

1 **Browning Public Schools**

2
3 **Policy # 8210**

4 **Policy Name:** *Federal Procurement*

5 **Regulation** -----

6
7 **Procurement Policy Using Federal Funds**

8
9 The purpose of this Policy is to establish guidelines that meet or exceed the procurement
10 requirements for purchases of goods, services, and construction or repair projects when federal
11 funds are being used in whole or in part to pay for the cost of the contract. The policy
12 specifically applies to food service purchases.

13
14 This policy applies to contracts for purchases, services, and construction or repair work funded
15 with federal financial assistance whether direct or reimbursed. The requirements of this Policy
16 also apply to any subrecipient of the funds. All contracts paid for in whole or in part with federal
17 funds shall be in writing.

18
19 All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are
20 subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements
21 for federal awards codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the
22 federal agency or state pass-through agency that awarded the funds.

23
24 No contract may be divided to bring the cost under bid thresholds or to evade any requirements
25 under this Policy or state and federal law.

26
27 **Purchases:**

- 28 • Purchases greater than \$1 and less than \$10,000:
- 29 ○ Any purchase greater than \$1 and less than \$10,000 will be handled in a fair and
 - 30 equitable manner consistent with district policy on purchasing.
 - 31 ○ The District will obtain two or more estimates when any purchase will cost more
 - 32 than \$10,000 and less than \$80,000.
 - 33 ○ The District may enter into a cooperative purchasing contract for procurement of
 - 34 supplies with one or more districts or a Cooperative Services Program. This
 - 35 allows the District to participate in a cooperative purchasing group to purchases
 - 36 supplies through the group without bidding if the cooperative purchasing group
 - 37 has a publicly available master list of items available with pricing included and
 - 38 provides an opportunity at least twice yearly for any vendor, including a Montana
 - 39 vendor, to compete, based on a lowest responsible bidder standard.
 - 40
- 41 • Purchases great than \$ \$10,000 and less than \$80,000:
- 42 ○ Any purchase greater than \$10,000 and less than \$80,000 will be handled in a fair
 - 43 and equitable manner consistent with district policy on purchasing.
 - 44
 - 45
 - 46

- The School District will obtain two or more estimates when any purchase will cost more than \$10,000 and less than \$80,000.
- The District may enter into a cooperative purchasing contract for procurement of supplies with one or more districts or a Cooperative Services Program. This allows the District to participate in a cooperative purchasing group to purchases supplies through the group without bidding if the cooperative purchasing group has a publicly available master list of items available with pricing included and provides an opportunity at least twice yearly for any vendor, including a Montana vendor, to compete, based on a lowest responsible bidder standard.

Bid Specifications: (OPTIONAL)

The School District contracts will not be awarded to any potential vendors who write any of the bid specifications, the solicitation documents, or any of the contract language. The district must take care that any bids for services and supplies are written in the broadest possible terms to allow for participation by the largest number of potential vendors.

Identical bid specifications and/or request for proposals will be provided to all potential vendors.

Geographic Preference: (OPTIONAL)

No Geographic Preference (advantage based on location) is allowed with federal funds except for documented Farm to School (Farm to Plate) efforts. Therefore, as part of Farm to School the _____ School District may choose to apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products only.

Buy American: (OPTIONAL)

The District will adhere to “Buy American” for the food service program. Therefore, Food Service is required to purchase, to the maximum extent possible, domestic products for use in meals served in our Child Nutrition Program. However, exceptions are allowed when:

- Food preferences can only be met with foreign goods
- Insufficient quantity and/or quality is available in the USA
- Domestic cost is **significantly** higher

Standards of Conduct for District Employees:

- The _____ School District maintains the following code of conduct for any employees engaged in award and administration of contracts supported by Federal Funds:
- No District employee will engage in any procurement when there is a conflict of interest, real or perceived, and District employees cannot solicit or accept any gratuities, favors or anything of monetary value from prospective vendors. This shall not preclude district personnel from serving on boards or participating in organizations that support the district’s need to obtain quality services and supplies.

- 1 • No District employee shall participate in the selection, award or administration of a
2 contract when any of the following persons have a financial interest in the firm selected
3 for award:
 - 4 ○ The employee
 - 5 ○ Any member of his/her immediate family
 - 6 ○ People with whom there is an intimate personal relationship
 - 7 ○ An organization which employs or is about to employ any of the above
- 8
- 9 • The District would like all employees to behave with the utmost integrity and never be
10 self-serving, be fair in all aspects of the procurement process, be alert to conflicts of
11 interest, and avoid any compromising situations.
- 12
- 13 • Employees found to be in violation of this policy are subject to disciplinary action, up to
14 and including termination.
- 15

16
17 **Policy History:**

18 Adopted on:

19 Revised on:

20 Reviewed on: 5/26/21, 6/8/21

21