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CHAPTER 1 PROCUREMENT THRESHOLDS AND PROCEDURES

SECTION 1.1 OVERVIEW

The Uniform Grant Guidance, 2 CFR200 (UGG) applies to awards or funding increments issued to the West Point Consolidated School District (WPCSD). Purchases funded by federal grant funds must adhere to regulations found in Uniform Guidance “Super Circular”, [2 CFR 200](#) (UGG), as a condition of receiving funds and to meet annual audit compliance. In an effort to keep policy for all grants consistent, the WPCSD will implement the new federal guidelines regarding procurement for all grants immediately.

[§200.317](#) - When WPCSD procures property and services under a Federal award, the same policies and procedures it uses for procurements from its non-Federal funds must be followed.

WPCSD shall comply with [§200.322](#) Procurement of recovered *materials* and ensure that every purchase order or other contract includes any clauses required by section [§200.326](#) ([Appendix II to Part 200](#)) Contract provisions. WPCSD will follow [§200.318](#) General procurement standards through [§200.326](#) Contract provisions, as documented in Chapter 2.

FEDERAL PROCUREMENT THRESHOLDS: (Following the most restrictive law)

- **MICRO-PURCHASES (No Quotes needed)**
Less than \$5000 (Commodities and Services)
- **SMALL PURCHASES/SIMPLIFIED ACQUISITION (3 Quotes, preferred, but no less than 2 needed)**
\$5000 to \$50,000 (Commodities) & \$5000 to \$250,000 (Services)
Quotes must not be brand name restrictive. Documentation needs to be in writing from the vendors and can include screen shots from websites, copies of published price lists and advertised pricing in established magazines or journals as stated in [TITLE 48-Chapter 1-Subchapter C- Part 13 \(13.106-3\)](#) for Simplified Acquisition Procedures. I would suggest 2 written quotes from vendors and 1 website or catalog screen shot.
- **FORMAL SEALED BIDS:**
\$50,000 and up (Commodities)
- **FORMAL SEALED REQUEST FOR PROPOSALS (RFP's):**
\$250,000 (Services)
- **SOLE SOURCE AND EMERGENCIES:**
No Competition
Prior Approval Needed from Federal Award Entity and WPCSD's Board

SECTION 1.2 METHODS OF PROCUREMENT ([§200.320](#)) / [DEFINITIONS TITLE 48: SUBPART 2.1](#)

Subsection 1.2.a

Micro-purchases ([§200.67](#)) [§200.320\(a\)](#): Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold, currently **\$5,000**. To the extent practicable, the WPCSD must distribute micro-purchases equitably among qualified suppliers.

Micro-purchases may be awarded without soliciting competitive quotations if WPCSD considers the price to be reasonable. This threshold is periodically adjusted for inflation.

For purchases less than \$5,000, use your own judgment in identifying potential suppliers. Purchase requisitions **MUST** be submitted to the Federal Programs Director for approval. If you are uncertain as to whether or not a purchase qualifies as a micro purchase or a small

purchase, please contact the Federal Programs Director or Purchasing Agent prior to submitting the purchase requisition. For example, installment payments less than \$3,000 towards a total purchase price greater than \$3,000 do not count as micro purchases. The total life of the contract amount must be used.

Subsection 1.2.b

Quotes - Small Purchase Procedures / Simplified Acquisition ([§200.88](#)) [§200.320\(b\)](#): Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold, currently the Federal threshold is \$3,000 to \$150,000. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources. This threshold is periodically adjusted for inflation.

However, since Mississippi Law ([§31-7-13](#)) is more restrictive, the threshold for quotes is: **\$5,000 to \$50,000.**

For purchases between \$5,000 and \$50,000 buyers will need to submit a purchase requisition with preferably 3 written price quotes, but no less than 2, and the basis for vendor selection prior to making a purchase. Quotes must not be brand name restrictive. Documentation needs to be in writing from the vendors and can include screen shots from websites, copies of published price lists and advertised pricing in established magazines or journals as stated in [TITLE 48- Chapter 1-Subchapter C-Part 13 \(13.106-3\)](#). This documentation should be attached to the purchase order prior to routing for workflow and the buyer should not make the purchase until the purchase order has been fully approved. If a purchase order is not received prior to an invoice, the Federal Programs Director will have the authority to reject the invoice from being paid against federal funds.

