

*School District of Florence County  
Policy DK - Administrative Rule*

**Procurement Methods for Services, Supplies, Equipment and Other Property**

**Federally-Authorized Grounds for “Single Source” Procurement**

In connection with procurements made using, in whole or in part, federal funds that are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Uniform Guidance”), any one or more of the following conditions may justify procurement pursuant to a noncompetitive proposal (i.e., relying on “single source” procurement):

1. The item is available only from a single source;
2. A public exigency or emergency for a necessary procurement will not permit a delay resulting from a competitive solicitation;
3. After solicitation of a number of sources, the District determines that competition is inadequate;
4. The federal awarding agency or the state as a pass-through entity has expressly authorized noncompetitive proposals in response to a written request from the District.

The District will document the grounds for using a noncompetitive process in lieu of an otherwise-required competitive method of procurement.

In addition to the above-listed federal justifications for noncompetitive procurement, Board policy lists additional grounds for using a noncompetitive process that the administration and District procurement agents may rely on for purchases that are not supported by federal funds that are subject to the Uniform Guidance.

**District Standards for Obtaining Price/Rate Quotations to Support Procurement Decisions**

The following procedures and standards apply to District procurement decisions that, per School Board policy, include the consideration of valid price or rate quotations but that do not require the solicitation of formal bids or requests for proposals:

1. The District’s preferred standard is three (3) quotations from separate sources among which the District is essentially indifferent as to all specifications and terms other than cost. The minimum standard (when not relying on a valid sole-source justification) is at least two (2) price/rate quotations representing acceptable procurement options. If applicable, the reason for deviating from the preferred standard shall be documented. One example of a valid reason for such a deviation is the demonstrated administrative burden associated with meeting the preferred standard in a specific situation.
2. Documented price or rate quotations may be obtained from an online search, from publicly-advertised prices, from written quotations prepared upon request, by documenting verbal quotations, or by referencing any pre-established procurement arrangement that the District is entitled to utilize (e.g., consortium pricing). In submitting a purchase or contract for School Board approval, the administration may consider quotations from a source not expressly listed in this paragraph if such an alternative source is documented and identified for the Board’s consideration.

3. The specific price/rate quotation need not be the sole determining factor in the procurement decision when the District, considering the best interests of the District and the responsible expenditure of funds, determines at its discretion that (a) other relevant and material differences exist among the quotations (e.g., quality, functionality, vendor-supplied support services, life-cycle cost estimates, vendor experience in connection with the purchase of services, etc.), and (b) such differences predominate over a strict cost comparison. The reason for deviating from using cost as the determining factor shall be documented.

### **Methods of Determining Reasonable Prices for a “Micro-Purchase” Made under Informal Procurement Methods**

Where District procurement agents are permitted, per Board policy, to make or authorize a purchase based on a determination that the price of the purchase is reasonable and without necessarily obtaining multiple rate or price quotations, such determination may be made by, for example, comparing the price to previous purchases of the same item(s), having personal knowledge of typical pricing for the item(s) being purchased, or comparing the price of items that are similar to the items being purchased.

### **Procurement Practices that Seek to Decrease Costs and Increase Value**

District procurement agents may go beyond any minimally-required and minimally-acceptable procurement procedures for the purpose of increasing the tangible or intangible value that the District can derive from a particular purchase or contract. As examples that may be appropriate in connection with specific purchasing decisions and processes, administrators and other District procurement agents are encouraged to consider:

1. engaging in additional research (e.g., seeking relevant industry comparisons);
2. affirmatively seeking discounts or non-price considerations that would benefit the District;
3. evaluating whether it may be more economical to either consolidate or separate procurements;
4. conducting an analysis of lease versus purchase alternatives;
5. evaluating the feasibility of intergovernmental agreements or other inter-entity agreements for the procurement or use of common or shared goods and services;
6. seeking reliable sources of used, excess, or surplus property;
7. using value engineering clauses in specifications and contracts for construction projects.

### **Partial List of Additional Requirements Applicable to Procurements that are Subject to the Federal Uniform Guidance Regulations**

Except as expressly authorized by the Uniform Guidance and/or other applicable federal law:

1. Solicitations for procurement by bids or proposals must (a) identify all requirements which an offer must fulfill and all other factors to be used in evaluating bids or proposals, and (b) incorporate a sufficiently clear and accurate description of the technical requirements for the material, product, or service to be procured.

2. Vendors or contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals on behalf of the District are ineligible to compete for any procurement to which their development or drafting work on behalf of the District relates.
3. The District must conduct procurements for federally-supported contracts without the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals.
4. Solicitation of competitive bids or competitive proposals shall be made through public advertising and through the direct solicitation of a reasonable number of individual providers/contractors, as determined by the District Administrator or Business Manager. However, District procedure must not preclude potential vendors from qualifying during the solicitation period.
5. The District must take affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. These affirmative steps include, but are not limited to, placing qualified small and minority businesses and women's business enterprises on solicitation lists and assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources. Where District contracts involve the letting of subcontracts by a prime contractor, the prime contractor is likewise required to take such affirmative steps.
6. Costs or prices based on estimated costs for contracts supported by federal awards are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the District under the cost principles that the Uniform Guidance applies to the District as a recipient of federal funds.
7. A time and materials 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.
8. The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.
9. District contracts that are subject to the Uniform Guidance must contain the applicable provisions described in Appendix II to Part 200 of Title 2 (Contract Provisions for non-Federal Entity Contracts under Federal Awards).
10. District procurement supported by federal funds may be subject to the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The general requirements include procuring solid waste management services in a manner that maximizes energy and resource recovery; establishing an affirmative program for procurement of recovered materials as identified in Environmental Protection Agency (EPA) guidelines; and, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000, procuring only items designated in regulatory guidelines of the EPA that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

**Adoption Date:** May 13, 2020