

2017 NSF Large Facilities Workshop

Procurement Standards

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Goals and Objectives of Today's Presentation

To provide additional background and context for the required Uniform Guidance Procurement Standards

- Why are the Procurement Standards important now?
- What are the requirements?
- The Bear claw

Procurement Standards

Big Picture on Procurement Standards?

- The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal awards became effective on December 26, 2014.
- For the procurement standards in §§200.317-200.326, non-Federal entities may continue to comply with the procurement standards in previous OMB guidance (superseded by this part as described in §200.104) for two additional fiscal years after this part goes into effect.
- The Procurement Standards became effective on December 26, 2016.
- The American Innovation and Competitiveness Act (AICA) amended the micro-purchase amount.

Procurement Standards

General Procurement Standards Requirements

- The recipient must have written Procurement Standards and policies.
- Maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
- Written standards of conduct covering organizational conflicts of interest.
- Procedures must avoid acquisition of unnecessary or duplicative items.
- Encouraged to enter into inter-entity agreements of common or shared goods and services.

Procurement Standards

General Procurement Standards Requirements

- Encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property.
- Encouraged to use value engineering clauses in contracts for construction projects to offer reasonable opportunities for cost reductions.
- You must award contracts only to responsible contractors possessing the ability to perform successfully.

Procurement Standards

General Procurement Standards Requirements

- Records must detail the history of procurement including: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
- A time and materials type contract may be used only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk.
- 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.

Procurement Standards

General Procurement Standards Requirements

- You must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
- If a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act.
- You must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications.

Procurement Standards

General Procurement Standards Requirements

- You must make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements to ensure that the item or service specified is the one being proposed for acquisition.
- You may accept an approved bonding policy if minimum requirements are followed.
- Contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.

Procurement Standards

Methods of procurement

- Micro-purchases
- Small purchases
- Sealed bids
- Competitive proposals
- Sole source

These are OMB's minimum requirements, no less restrictive deviations are permitted without OMB approval.

Procurement Standards

Methods of procurement

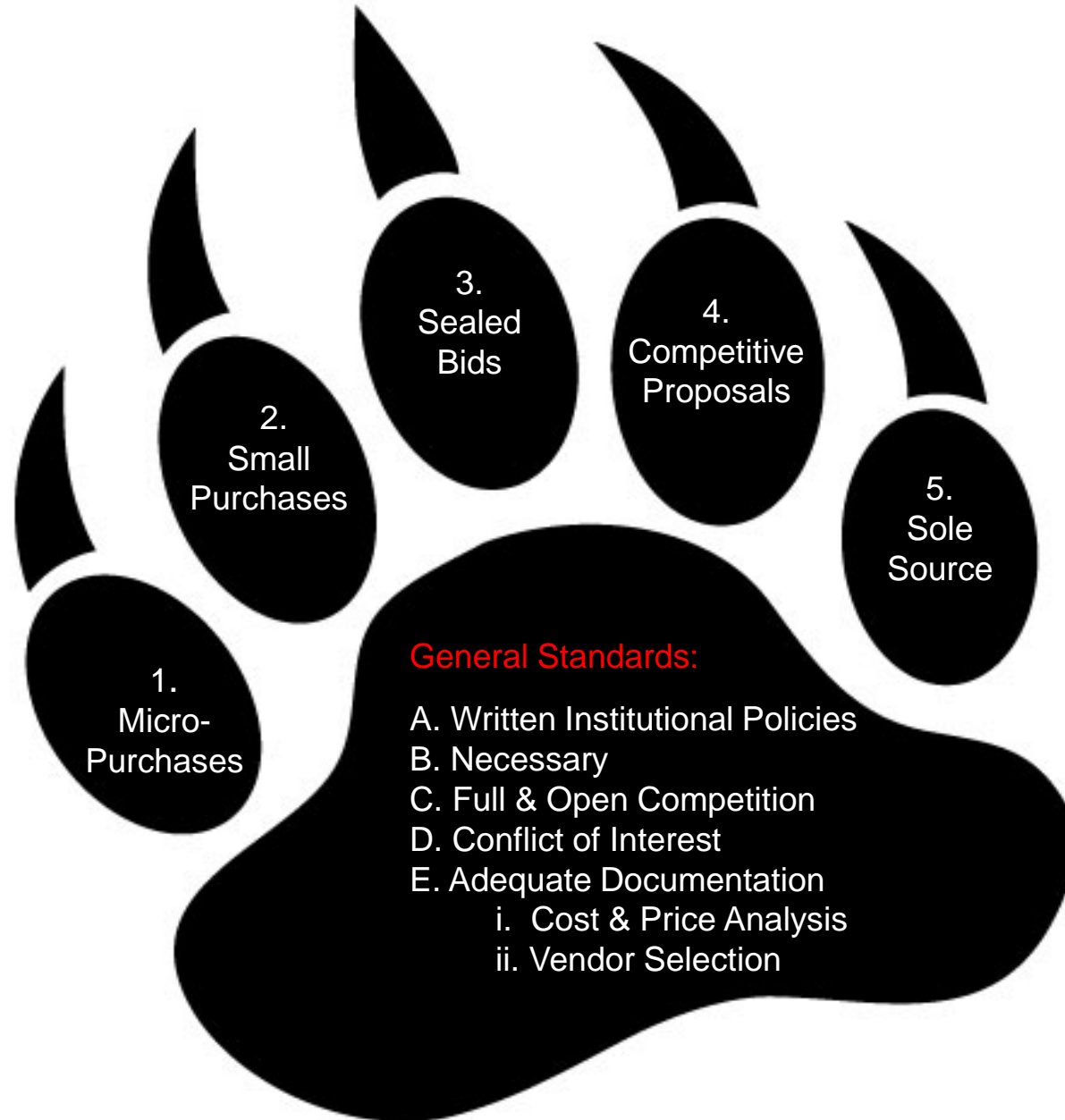
- Micro-Purchases are under \$10,000 and may be awarded without soliciting competitive quotations if the recipient considers the price to be reasonable.
- Small Purchase procedures are up to \$150,000, a price or rate quotation must be obtained from an adequate number of qualified sources and no cost or price analysis is required.
- Sealed Bids must have formal advertising, publicly solicited, is a firm fixed contract and be the lowest price.

Procurement Standards

Methods of procurement

- Competitive Proposals are publicized, you must have a written method for conducting technical evaluations, and normally have more than one source submitting an offer, and is either a fixed price or cost-reimbursement type contract and must be awarded to the proposal which is most advantageous to the program, with price and other factors considered.
- Sole Source is used when the item is available only from a single source, a public emergency, solicitations and number of sources are inadequate and you have written approval from agency.

Procurement “Claw” (Sections 200.317-326)



Procurement "Claw" (Section 200.320)