For SERVICES between \$5,000 and \$250,000: Use the Federal Programs RFQ Template for requesting quotes for professional development or services.

Contract Administrator: For all Contracts, the department should name a Contract Administrator. Prior to the beginning of the contract, the Contract Administrator should develop a Contract Administrator Tasks and Responsibilities document to be submitted to Purchasing with the contract. This Tasks and Responsibilities document, at a minimum should include:

- a) Verifying that all services are being performed as set forth in the contract
- b) Verify that all applicable bonds and insurance documents have been received and are determined to be adequate.
- c) Verifying that all payments are in compliance with the contract and for services that have been received.

Subsection 1.2.c

Competitive Formal Sealed Bids ([§200.88](#)) [§200.320 \(c\)](#): More than the Simplified Acquisition Threshold, which is currently at \$150,000. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program with price and other factors considered. See Chapter 2, Subsection 2.5 for Methods of Procurement in this manual.

However, since Mississippi Law ([§31-7-13](#)) is more restrictive, the threshold for Formal Sealed Bids is: **\$50,000.**

For COMMODITY purchases greater than \$50,000 buyers will need to contact the Federal Programs Director and the Purchasing Agent to help assist them with the formal bid process. The Purchasing Agent will work collaboratively with the Director and requestor to facilitate this process and meet all the federal requirements. It is important therefore that the buyer

communicate their plans for major purchases as early as possible so there will be reasonable time to accomplish the bidding procedure.

For SERVICES of \$250,000 or greater (Total Cost is considered for the life of the contract): Buyers will need to contact the Federal Programs Director and the Purchasing Agent to help assist them with the formal bid process. The Purchasing Agent will work collaboratively with the Director and requestor to facilitate this process and meet all the federal requirements. It is important, therefore, that the buyer communicate their plans for major purchases as early as possible so there will be reasonable time to accomplish the RFP procedure. See Chapter 2, Subsection 2.5 for Methods of Procurement in this manual.

Subsection 1.2.d

Noncompetitive Proposals – Sole Source and Emergencies [§200.320 \(f\) \(1\)\(2\)\(3\)\(4\)](#):

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- (1) The item is available only from a single source (cannot be brand specific);
- (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- (3) The Federal awarding agency expressly authorizes noncompetitive proposals in response to a written request from the WPCSD; or
- (4) After solicitation of a number of sources, competition is determined inadequate.

SOLE SOURCE PROCEDURES:

Federal and State Laws require open competition and for solicitations not to be brand name specific. However, as stated above, there may be times when competitive bids are not appropriate and the requirement for obtaining them is waived. For an exception to be valid, a clear statement of justification (Sole Source Justification Form) for waiving the competitive bidding process must be submitted in writing to the Federal Programs Director. The Sole Source Justification Form will be reviewed and sent to the Federal awarding agency for approval [§200.324 \(b\) \(2\)](#). The Federal Programs Director will submit the entire packet to the Purchasing Agent to obtain approval from the WPCSD Board of Education. Do not proceed with any purchases until notification of approval.

EMERGENCY PROCEDURES:

As stated above, there may be times when competitive bids are not appropriate and the requirement for obtaining them is waived. For an exception to be valid, a clear statement of justification for waiving the competitive bidding process must be submitted in writing to the Federal Programs Director. The emergency justification will be reviewed and sent to the Federal awarding agency for approval. The Federal Programs Director will submit the entire packet to the Purchasing Agent to obtain approval from the WPCSD Board of Education per WPCSD's Purchasing Policy.

