

PENNSYLVANIA DISTANCE LEARNING CHARTER SCHOOL

Book: Policy Manual
Section: Federal Programs
Title: Procurement Using Grant Funds Policy
Adopted: February 29, 2016
Revised: March 6, 2019

PURPOSE: The purpose of this Policy is to ensure compliance with securing goods and services using grant funds by PDLCS with reputable and responsible suppliers in an equitable and competitive manner. This policy is intended to supplement but not replace any applicable State or Federal laws governing Federal grants applicable to nonprofit and public cyber charter schools.

SCOPE: The Policy applies to the Board of Trustees, school administration, and other school employees with Board delegated powers direct or indirect in grant expenditure decisions related to the school.

POLICY AUTHORITY: Policy draft is reviewed by the CEO of PDLCS; then (1) sent to the Board of Trustees, and (2) presented at the next formal, public Board Meeting for review, public comments and approval.

DEFINITIONS:

2 C.F.R. 200.317: U.S. Government Publishing Office: Federal Regulations for Procurement by States for grant and agreements using Federal funds.

DETAILED POLICY STATEMENT: The U.S. Government under 2 CFR Part 200.317, Procurement by States requires that grantees and sub grantees will use their own procurement procedures which reflect applicable state (PA School Code Section 807.1) and local laws and regulations, provided that procurements conform to applicable Federal law and other standards. In using Federal funds for procurements, the School is bound to adhere to all of the procurement standards identified in 2 CFR Part 200.317 et. seq. If the School's procurement policies and procedures are more restrictive than State or Federal laws and regulations, School policies must be followed. 2 CFR Part 200.318 includes but is not limited to the following requirements:

- The School will use its own procurement procedures which reflect applicable state and local laws and regulations, provided that the procurements conform to applicable Federal law and regulations.
- The School will have written selection procedures for procurement transactions.
- Any lists of prequalified persons, firms, or products to be used by the School will be updated regularly and will ensure open and free competition.

- Only responsible contractors that have the ability to successfully complete contract terms will be used.
- If available and applicable, excess Federal property and equipment will be used before purchasing new equipment.
- The School will ensure no real or apparent conflicts of interest during the procurement activities and will adhere to the School's Conflict of Interest Policy.
- All transactions will be conducted in a manner providing full and open competition (See 34 CFR 80.36 © for examples of restrictive procurement situations.
- Unnecessary or duplicative purchases will be avoided.
- The School will perform a cost or price analysis in connection with every procurement action including contract modifications.
- Detailed records to substantiate procurement decisions, rationale and history will be maintained.
- The School will handle and resolve any contract or procurement disputes.
- The School must make available, upon request of the awarding agency, technical specifications on proposed procurements where the awarding agency believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase.
- The School's contracts must contain provisions of paragraph 2 CFR 200.326.
- Contracting with faith-based organizations is allowed provided there is no discrimination for or against the organization and provided that the faith-based organization offers any religious worship, instruction or proselytization at a time and in a location separate from any programs or services provided to the School and any participation in such services by beneficiaries of grant programs is voluntary.

Purchasing procedures using Federal and non-Federal grant funds will conform to applicable state, local and Federal law and any regulations identified in 2 CFR. Procurements may be awarded through noncompetitive means under certain circumstances such as if the goods/services are only available from a single source, public exigency or emergency necessitates noncompetitive procurement, the awarding agency authorizes it, or if competition is deemed inadequate. See 2 CFR Part 200.320 for additional guidance on when noncompetitive procurement may be used.

Federal regulations (See 2 CFR Part 200.320) stipulate that procurements of services under \$250,000 may be conducted via less formal competitive procedures such as price or rate quotations.

Grant Program Manager (GPM) and Principal will communicate the needs of the program to the Business Manager, Chief Executive Officer, and Director of Student Services and assist in the evaluation of competitive bidders and vendors responding to Request for Proposals (RFPs). GPMs must contact the Chief Executive Officer prior to the issuance of any RFPs to ensure compliance with grant requirements and to consult the Director of Student Services for guidance on when to use a specific type of procurement method. The GPM is responsible for obtaining price quotations and for completing a quote evaluation for procurements of goods/supplies with a potential value of up to \$20,100 and for procurements of services with a value of up to \$249,999. The GPM will attach completed quote

evaluations to all procurement requisitions documents – contract forms for services or purchase requisitions for goods. The GPM will also ensure that the goods and services they seek to purchase meet the School's Allowable Uses of Funds and Adherence to Cost Circulars Policy. The GPM will be responsible for capturing and maintaining any procurement documentation.

The Director of Student Services is responsible for ensuring that procurement procedures are followed and that staff are properly training in State, local, and Federal law and regulations as well as School policies. The Director of Student Services is also responsible for conducting formal bid solicitation processes for procurements of goods/supplies with potential value of more than 420,100 and for procurements of services of \$250,000 or more.