

ATHENS-HOCKING-VINTON 317 BOARD**FISCAL: PROCUREMENT****Policy F-3****Current**

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Purpose

To provide a uniform Board procurement policy that meets compliance with state and federal requirements.

Policy

This policy meets uniform processes for procurement transactions under a Federal award or subaward in compliance with the terms and conditions of the Federal award and the *Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards* (2 C.F.R. Part 200). Procurement transactions are those conducted with “contractors” as defined in 2 C.F.R. Part 200.01 and 2 C.F.R. 200.331. Procurement procedures do not apply to an entity that the Board has determined to be a “subrecipient.”

A. General

The Board shall utilize uniform processes for the procurement of services, supplies, equipment and materials and the administration of its contracts. All procurements will be reviewed for necessity and follow standards to maximize the value for each dollar expended.

The procurement process shall avoid real or apparent conflicts of interest in making decisions about or administering the awarding of contracts or purchases. The Board shall not award funds to any person or company that is disbarred, suspended or otherwise excluded from or ineligible for participation for state or federal funding.

B. Procurement Methods

The following procurement methods are the minimum required methods for purchases with state and federal funding.

Aggregate value relates to purchases which may reasonably and in good faith be deemed to constitute a separate contract or purchase order.

For purchases made with non-federal funds, the governing board may approve a higher threshold on a case-by-case basis. All such approvals must be documented. There may be more restrictive requirements from some governmental and private funders, in which case, the most restrictive requirements will be applied.

1. Non-Competitive Procurement

Non-competitive procurement may be used only if one of the following circumstances applies:

- a. The aggregate amount of the transaction does not exceed the micro-purchase threshold

(see below);

- b. There is only one source capable of fulfilling the procurement transaction;
- c. A public exigency or emergency prevents publicizing a competitive solicitation. A post-procurement report should be prepared to document the circumstances.
- d. The Federal agency or pass-through entity (i.e., Ohio Department of Behavioral Health) provides written approval in response to the Board's request to use a noncompetitive procurement method; or
- e. After soliciting several sources, competition is determined to be inadequate.
- f. The service being purchased is determined to be a subrecipient under federal guidance, or the purchase is from a certified behavioral health provider under ORC 340.036 for state or local funds.

In all cases, justification for using non-competitive procurement must be documented.

2. Micro-Purchases

Micro-purchases:

- a. Do not exceed \$10,000 in the aggregate.
 - The Board may increase this threshold to \$50,000 if justified and documented in Board records.
- b. Micro-purchases may be awarded without soliciting competitive price or rate quotations if the Board considers the price reasonable based on research, experience, purchase history, or other information.

3. Simple Acquisitions

For purchases between \$10,000 and up to \$250,000 in aggregate value, one of the following methods is required:

- a. Obtain rate quotations from an adequate number of sources. The Board may determine the number of quotations considered to be adequate (*generally 3 sources*) unless a number is specified by the Federal agency; or
- b. Professional design services (architect, engineer, surveyor, landscape architect) must follow ORC 153.65–153.73.

4. Formal Procurement

Formal procurement is required for purchases expected to exceed \$250,000 in aggregate value under a federal award.

For state or local funding, the Board may adopt a resolution to exempt formal procurement for the following services: accountant, architect, attorney at law, physician, professional engineer, construction project manager, consultant, surveyor, or appraiser. All exemptions must be documented in Board records. Even with exemption, ORC 153.65–153.73 applies where relevant.

Formal procurement methods include:

- a. **Competitive Sealed Bid Procurements:** Solicit publicly through an invitation for bids. A firm fixed-price contract is awarded to the responsible bidder whose bid conforms to all material terms and conditions, and is lowest in price.
 - Sealed bids are preferred for construction services..
- b. **Competitive Sealed Proposal Procurements:** Procurement by competitive sealed proposals will be utilized when conditions are not appropriate for the use of competitive sealed bids, such as when technical qualifications, experience, or other factors must be considered alongside price.

Responsibility

The Fiscal Director, Deputy Director and Executive Director share responsibility for the implementation of this policy.

All Board staff members charged with operational and/or procurement duties are responsible for understanding and adhering to the Board's Procurement Policy & Procedures.

See Also: Procedure F-3-Procurement Procedures

Applicable Laws, Regulations and Guidance:

O.R.C. Chapter 102

O.R.C. 153 Public Improvements

O.R.C. Section 2921.42

2 C.F.R. 200.212 Conflict of Interest

2 C.F.R. 200.318 General Procurement Standards

2 C.F.R. 200.319 Competition

2 C.F.R. 200.320 Procurement Methods

2 C.F.R. 200.321 Contracting with Small Business, Minority Business, Women's Business Enterprises, Veteran-Owned Businesses, and Labor Surplus Area Firms

2 C.F.R. 200.322 Domestic Preferences for Procurements

2 C.F.R. 200.323 Procurement of Recovered Materials

2 C.F.R. 200.324 Contract Cost and Price

2 C.F.R. 200.325 Federal Agency or Pass-Through Entity Review