

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, December 6, 2021, March 7, 2022

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 CCO and 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.

Procurement Thresholds

Please see the Attachment 1 that outlines the procurement methods the School will follow for the acquisition of goods and services when using Federal funds. As the thresholds are revised, the School will revise the attachment to reflect the most up-to-date procurement thresholds.

Requirements

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.

Documentation of procurement processes should be maintained.

Attachment 1: Procurement Thresholds when using Federal Funds, effective date January 1, 2022

Procurement Method §200.320	Goods/Supplies	Services	Requirements
Micro-purchase (No quotes required)	Less than \$10,000 Note: Must use more restrictive \$0 Federal threshold instead of no state requirements under \$11,800	Less than \$10,000 Note: Must use more restrictive \$10,000 Federal threshold instead of state exemption for services	<ul style="list-style-type: none"> consider price to be reasonable distribute equitably among suppliers to the extent practical
Small Purchase Procedures (Relatively simple and informal)	\$10,000 - \$21,900 Note: Must use more restrictive \$10,000 Federal threshold instead of \$21,900 state threshold	\$10,000 - \$249,999 Note: Must use more restrictive \$10,000 Federal threshold instead of state exemption for services	<ul style="list-style-type: none"> obtain/document price or rate quotations from a reasonable number of qualified sources (at least three per 24 PS 8.807.1) written or documented quotes
Sealed Bids (Formal advertising)	\$21,900 or more Note: Must use more restrictive \$21,900 state threshold instead of \$250,000 Federal threshold	N/A	<ul style="list-style-type: none"> bids are publicly solicited firm fixed price contract awarded to the responsible bidder lowest in price cost or price analysis for purchases in excess of the Simplified Acquisition Threshold (\$250,000)
Competitive Proposals (Formal RFPs)	N/A	\$250,000 or more Note: Must use more restrictive \$250,000 Federal threshold instead of state exemption for services	<ul style="list-style-type: none"> conducted with more than one source submitting an offer price is not used as a sole selection factor fixed price or cost-reimbursement type contract is awarded cost or price analysis for purchases in excess of the Simplified Acquisition Threshold (\$250,000)
Non-competitive proposals	Appropriate only when these circumstances apply: <ul style="list-style-type: none"> Available only from a single source (sole source) Public emergency Expressly authorized by awarding or pass-through agency in response to written request from district After soliciting a number of sources, competition is deemed inadequate 		<ul style="list-style-type: none"> solicitation from only one source used only when qualifying circumstances apply fixed price or cost-reimbursement type contract is awarded