CHAPTER 2 GENERAL PROCUREMENT STANDARDS & PROCEDURES ([§200.318](#))

SECTION 2.1 ADMINISTRATION OVERSIGHT ([§200.318 \(B\)](#))

The WPCSD Federal Programs Director, and the designated Contract Administrator, must assure that all procurement transactions adhere to the General Procurement Standards and maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders, and before entering into a contract, make sure the contractor is not listed on the Excluded Parties Listing (Debarred Contractors – System for Award Management-SAM – <https://www.epls.gov/>) See also [§200.213](#) and [2 CFR part 180](#). As well as adhere to [§200.324](#) Federal Awarding Agency Review requirements.

Subsection 2.1.a

Contract Administrator

For all Contracts the department should name a Contract Administrator. The Contract Administrator shall be chosen prior to the beginning of the contract. The Contract Administrator will be responsible for the tasks, technical requirements ([§200.319](#)) service performance, and verifying that payments are in compliance with the contract.

Subsection 2.1.b

Equipment Standards [§200.313](#) and [200.439](#)

The WPCSD's Federal Programs Director, and/or the designee, shall follow all Federal Regulations on equipment acquired under a Federal Award.

SECTION 2.2 AVOIDING CONFLICTS OF INTEREST ([§200.318 \(C\) \(1\) & \(2\)](#))

No WPCSD employee may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. WPCSD employees may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

The WPCSD must disclose, in writing, any potential conflicts of interest to the Federal awarding agency, i.e., MDE. ([§200.112](#))

SECTION 2.3 MANDATORY DISCLOSURES ([§200.113](#))

The WPCSD must disclose to the Federal awarding agency, i.e. MDE, all violations of Federal criminal law involving fraud, bribery, or gratuity potentially affecting the Federal award.

SECTION 2.4 COMPETITION [§200.319](#)

All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of [§200.319](#). In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

- (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
- (2) Requiring unnecessary experience and excessive bonding;
- (3) Noncompetitive pricing practices between firms or between affiliated companies;

- (4) Noncompetitive contracts to consultants that are on retainer contracts;
- (5) Organizational conflicts of interest;
- (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- (7) Any arbitrary action in the procurement process.

Subsection 2.4.a

Preference Laws Prohibited [§200.319 \(b\)](#)

WPCSD must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals.

Subsection 2.4.b

Clear and Accurate Technical Requirements [§200.319 \(c\) \(1\) \(2\) \(d\)](#)

The WPCSD must incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Technical Descriptions:

- must not, in competitive procurements, contain features which unduly restrict competition;
- may include a statement of the qualitative nature of the material, product or service to be procured;
- when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use;
- detailed product specifications should be avoided if at all possible;
- when it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated.

SECTION 2.5 METHODS OF PROCUREMENT FOR BIDS [\(§200.320 \(C\)\)](#) AND RFP'S [\(§200.320 \(D\)\)](#)

Subsection 2.5.a

Procurement by Sealed Bids (formal advertising):

Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply.

[\(§200.320 \(c\)\)](#)

(1) In order for sealed bidding to be feasible, the following conditions should be present:

- (i) A complete, adequate, and realistic specification or purchase description is available;*
- (ii) Two or more responsible bidders are willing and able to compete effectively for the business; and*
- (iii) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.*

(2) If sealed bids are used, the following requirements apply:

- (i) Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids and the invitation for bids must be publicly advertised;*
- (ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;*
- (iii) All bids will be opened at the time and place prescribed in the invitation for bids, and the bids must be opened publicly;*
- (iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as*

discounts, transportation cost, record of past performance, financial and technical resources, Excluded Parties Listing (Debarment), and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(v) Any or all bids may be rejected if there is a sound documented reason.

