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PURCHASING PROCEDURE FOR FEDERAL FUNDS PURCHASES

This Procurement Procedure shall apply to all contracts for and purchases of goods and services using Federal funds.

All procurements made with Federal funds will be consistent with 2 CFR §200.317 through §200.326 Procurement Standards. This procedure is designed to ensure that such goods and services are procured at the best available price consistent with high quality, that sound business and ethical practices are adhered to in all Timberlane Regional School District Federal funds related expenditures, and that all transactions are completed in a manner that provides for open and free competition.

The CFO / Business Administrator has primary responsibility and oversight for purchasing activities of Timberlane Regional School District and has the authority to delegate purchasing responsibilities as appropriate. The CFO / Business Administrator will periodically review and evaluate these procedures to ensure the best internal controls possible. All purchases shall comply with appropriate and relevant federal, state and local laws as well as with Timberlane Regional School District's policies and procedures. In the event that federal, state or local laws, regulations, grants or requirements are more restrictive than this procedure, such laws, regulations, grants or requirements would be followed. Timberlane Regional School District Purchasing Procedure Policy DJB is more restrictive in most instances, but this Procedure will take precedence with regard to federal funds purchases covered under this procedure.

Procurement Standards

To ensure open and free competition:

- Unreasonable requirements shall not be placed on firms and/or individuals in order for them to qualify to do business.
- No geographical preferences shall be used in the evaluation of bids or proposals unless
- State/Federal statutes expressly mandate or encourage a geographic preference.
- Contract specifications or statements of work may not unduly restrict competition and must identify the requirements that proposing firms or individuals must fulfill and the factors to be used in evaluating bids or proposals.
- Splitting purchases or contracts solely to avoid competition is prohibited.
- Purchase Types and Proposal Evaluation Requirements:
- Micro Purchase (under \$3,500): competition is not required; however, a good faith effort should be made to compare prices with comparable suppliers.
- Small Purchase (\$3,501-\$20,000): competition is required to establish a competitive price.

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Preferably, price or rate quotes from at least three qualified sources must be documented. If three price or rate quotes are not possible, document those attempts or the rationale. For recurring expenses, price or rate quotes may be obtained and documented every two to three years. This can be through a formal RFP process or requesting quotes from potential vendors. When a competitive proposal method is not feasible for a small purchase, a sole source purchase may be made. This would require either the item or service is only available from a single source, an emergency situation that does not allow additional time for a competitive process, the granting agency authorizes noncompetitive negotiations, or competition is deemed inadequate after solicitation of a number of sources.

Competitive Proposals (all purchases over \$20,001): Competitive proposals are required through a sealed bid process. All qualified sources must submit formal written bids, proposals or qualifications. Either a RFPs or RFQs may be used. If only one proposal is received, the procurement may qualify as a single source and would require review by the CFO / Business Administrator. Documentation must include:

- Formal written bids, proposals, or qualifications from all qualified sources.
- The method of procurement.
- The evaluation and selection process.
- The basis for the contract price.
- Final labor, overhead rates.

Requirements for Requests for Proposals/Qualifications

Request for Proposals (RFP) are used when the specific requirements and/or technical specifications of a project are unclear and criteria in addition to pricing are needed. The proposal is a solution which typically includes a scope of project and/or service, approach, technical capabilities, financial information and references.

Request for Qualifications (RFQ) are used to evaluate the qualifications of firms and/or consultants to determine which are most qualified to provide the service needed. RFQs are evaluated on technical factors and qualifications including education, experience, management and other applicable criteria. RFQs may be used in conjunction with RFPs.

The following requirements apply to RFPs and RFQs:

- All RFP/Qs must be reviewed and approved by the CFO / Business Administrator before being issued;
- The RFP/Q must be publicized and identify the evaluation factors and their relative importance, and state that all complete and timely submittals will be considered;
- All RFP/Q responses must contain cost or price estimates;
- The primary selection criterion will be the ability of the firm/consultant to understand the issues and accomplish the tasks described in the RFP/Q;

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- For RFPs, the proposal most advantageous to the program will be selected, even when the preferred proposal is not the lowest priced; and
- For RFQs, competitors’ qualifications will be evaluated and the most qualified competitor will be selected, subject to negotiation of fair and reasonable compensation.

