

Uniform Guidance and Procurement

Challenges for Higher Ed

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Topics of Conversation

- ▶ Micro Purchase Limit
- ▶ Procurement Procedures
- ▶ Compliance Checklists
- ▶ Contract Close Out
- ▶ Resources for Researching Vendors (Responsible Vendors)
- ▶ Solid Waste Disposal Act
- ▶ Federal Excess Property
- ▶ Bids, Contracts and Purchase Orders
- ▶ Sole Source Procurements
- ▶ Cost and Price Analysis
- ▶ Conflicts of Interest
- ▶ Communication to Campus



Micro-Purchase Limit (200.320a)

- ▶ The “Micro-Purchase Limit”

- ▶ Background
- ▶ Amounts



- ▶ The Micro Purchase limit and bid limits

- ▶ Cognizant Agency
- ▶ Documentation needed

Procurement Procedures

- ▶ Updating Procedures
 - ▶ Lease versus buy (200.318 d)
 - ▶ Federal surplus (200.318 f)
 - ▶ Bid procedures related to fairness (200.319 a)
 - ▶ Bid limits (200.320 a)



Procedures

Sample Procurement Procedure Language

- ▶ **Perform lease versus purchase evaluation** (When applicable, Procurement will analyze the value of leasing equipment and items versus purchase and will upload that analysis to the contract. Procurement will apply this analysis when the option to lease is presented or normally available for the particular commodity)
- ▶ When applicable, Procurement will check with local Federal Excess Property for items in lieu of procuring new items when the use is feasible and will result in a lower cost to the project.) Federal Surplus is available through Iowa Prison Industries at <http://www.iaprisonind.com/store/c/27-Federal-Surplus.aspx>.
Current contact in Iowa for federal surplus property (IPI):

Compliance Checklists

- ▶ Compliance Checklists
 - ▶ Used by agents to ensure compliance at all dollar levels of federal purchases
 - ▶ Performed for all federal purchases (not p-card or e-pro)
 - ▶ Uploaded to transactions to show due diligence
 - ▶ [Sample checklist](#)



Contract Close-Out (200.318 b)

- ▶ When should it be done?
- ▶ How are they done?
- ▶ Communication with departments
- ▶ Documentation
- ▶ Closing contracts



Resources for Researching Vendors

- ▶ Responsible Vendors (200.318 h)
 - ▶ [System for Award Management \(SAM\)](#)
 - ▶ [Federal Awardee Performance and Integrity Information System \(FAPIIS\)](#)
- ▶ References
- ▶ Past Performance



Solid Waste Disposal Act (200.322)

- ▶ When does it apply?
- ▶ What types of items should we review?
- ▶ Policy/Procedure updates



Sample Procurement Procedure Language

- ▶ **Solid Waste Disposal Act (Sec. 6002)** For transactions that exceed \$10,000 or for contract where the value of items purchased in the prior fiscal year exceeded \$10,000, procurement will review the requirements to utilize recovered materials at the highest percentage possible while maintaining a satisfactory level of competition. Procurement will also procure solid waste management services in a manner that maximizes energy and resource recovery. (See Appendix A). *Procurement will review these requirements for goods that are typically procured as recycled (paper), for other goods that can be normally procured as recycled, or for recycling/waste services*

Federal Excess Property (200.318 f)

- ▶ Sites for federal excess property
 - ▶ Regional
 - ▶ GSA
- ▶ Policy/Procedure updates
- ▶ Difficulties related to sourcing
- ▶ Documentation



Sample Language

- ▶ **Federal Excess Property** (When applicable, Procurement will check with local Federal Excess Property for items in lieu of procuring new items when the use is feasible and will result in a lower cost to the project.)
- ▶ Federal Surplus is available through Iowa Prison Industries at <http://www.iaprisonind.com/store/c/27-Federal-Surplus.aspx>. Current contact in Iowa for federal surplus property (IPI):
- ▶ **Clint Schmidt**
Iowa Federal Surplus Property
600 South East 18th Street
Des Moines, IA 50317
Phone: [515-266-6913](tel:515-266-6913)
Email: clint.schmidt@iowa.gov
Fax: [515-263-4910](tel:515-263-4910)
- ▶ Procurement will also access federal surplus property information at <https://gsaxcess.gov/> and work to procure through IPI when needed.

