

Federal Procurement

This policy and its accompanying regulation applies to the purchase of services, supplies, equipment, or other property with federal funds that are subject to the federal Uniform Grant Guidance (UGG) and other applicable federal law, including but not limited to the Education Department General Administration Regulations (EDGAR) and the United States Department of Agriculture (USDA) regulations governing school food service programs. In the event this policy or its accompanying regulation conflict or are otherwise inconsistent with mandatory provisions of the UGG, EDGAR, or other applicable federal law, the mandatory provisions of such laws control.

BOCES employees must follow Board policy concerning employee purchasing authority when making any purchase with federal funds and must obtain prior Board approval in those instances when it is required by Board policy. BOCES employees must also follow applicable state law and Board policy concerning competitive bidding, to the extent state law and/or Board policy establish additional requirements or procedures--including conducting criminal background checks for any person providing direct services to students pursuant to a written contract--that do not conflict with this policy and its accompanying regulation.

Federal micro-purchases (less than \$10,000)

A “micro-purchase” is a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold.

Micro-purchases may be made or awarded without soliciting competitive quotations, to the extent BOCES staff determine that the cost of the purchase is reasonable. For purposes of this policy, “reasonable” means the purchase is comparable to market prices for the geographic area.

To the extent practicable, the BOCES will distribute micro-purchases equitably among qualified suppliers when the same or materially interchangeable products are identified and such suppliers offer effectively equivalent rates, prices, and other terms.

Federal simplified acquisition threshold (\$10,000 to under \$250,000)

“Simplified acquisition threshold” means the dollar amount below which a non-Federal entity may purchase property or services using small purchase methods.

Non-Federal entities adopt small purchase procedures in order to expedite the purchase of items costing less than the simplified acquisition threshold.

For small purchases, price or rate quotes must be obtained in advance from a reasonable number of qualified sources, as detailed in this policy's accompanying regulation, unless:

1. a valid basis exists under the federal Uniform Grant Guidance for relying on procurement by a noncompetitive proposal (i.e., "single source" procurement); or
2. the BOCES elects to use a more formal competitive bid or request for proposal process.

Competitive bidding threshold (\$250,000 or more)

The BOCES must conduct a cost or price analysis for purchases that exceed the simplified acquisition threshold. At a minimum, this must include making an independent estimate before receiving bids or proposals (including noncompetitive proposals). A cost analysis means evaluating the separate cost elements that make up the price. A price analysis means evaluating the total price, without looking at the individual cost elements.

Whenever appropriate and relevant to the specific transaction, the cost analysis may include life-cycle cost estimates which must then be incorporated into any solicitations of bids or proposals.

Unnecessary or duplicative items

The BOCES must avoid the acquisition of unnecessary or duplicative items.

Consideration must also be given to consolidating or breaking out purchases to obtain a more economical purchase.

Recordkeeping

The BOCES must maintain records sufficient to detail the history of procurements made with federal funds. These records may include, but not necessarily be limited to, the following: rationale for the method of procurement, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

Retention of such procurement records must be in accordance with applicable law and Board policy.

Adopted: May 11, 2017
 Revised: January 14, 2021

LEGAL REFS.: 2 C.F.R. Part 200 Subpart D (*post-award requirements under the federal Uniform Grant Guidance*)
 2 C.F.R. 200.318 (*general standards for procurement supported by federal funds*)
 2 C.F.R. 200.319 (*written procurement standards required*)
 2 C.F.R. 200.320 (*methods of procurement to be followed*)
 2 C.F.R. 200.323 (*cost or price analysis*)
 2 C.F.R. 200.333 (*record retention requirements*)
 2 C.F.R. 200.336 (*access to records*)
 7 C.F.R. 226 (*USDA procurement thresholds*)
 7 C.F.R. 3016.36 (*USDA's procurement standards*)
 7 C.F.R. 3016.37 (*USDA's procurement requirements for subgrants*)
 34 C.F.R. Parts 75, 76 (*EDGAR - Education Department General Administrative Regulations*)
 48 C.F.R. Subpart 2.1 (*micro-purchase and competitive bidding thresholds*)
 C.R.S. 22-32-144 (4) (*background check provision required in service contracts*)

CROSS REFS.: BCB, Board Member Conflict of Interest
 DAC*, Federal Fiscal Compliance
 DJ/DJA, Purchasing/Purchasing Authority
 DJE, Bidding Procedures
 DKC, Expense Authorization/Reimbursement (Mileage and Travel)
 EHB, Records Retention
 GBEA, Staff Ethics/Conflict of Interest

NOTE: The federal government periodically adjusts the threshold amounts for federal procurement. See Office of Management and Budget (OMB) Memo 18-18 (June 20, 2018). This table lists the amounts as of September 15, 2020:

| Procurement Method | Amount |
|---|-----------------------------|
| <i>Micro Purchase Threshold</i> | <i>\$10,000 or less</i> |
| <i>Simplified Acquisition Threshold (for small purchases)</i> | <i>\$10,000 - \$250,000</i> |
| <i>Competitive Bidding Threshold</i> | <i>\$250,000 or more</i> |