

**FEDERAL PURCHASING AUTHORITY/PURCHASING PROCEDURES,
PURCHASING CODE OF CONDUCT, FEDERAL EXPENSE/TRAVEL
REIMBURSEMENTS FEDERAL PROPERTIES DISPOSAL
PROCEDURES**

It shall be the purchasing philosophy of Sweetwater County School District #1 that all purchases shall be evaluated so that priority is given to those that contribute best to improved student achievement of the district's exit learner standards and student performance standards for the common core knowledge and skill areas. Purchases will also be carefully investigated to see that each fit into the district's budget framework.

The Board realizes that it is not always possible to purchase exactly what is desired. For this reason, specifications are to be developed that will allow a variety of bidding. In the evaluation of bids the philosophy of the Board shall be that the district cannot always purchase the most expensive item nor should the Board always look to the lowest bid, but rather the bid that, in the judgment of the administration and the Board, is in the best interest of the district.

In addition to District Policies, the following procedures are to be followed with regard to purchasing items with Federal funds:

I. METHODS OF PROCUREMENT

The non-Federal entity must use one of the following methods of procurement.

- (a) Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$3,000 (or \$2,000 in the case of acquisitions for construction subject to the Davis-Bacon Act). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.
- (b) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
- (c) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply.
 - (1) In order for sealed bidding to be feasible, the following conditions should be present:
 - (i) A complete, adequate, and realistic specification or purchase description is available;
 - (ii) Two or more responsible bidders are willing and able to compete effectively for the business; and
 - (iii) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
 - (2) If sealed bids are used, the following requirements apply:
 - (i) The invitation for bids will be publicly advertised and bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids;
 - (ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
 - (iii) All bids will be publicly opened at the time and place prescribed in the invitation for bids;
 - (iv) A firm fixed price contract award will be made in writing to the lowest responsive

and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

- (v) Any or all bids may be rejected if there is a sound documented reason.
- (d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
 - (1) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - (2) Proposals must be solicited from an adequate number of qualified sources;
 - (3) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
 - (4) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
 - (5) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.
- (e) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
 - (1) The item is available only from a single source;
 - (2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - (3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
 - (4) After solicitation of a number of sources, competition is determined inadequate.

II. EXPENSE/TRAVEL REIMBURSEMENTS

Temporary dependent care costs (as dependent is defined in 26 U.S.C.152) above and beyond regular dependent care that directly results from travel to conferences is allowable provided that:

- (i) The costs are a direct result of the individual's travel for the Federal award;
- (ii) The costs are consistent with the non-Federal entity's documented travel policy for all entity travel; and
- (iii) Are only temporary during the travel period.

III. SCHOOL PROPERTIES DISPOSAL

Items purchased with Federal Funds over \$500- (See 13a – 200.313)

- a. Disposition. When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal awarding agency disposition instructions, the non-Federal entity must request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made as follows, in accordance with Federal awarding agency disposition instructions:
 - (i) Items of equipment with a current per unit fair market value of \$5,000 or less may be retained, sold or otherwise disposed of with no further obligation to the Federal awarding agency.
 - (ii) Except as provided in § 200.312 Federally-owned and exempt property, paragraph (b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair-market value in excess of \$5,000 may be retained by the non-Federal entity or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal entity to deduct and retain from the Federal share \$500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.
 - (iii) The non-Federal entity may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the non-Federal entity must be entitled to compensation for its attributable percentage of the current fair market value of the property.
 - (iv) In cases where non-Federal entity fails to take appropriate disposition actions, the Federal awarding agency may direct the non-Federal entity to take disposition actions.

All moneys received from the sale of equipment, materials, or supplies shall be deposited in the appropriate fund of the district. Records of the disposal shall be kept and maintained for five years.

IV. PURCHASING CODE OF CONDUCT

1. Conflict of Interest.

No employee, officer, or agent of the District may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.

2 CFR Part 200.318 (c).

A conflict of interest arises when a District employee, officer, or agent, or 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 parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. 2 CFR Part 200.318 (c).

Anyone with a real or apparent conflict of interest, shall rescue themselves from participating in the selection, award, or administration of a contract supported by a federal award, and the recusal shall be noted in the Board minutes of the meeting at which the contract giving rise to the conflict is approved.

2. Kickbacks

Officers, employees, and agents of the District shall not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. 2 CFR Part 200.318 (c).

3. Violations

Employees found to be in violation of this Purchasing Code of Conduct provision are subject to disciplinary action, up to and including termination.

Adopted: 3/8/00
Revised: 7/15/15: 1/15/2018

Legal Refs.: W.S. 21-3-110(a)(viii)
Wyoming Education Policies Reference Manual, Codes, DJA, DJC, DJF

Legal Reference: § 200.318; § 200.320; § 200.313; § 200.474 (c)(1); 26 U.S.C. 152)

Cross-referenced: DN; DLC; DJ/DJF

School District #1, Sweetwater County, WY