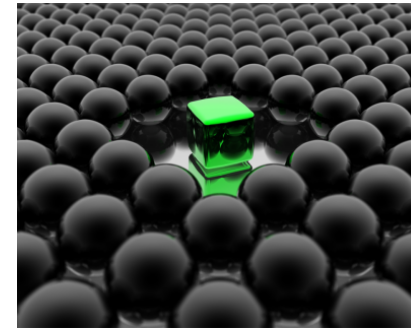
Bids, Contracts and Purchase Orders

- ▶ Purchase Order/Contracts/Bids
 - ▶ Boilerplate or referenced terms (200.318 b, 200.326)
 - ▶ Restrictive bid language/requirements (200.319 a)
 - ▶ Preference laws (200.319 b)
 - ▶ Ensure open competition (200.319 b)



Sole Source Procurements (200.320 f)

- ▶ Sole source versus best source
- ▶ Sources listed on the grant
- ▶ Conflicts of interest
- ▶ Sole source types
 - ▶ The item is only available from a single source
 - ▶ The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation
 - ▶ The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity
 - ▶ After solicitation of a number of sources, competition is deemed inadequate
- ▶ Negotiating profit
- ▶ Difficulties with agencies understanding



Sample of Responses from NIH

“We cannot approve a sole source based on the quote provided. The general NIH grant process is to obtain, at minimum, three bids/quotes whenever possible, and to ensure the most qualified vendor is selected. NIH does not dictate a grantee organization’s procurement policies and procedures after award. It is the expectation that the applicant completes research prior to award to ensure selection and service of the most reasonable and qualified vendor.”

“This is in response to the request for approval to use a sole source procurement for equipment awarded in supplement Notice of Award 3R01GM120316-02S1. Staff reviewed this request and determined that our approval is not necessary since funds are provided in a grant and not a contract. Requests of this nature fall within the purview of your grantee institution’s internal policy and procedures.”

Sample of Responses from DOE

- ▶ “According to [2 CFR 200.308](#), prior approval to purchase equipment is not required. Just get the concurrence from your Program Manager, Glen Crawford. Please let me know if you have any other questions”
- ▶ “There is no need to get prior approval from DOE to purchase equipment, sole source or otherwise”
- ▶ “What about my explanation doesn’t make sense to you? You might be thinking in terms of contracting regulations, but this is financial assistance. There are no regulations requiring competition/bidding for the purchase of equipment. If you’d like to verify this information with my contracting officer, I’ll be happy to provide you with his contact information. Let me know if you have any other questions.”
- ▶ “I do not have any objection to your current and future sole source purchase(s) of American made LAPPD equipment as long as it is in accordance with University’s procurement policies.”

Cost and Price Analysis

(200.323 a, 200.323 b and 200.323 c)

- ▶ When is cost and price analysis needed?
 - ▶ No responses to a bid
 - ▶ Sole source procurements
- ▶ Difficulties with Analysis
- ▶ Solutions/Resources
 - ▶ Online resources
 - ▶ Negotiation



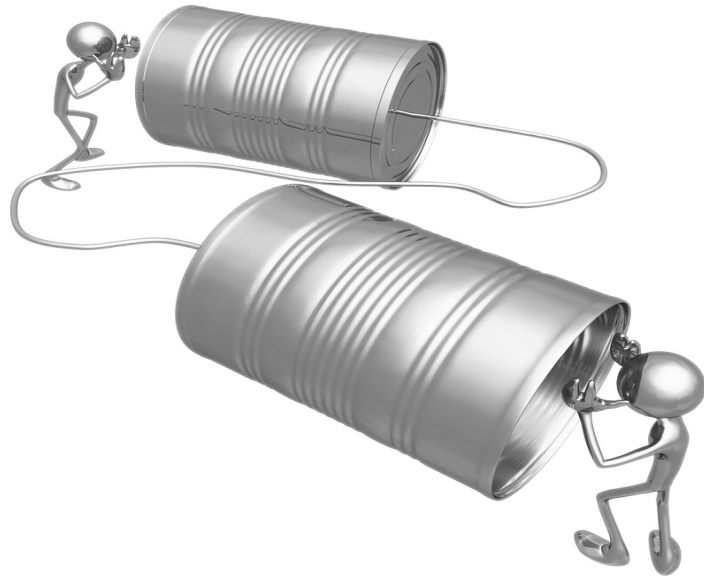
Conflicts of Interest (200.318 c, 200.319 a)

- ▶ Institutional policies must be followed (200.317,200.318a)
- ▶ Federal policies must be followed (200.318c)
- ▶ Conflicts must be identified at the institution
- ▶ May affect non-procurement sub-awards



Communication to Campus

- ▶ Meet with researchers
- ▶ Newsletters/Outreach
- ▶ Meet with fiscal officers/business officers



Any Questions?

