

SAMPLE POLICY FOR PROCUREMENT WITH FEDERAL GRANT FUNDS

Policy: Procurement Using Federal Grant Funds	Category: Procurement and Contracting	Number: XXXXXX
	() New () Revision	Supersedes: Page: Page 1 of x

Policy Statement

Local Education Agency is committed to securing goods and services using grant funds from reputable and responsible suppliers in an equitable and competitive manner and in accordance with applicable federal and state laws, regulations and guidance.

Reason for Policy

2 CFR Part 200.317 requires that grantees and subgrantees use their own procurement procedures which reflect applicable state and local laws and regulations if procurements conform to applicable federal law and other standards. In using federal funds for procurements, the LEA is bound to adhere to all the procurement standards identified in 2 CFR Part 200.317.

If the LEA's procurement policies and procedures are more restrictive than state or federal laws and regulations, local policies must be followed. 2 CFR Part 200.318 includes but is not limited to the

- The LEA will use its own procurement procedures which reflect applicable state and local laws and regulations, provided that the procurements conform to applicable Federal law and regulations
- The LEA will have written selection procedures for procurement transactions
- Any lists of prequalified persons, firms or products to be used by the LEA will be updated regularly and will ensure open and free competition
- Only responsible contractors that can successfully complete contract terms will be used
- If available and applicable, excess federal property and equipment will be used before purchasing new equipment
- The LEA will ensure no real or apparent conflicts of interest arise during procurement activities and will adhere to the LEA's Code of Ethics.
- All transactions will be conducted in a manner providing full and open competition (See 34 CFR 80.36(c) for examples of restrictive procurement situations).
- Unnecessary or duplicative purchases will be avoided.
- The LEA will perform a cost or price analysis in connection with every procurement action including contract modifications.
- Detailed records to substantiate procurement decisions, rationale and history will be maintained
- The LEA will handle and resolve any contract or procurement disputes.
- The LEA will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.
- The LEA will make available, upon request of the awarding agency, technical specifications on proposed procurements where the awarding agency believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase.
- Any applicable bonding requirements will be followed.
- The LEA's contracts will contain provisions of paragraph 2 CFR 200.326.

Policy Requirements

Purchasing procedures using federal and non-federal grant funds will conform to applicable state, local and federal law and any regulations identified in 2 CFR. Procurements may be awarded through noncompetitive means under certain circumstances such as if the goods/services are only available from a single source, public exigency or emergency necessitates noncompetitive procurement, the awarding agency or pass-through entity expressly authorizes it in response to a written request, or if competition is deemed inadequate. See 2 CFR Part 200.320 for additional guidance on when noncompetitive procurement may be used.

Federal regulations (See 2 CFR Part 200.320) stipulate that procurements under \$250,000 may be conducted via less formal competitive procedures such as price or rate quotations. However, the LEA requires all purchases of \$90,000 or more to be procured through a formal competitive process. Therefore, federal funds will continue to adhere to the more restrictive LEA threshold.

Documentation of procurement processes should be maintained according to the LEA'S Policy XXX for Documentation and Record Retention.