



Uniform Guidance Procurement and Sourcing Services

Effective Date:	September 1, 2017
Last Update/Revision:	August 31, 2017
Initiating Department:	Business and Finance
Responsible Department:	All Departments
Authorizing Person:	Business and Finance
Policy Number:	P1700

Policy Name:	Uniform Guidance Procurement
Purpose:	This policy establishes guidelines for compliance with OMB Uniform Guidance (2 CFR 200). The policy is designed to ensure the most economical solution during the procurement process, and avoid using federal funds for the acquisition of unnecessary items. This involves not only documenting the procurement steps and activities required to be completed, including the basis for the type of procurement, contract type, and the basis for the contractor selection and process, but maintaining an appropriate level of oversight to ensure that contractors perform in accordance with the terms of their contract.

Policy:

The type of purchase procedures required depends on the cost of the item(s) being purchased. The five methods of procurement outlined in the Uniform guidance are as follows:

1. **Micro-purchase:** Purchases where the aggregate dollar amount does not exceed \$3,000 (or \$2,000 if the procurement is construction and subject to Davis-Bacon). When practical, the entity should distribute micro-purchases equitably among qualified suppliers. No competitive quotes are required if management determines that the price is reasonable.
2. **Small purchase:** Includes purchases up to the Simplified Acquisition threshold, which is currently \$150,000. Informal purchasing procedures are acceptable, but price or rate quotes must be obtained from an adequate number of sources.
3. **Sealed bids:** Used for purchases over the Simplified Acquisition Threshold, which is currently \$150,000. Under this purchase method, formal solicitation is required, and the fixed price (lump sum or unit price) is awarded to the responsible bidder who conformed to all material terms and is the lowest in price. This method is the most common procurement method for construction contracts.
4. **Competitive proposals:** Used for purchases over the Simplified Acquisition Threshold, which is currently \$150,000. This procurement method requires formal solicitation, fixed-price or cost-reimbursement contracts, and is used when sealed bids are not appropriate. The contract should be awarded to the responsible firm whose proposal is most advantageous to the program, with price being one of the various factors.
5. **Noncompetitive proposals:** Also known as sole-source procurement, this may be appropriate only when specific criteria are met. Examples include when an item is available only from one source, when a public emergency does not allow for the time of the competitive proposal process, when the federal awarding agency authorizes, or after a number of attempts at a competitive process, the competition is deemed inadequate.

Debarment and Suspension

LIU awards contracts only to responsible 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, and financial and technical resources.

<https://www.sam.gov/portal/SAM/##11>

Sole Source Procurement

At LIU sole-source procurement is a method often employed for the procurement of research goods and services. This is due, in part, to the fact that the compatibility of the equipment is of paramount consideration, the compatibility of accessories or replacement parts is of paramount consideration, and the sole source supplier's item is needed for trial use or testing. When using the sole-source procurement method it's important to document the justification for sole source. Documentation should include:

- Specifying unique performance factors
- Stating of why they were required
- Demonstrating the evaluation of other products, and reasons for rejection stated

Conflict of Interest

No employee or agent of the entity may participate in the selection, award, or administration of a contract funded by federal grant dollars if he or she has an actual or apparent conflict of interest.

Compliance with Laws and Regulations (added to all University Standard Agreements)

"The Supplier agrees to comply with all applicable federal, state, and local laws and regulations. If this Purchase Order is issued pursuant to a contract between the Buyer and the federal government, the provisions of OMB Circular A-110 (1993,Rev.1999)-Appendix A shall apply in accordance with their terms. OMB Circular A-110 mandates compliance with the Copeland "Anti-Kickback" Act, the Davis-Bacon Act, and the Contract Work Hours and Safety Standards Act, Sections 102 and 107. If the amount of this Purchase Order exceeds One Hundred Thousand Dollars (\$100,000) and any portion of the Purchase Order is funded by the federal government, Supplier shall file the certifications required by the Byrd Anti-Lobbying Amendment, and shall comply with all applicable standards, orders and regulations issued pursuant to the Federal Water Pollution Control Act and the Clean Air Act. Supplier shall provide certification regarding its and its principal employees' exclusion status upon request."