Subsection 2.5.b

Procurement by Sealed Proposals (RFP's): The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- (1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- (2) Proposals must be solicited from an adequate number of qualified sources; (3) Follow the WPCSD's method for conducting technical evaluations of the proposals received and for selecting recipients;
- (4) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and (5) The WPCSD may use competitive proposal procedures for qualifications- based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

SECTION 2.6 METHODS OF CONDUCTING TECHNICAL AND AWARD EVALUATIONS [§200.318 \(H\)](#)

WPCSD must award contracts only to responsible and responsive contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, Excluded Parties Listing ([Debarment-§200.213](#)), and financial and technical resources.

Subsection 2.6.a

SEALED BIDS: [§200.320 \(iv\)\(v\)](#)

(iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and (v) Any or all bids may be rejected if there is a sound documented reason.

Subsection 2.6.b

REQUEST FOR PROPOSALS AND QUOTES: [§200.320 \(4\) \(5\)](#)

(4) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and (5) The non-Federal entity may use competitive proposal procedures for qualifications- based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor,

can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

To ensure fairness to proposers, but protect the WPCSD, RFP's and RFQ's will be awarded based on qualifying evaluation criteria. Development of the evaluation criteria will vary depending on the type of service. The criteria will be agreed upon before the RFP/RFQ process begins, and each area of the evaluation will be addressed in the proposal. Each criterion will be weighted to reflect its relative importance to the WPCSD. A committee, using the qualifying criteria factors, will individually evaluate the proposals/quotes to determine final award. The criteria will be weighted to yield a total of 100 points. The final decision to execute a contract with any party rests solely with the WPCSD.

SECTION 2.7 METHOD OF SOLICITATION PROTEST [§200.318 \(K\)](#)

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

WPCSD SOLICITATION PROTEST PROCEDURES

Subsection 2.7.a

Procedures Pre-Solicitation Opening or Closing

- (a) Protests concerning the solicitation process, including claims related to the bid documents, technical specifications, request for proposal, request for quotes, or other similar documents used by the WPCSD, must be filed in the WPCSD Office of Purchasing no later than five (5) calendar days prior to the solicitation bid opening or closing date. Intervening holiday and weekends are excluded in this computing. Protests filed after this deadline shall not be considered.
- (b) Protests must be written and include at a minimum the following:
 - (i) Name and address of the protester
 - (ii) Solicitation number
 - (iii) Detailed and specific provisions of Federal and/or State law which would be violated.
 - (iv) Detailed statement of factual grounds for protest
 - (v) Copies of all exhibits, evidence, or documents supporting the protest (vi) Description of all remedies or relief requested
- (c) Protester shall be responsible for confirmation of receipt of the written protest by WPCSD within the deadline.
- (d) Upon receipt of a timely protest the WPCSD shall determine if the date for the bid opening or closing date for receipt of proposals should be postponed or continue without delay. The WPCSD may determine that the award of the contract without delay is necessary to protect substantial interest of the District.
- (e) If the bid opening or closing date is postponed, the WPCSD will contact all parties who were furnished a copy of the solicitation to advise that a protest has been filed and that the bid opening or closing date for receipt of proposals is postponed until a decision has been issued. Notice of postponement will be in writing (electronic correspondence is acceptable).

- (f) The WPCSD and the protester shall meet and/or discuss the substantive issues raised in a timely protest. Upon completions of the meeting or discussion between the WPCSD and the protester, the WPCSD will transmit a final decision in writing to the protester and to all parties submitting a solicitation (electronic correspondence is acceptable).
- (g) The WPCSD decision shall be final and conclusive.
- (h) Upon issuance of the written decision to a timely protest, the WPCSD will issue an addendum, which will include the rescheduled date for the bid opening or closing date for the receipt of the solicitation.

Subsection 2.7.b

Procedures after Solicitation Award

Bid/RFP/RFQ protests must be received in the WPCSD Office of Purchasing no later than five (5) calendar days after formal announcement of the award of the contract. Intervening holiday and weekends are excluded in this computing. Protests filed regarding the bid award after the five (5) calendar days will not be considered.

