 prior to the award of any PO/SC in excess of the Simplified Acquisition Threshold, excluding acquisitions of commercial items, and all such certificates will become a permanent part of the procurement file.

Commercial item(s) acquisition will utilize the certifications required at FAR 52.212-3 for applicable procurements in excess of \$10,000.



V. Small Business Programs

It is Arcata policy to encourage placement of procurements with small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, Veteran Owned and Disabled Veteran Owned Business Concerns, Women Owned Small Business Concerns, and HUBZone concerns to the maximum extent consistent with efficient performance of our prime contract responsibilities.

a. EEO Pre-Award Compliance and Certification

It is Arcata policy to comply with all U. S. Government equal opportunity requirements. When Arcata procurement activities follow the procedures in this policy it assures compliance with Executive Order 11246, as amended, relating to Equal Opportunity in Employment which identifies requirements imposed by U.S. Government prime contracts and subcontracts.

VI. Non-Disclosure Agreements

It is the policy of Arcata to ensure Company Proprietary and Sensitive Data are protected to avoid unauthorized disclosure to third parties. There are occasions when Arcata desires to furnish this type data to third parties, and likewise wishes to receive similar data from third parties; this is accomplished by utilization of a “Non-Disclosure Agreement.”

CHANGE LOG

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Initial	1	3/17/2008	Anthony Ng	08-020	Initial release