

## **FEDERAL PROCUREMENT**

### **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.

Centennial 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. Centennial 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 no 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 Centennial 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, Centennial 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. Centennial BOCES elects to use a more formal competitive bid or request for proposal process.

### **Competitive Bidding Threshold (\$ 250,000 or more)**

Centennial 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**

Centennial 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**

Centennial 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.

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.F. 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)

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

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Centennial BOCES