The protest shall be accompanied by the following:

- (b) Bid security to the WPCSD's cost for determining a bid protest shall be made in the form of a certified check or money order payable to the WPCSD, in the following amount applicable to the nature of the protest or the value of the contract award.
 - (i) Five percent (5%) of the protester's bid; or
 - (ii) In the case where the protester did not submit a bid, five percent (5%) of the lowest responsive and responsible bid received by the WPCSD; or
 - (iii) In the case of a RFP or RFQ, the following amount based on the WPCSD's estimation of the value of such contract:
 - Equal to or greater than \$3,000 and less than \$25,000: \$1,000
 - Equal to or greater than \$25,000 and less than \$100,000: \$1,500
 - \$100,000 or greater: \$2,500

Such fee shall be returned if the solicitation protest is upheld, otherwise fee is non-refundable.

- (c) Protests must be written and include at a minimum the following:
 - (i) Name and address of the protester
 - (ii) Solicitation number
 - (iii) Detailed and specific provisions of Federal and/or State law which would be violated.
 - (iv) Detailed statement of factual grounds for protest
 - (v) Detailed statement of all legal and/or factual grounds for protest
 - (vi) Copies of all exhibits, evidence, or documents supporting the protest (vii) Description of all remedies or relief requested
- (d) Protester shall be responsible for confirmation of receipt of the written protest by WPCSD within the deadline.
- (e) The WPCSD may request additional information from the protester who shall submit the information within the time periods established by WPCSD.

- (f) Protests shall be limited to irregularities in the solicitation or evaluation process and may not seek re-evaluation of the subjective or objective evaluations used to award the solicitation.
- (g) Protests that do not strictly address the above mentioned requirements and incomplete will not be considered.
- (h) Notice of any protest will be provided to the bid recipient and all other bidding parties (electronic correspondence is acceptable).
- (i) The WPCSD shall review all documentation concerning the procurement. The WPCSD may meet with the protester at his/her discretion to discuss the protest. A determination whether or not the award of the contract shall be delayed or cancelled; or if the protest is clearly without merit; or that award of the contract without delay is necessary to protect the interests of the WPCSD.
- (j) The WPCSD will provide written notice of the decision to the protester. This written notice will be final and not subject to additional internal review (electronic correspondence is acceptable).

Subsection 2.7.c

Appeal

Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction. An appeal to involved local, State or Federal agencies may only be commenced following exhaustion of the internal protest procedures above. The WPCSD is not liable for any attorney's fees.

SECTION 2.8 CONTRACTING WITH SMALL AND MINORITY BUSINESSES [§200.321](#)
 WPCSD must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

SECTION 2.9 PROCUREMENT OF RECOVERED MATERIALS [§200.322](#)
 WPCSD and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

SECTION 2.10 CONTRACT COST AND PRICE [§200.323](#)

- (a) WPCSD must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, WPCSD must make independent estimates before receiving bids or proposals.
- (b) WPCSD must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of

subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

- (c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the WPCSD under Subpart E—Cost Principles of this part. WPCSD may reference its own cost principles that comply with the Federal cost principles.
- (d) The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

SECTION 2.11 FEDERAL AWARDING AGENCY (MDE) REVIEW [§200.324](#)

- (a) WPCSD must make available, upon request of the Federal awarding agency, technical specifications on proposed procurements where the Federal awarding agency believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if WPCSD desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.
- (b) WPCSD must make available upon request, for the Federal awarding agency pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:
 - (1) WPCSD's procurement procedures or operation fails to comply with the procurement standards in this part;
 - (2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
 - (3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;
 - (4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
 - (5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.
- (c) WPCSD is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency determines that its procurement systems comply with the standards of this part.
 - (1) WPCSD may request that its procurement system be reviewed by the Federal awarding agency to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis;
 - (2) WPCSD may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from WPCSD that it is complying with these standards. WPCSD must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

SECTION 2.12 CONTRACT PROVISION [§200.326](#)

WPCSD's contracts must contain the applicable provisions described in [Appendix II to Part 200](#)—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

PROCUREMENT FLOWCHART