Procurement by Non-Competitive Proposal

There are times and situations when the items or services are only available from or are obtained from a single source. In such cases, one or more of the following must apply and documentation shall be included in the contract file:

- The goods or services are available only from one source;
- Public exigency or emergency will not permit delay required for competition;
- Awarding agency has expressly authorized either a noncompetitive process, or has authorized solicitation of a certain number of sources;
- After solicitation of a number of sources, competition is deemed inadequate.

Procurement Process

1. Determine the applicable purchase type and requirements based upon the anticipated total cost. Costs shall not be divided in an attempt to create a lower total cost to avoid a procurement method or competition requirements. If one item being purchased requires another item to be complete or make a whole, the total cost of the two items together should be considered to determine the procurement method, unless the two items cannot be acquired from a single supplier. Total quantity, taxes, freight, and installation costs, as well as the total costs expected for all phases of a multi-phase project are to be included when estimating the anticipated total costs.
2. Complete and document all requirements for the applicable purchase type.
3. Have materials reviewed and approved by the CFO / Business Administrator. No payments may be made prior to receipt of goods or services unless approval is obtained from the CFO / Business Administrator.
4. After steps 1-3 are complete, purchase or execute the contract for the goods and/or services.
5. Promptly submit all purchase requests/requisitions and other commitment documentation to the Business Office.

Contracts

Contracts funded directly under State/Federal grants shall adhere to State/Federal statutory and regulatory requirements. Unless otherwise delegated, the CFO / Business Administrator shall sign all contracts and contract amendments. Documentation in the contract file must include:

- The method of purchase or procurement.

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- The evaluation and selection process.
- The basis for the contract price.
- Final labor, overhead rates.

Regarding contract texts, all contracts shall include:

- Termination clause for cause or convenience (where possible) if over \$10,000
- Remedies for breach of contract if over \$50,000
- Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) certification if over \$100,000
- Certification Regarding Debarment, Suspension, and Other

Legal counsel review may be required for contracts not using the Timberlane Regional School District boilerplate contract template.

For all Contracts requiring an RFP or RFQ, the RFP/Q must be publicized and identify the evaluation factors and their relative importance. All RFP/Qs must contain cost or price estimates. Proposals or qualifications must be solicited from at least three qualified sources. For RFQs specifically, competitors’ qualifications will be evaluated and the most qualified competitor will be selected, subject to negotiation of fair and reasonable compensation.

A contract will not be executed with parties listed on the government wide exclusions in the System for Award Management (SAM). Additionally, contractors may be required to submit annual audits to Timberlane Regional School District to ensure the contractor has complied with good accounting practices and federal regulations.

Protest Procedure

Unsuccessful proposers will be afforded the opportunity of a debriefing conference if they so request. The request for a debriefing conference must be made within three days of receipt of the notification indicating that their proposal was not selected. Discussions will be informal and limited to a critique of the requesting consultant’s proposal. Timberlane Regional School District representatives will explain the scoring of a consultant’s proposal. Debriefings may be conducted in person or by telephone and may be limited to a specific period of time.

Records of the RFP/Q solicitation, evaluation, scoring, and selection process shall be kept on file for the life of the project.

Contract Oversight

The Timberlane Regional School District project managers will be responsible for day to day contract administration and will report any aberrations to the CFO / Business Administrator.

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The Timberlane Regional School District will ensure that contractors meet their responsibilities by making certain that contractors:

- Know and understand applicable federal requirements.
- Have adequate project delivery systems.
- Have sufficient accounting controls to manage Federal funds properly.

The Timberlane Regional School District will provide adequate monitoring of the contracts administrative actions to assure compliance with Federal and/or agreement requirements.

In the event that a contractor is unable to satisfactorily complete the work, and after unsuccessful attempts to remedy the situation, a contract may be terminated. Timberlane Regional School District will reimburse the contractor for all costs incurred, but not those in excess of the contract, in the performance of the project up to and including the effective date of termination.

Conflicts of Interest

No employee, commissioner or agent of the Timberlane Regional School District shall participate in the selection, award or administration of a contract or authorization of a purchase if a conflict of interest, real or perceived, would be involved.

Such a conflict could arise when:

- The employee, officer or agent,
- 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 above has:
 - A financial or other interest in the firm selected for award,
 - Directly or indirectly given his/her opinion on the matter,
 - Has formed an opinion on the matter, or
 - Has prejudged the matter to any degree.

Legal References:

RSA 194-C:4 II (a), Superintendent Services
NH Code of Administrative Rules Section 303.01 (b), Substantive Duties of School Boards