

FEDERAL PROCUREMENT GUIDELINES

Pursuant to Board Policy 9.15 (Federal Procurement), the District shall use the following guidelines when using federal money for procurement:

1. **Contract Administration.** The Superintendent or designee shall oversee the administration of contracts to help ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Specifically, the District will create and/or maintain records sufficient to detail the significant history of a procurement, and the Superintendent or designee will review these documents as appropriate. These records will include, but are not limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. Notes will be kept regarding any deficiencies in performance or otherwise as appropriate.
2. **Code of Standards of Conduct.** Generally, consistent with Board policies and state and federal law, no employee, officer or agent of the District shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, may be involved. A conflict of interest could arise where an employee, officer or agent; any member of his or her immediate family; his or her partner; or an organization that employs or is about to employ any of the above. District employees shall comply with all applicable federal and state ethics requirements, including the following standards of conduct, when awarding and administering procurement contracts:
 - a. No employee shall solicit anything of value for personal use.
 - b. No employee shall use his/her position to secure or promise anything of value.
 - c. All employees shall avoid business lunches or activities where the intent is to discuss a related procurement or bid evaluation.
 - d. All employees shall avoid any activity that could result in a “perception of impropriety.”

Violation of this policy may result in disciplinary action against the employee, including possible suspension and/or termination of employment.

3. When appropriate, the District will consider opportunities to add value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

4. The District will use time and material type contracts only:
 - a. after a determination that no other contract is suitable and
 - b. if the contract includes a ceiling price that the contractor exceeds at its own risk.

5. Cost or Price Analysis. The District shall perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals. The District will perform cost or price analyses based on the following rules:
 - a. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost (*e.g.*, under professional, consulting, and architectural engineering services contracts).
 - b. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation.
 - c. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.

6. Specific Negotiations Requirements.
 - a. The District will 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.
 - b. Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with federal cost principles.
 - c. The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

7. Written Selection Procedures. The District will follow written selection procedures for procurement transactions set forth in the District's administrative guidelines that:
 - a. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured; and
 - b. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

8. Protest Procedures. The District provides the following protest procedures to handle and resolve disputes relating to procurements and shall in all instances disclose information regarding the protest to the awarding agency. Any relevant person who believes he or she is aggrieved by the procurement-related actions of the District may file a written grievance with the Treasurer. Any grievant will have the opportunity to present evidence at a hearing before the Board's designee within a reasonable time of filing his or her appeal. The designee will provide a written decision to the grievant after considering the information provided during the hearing.

9. Federal Procurement Checklist:

-Review this Checklist for each planned purchase from a Fund that receives Federal money. Once your review is completed, sign the purchase order in the "Requisitioned by" section. This indicates you have taken the steps to comply with the Federal Procurement Board Policy and Guidelines. Keep any notes that would document your process.

1. Is the vendor reputable and have past purchasing experiences with the vendor been positive?
2. Were existing excess of surplus supplies or equipment considered prior to the purchase?
3. Were prices compared to what was available from other vendors or did your experience with past purchases assure the price was the most competitive?
4. Was a cost price analysis performed?
 - If this is a professional service purchase, is the cost comparable to other vendors?
 - If the purchase is data services, is the vendor familiar with the needs of the district and the requirements of the Ohio Department of Education?
 - Were other vendors considered or catalogs reviewed to assure the price was the most competitive?
 - If cost effective, was the purchase made from a consortium or cooperative to which the district is a member to assure the best and most effective price was obtained?
 - If it was a local purchase of a limited quantity, were time and travel expenses considered and did those additional cost make the local purchase the most cost effective?
 - If it was a local purchase of a limited quantity, were the bulk purchase requirements of cooperatives considered and that additional cost made the local purchase the most cost effective?
5. Did you gain assurances there were no conflicts of interest or any possible ethics violations related to the purchase?
6. If purchase of an item over \$5,000, did you follow Board Policy 9.07 in addition to the Federal Procurement Policy?
7. If there were any deficiencies in the vendor's performance, did you make notes of the deficiencies to consider for future purchases?

Note: Small purchase procedures may be used for procurement of \$100,000 or less in the aggregate: (24 CFR 85.36(d)(1) and 84.44(e)(2))

- Small purchases are made through the use of purchase orders. Competition is sought through oral or written price quotations. A local government must document the receipt of an adequate number of price or rate quotations from qualified sources.