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Series 700: Purchasing & Procurement

Policy Name **Purchasing & Procurement**

Policy Number 701 & 702

Regulations: FS 287**;** 2 CFR Part 200; DCF contract # ZJ002; FS. 215; F.S. 409.987 and F.S. 409.988; F.A.C 60A-1

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Policy

As a pass-through recipient of state and federal funding, Communities Connected for Kids complies with and follows the federal guidance of 2 CFR Part 200 and the state guidelines outlined in Florida Statutes 287 and 215, and Florida Administrative Code 60A -1 for the purchase of goods and services necessary to meet contractual requirements and conduct operational functions.

Scope

Purchasing and Procurement of all goods and services necessary for CCKids operations per DCF and Sunshine contract requirements are conducted according to this policy. Procedures employed ensure that CCKids contracted services:

- Delivers the best value;
- Manages risk;
- Promotes efficient purchasing practices and their continuous improvement; and
- Eliminates the appearance of or actual occasion for conflicts of interest in the procurement of services.

Definitions

Commodity: Any of the various supplies, materials, goods, merchandise, food, equipment, information technology, and other personal property or portable structure with floor space less than 5,000 square feet, purchases, leased, or otherwise contracted for by the state and its agencies.

Competitive Solicitation: process of requesting and receiving two or more sealed bids, proposals, or replies submitted by responsive vendors in accordance with the terms of a competitive process, regardless of the method of procurement.

Contract: mutually binding legal relationship evidenced by a written agreement obligating a Contractor to furnish commodities or contractual *services* to the Department, an agency, an eligible user, or another state. A Contract requires signatures of all parties.

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Emergency Purchases: The purchasing of goods or services necessitated by an immediate danger to the public's health, safety, welfare, or other substantial loss to the agency (i.e. hurricanes, fire, flood, natural disaster, etc.)

Exceptional Purchase: any purchase of commodities or contractual services excepted by law or rule from the requirements for competitive solicitation, including, but not limited to, purchases from a single source; purchases upon receipt of less than two responsive bids, proposals, or replies; purchases made by an agency after receiving approval from the department

Invitation to Bid: a formal competitive procurement solicitation that is used primarily for values $150,000.01 or over. Written or electronically posted solicitations for competitive sealed bids contain specification or scope of work and contain terms and conditions. The solicitation must also include a closing date, time and place for which items received will be publicly opened and recorded. This solicitation is primarily utilized when price is the main consideration and the procurement lends itself to a firm fixed price contract.

Invitation to Negotiate: a written or electronically posted solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services.

Purchase Order: written agreement formalizing the terms and conditions under which a Vendor furnishes commodities or contractual services to the Department or an agency

Request for Information: a written or electronically posted request made by an agency to vendors for information concerning commodities or contractual services. Responses to these requests are not offers and may not be accepted by the agency to form a binding contract.

Request for Proposals: a written or electronically posted solicitation for competitive sealed proposals.

Request for a Quote: an oral, electronic, or written request for written pricing or services information from a state term contract vendor for commodities or contractual services available on a state term contract from that vendor.

Subrecipient: means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

Vendor: A person or company that sells a product, commodity, goods or services where the person/company operates in a competitive environment, does not directly determine client eligibility status, and where the products, goods, or services are ancillary to compliance requirements of federal programs.

Additional definitions applicable to this policy are outlined in FS 287 and 2CFR Part 200 and hereby incorporated by reference.

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A. PROCUREMENT POLICY

1) All purchases of goods and services will be conducted according to the purchasing categories outlined in FS 287.
    1) CATEGORY ONE: $20,000.
    2) CATEGORY TWO: $35,000.
    3) CATEGORY THREE: $65,000.
    4) CATEGORY FOUR: $195,000.
    5) CATEGORY FIVE: $325,000.

2) Purchases Below Category Two
    a. All proposed services with a cost estimated to be below Category Two, including those made utilizing agency-issued purchasing cards, may be conducted by authorized staff.
    b. Micro Purchases- Purchases with values below $2,500 may be conducted using good purchasing practices which may include either written quotations or written records of telephone quotations or both to include at least two quotes whenever possible.
    c. Emergency purchases including transportation for a child or parent, (airline or bus ticket purchases) should be made by exercising prudent and responsible pricing decisions but are not required to obtain quotes from different transportation sources.
    d. Small Purchases- Purchases which meet or exceed $2,500 but are less than the threshold of Category One will be made after receiving two or more written quotations whenever practical. If at least two quotations are not received, a statement as to why they were not received must be included with purchase documentation.
    e. Purchases with a dollar value at or above Category One but less than the threshold of Category Two shall be carried out using three or more written quotations or informal bids to be opened upon receipt.
    f. All documentation of bids and quotes, as well as justification for purchase without bids or quotes, will be retained within the purchase file.

3) Purchases Above Category Two
    a. All proposed services with a cost estimated to be greater than Category Two shall be evaluated by the CCKids Contract management department.
    b. Department Directors contemplating a purchase projected to exceed Category Two shall consult with the CCKids director of contract management.
    c. Director of contract management will assign a procurement/contract manager to facilitate the Category TWO or above purchase. All CCKids contract managers assigned procurement or contract management duties are required to obtain certification in contract management.

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4) Competitive procurement shall be used for the purchase of commodities or contractual services more than the threshold amount provided for CATEGORY TWO, unless:

   a. The agency head determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the state requires emergency action.

   b. The purchase is made by an agency from a state term contract procured, pursuant to this section, by the department of children and families or another state agency.

   c. Commodities or contractual services available only from a single source may be excepted from the competitive-solicitation requirements. If an agency believes that commodities or contractual services are available only from a single source, the agency shall electronically post a description of the commodities or contractual services sought for at least 15 business days

   d. The proposed contractual services and commodities are not subject to the competitive-solicitation requirements as outlined in 287.057 (3) (e)

   e. The following contractual services and commodities are not subject to the competitive solicitation requirements of this section:

      i. Artistic services. As used in this subsection, the term “artistic services” does not include advertising or typesetting. As used in this subparagraph, the term “advertising” means the making of a representation in any form in connection with a trade, business, craft, or profession in order to promote the supply of commodities or services by the person promoting the commodities or contractual services. Academic program reviews if the fee for such services does not exceed $50,000.

      ii. Lectures by individuals.

      iii. Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.

      iv. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration. The term also includes, but is not limited to, substance abuse and mental health services involving examination, diagnosis, treatment, prevention, or medical consultation if such services are offered to eligible individuals participating in a specific program that qualifies multiple providers and uses a standard payment methodology. Reimbursement of administrative costs for providers of services purchased in this manner are also exempt. For purposes of this subparagraph, the term “providers” means health professionals and health facilities, or organizations that deliver or arrange for the delivery of health services.

      v. Services provided to persons with mental or physical disabilities by not-for-profit corporations that have obtained exemptions under s. 501(c)(3) of the United States Internal Revenue Code or when such services are governed by Office of Management and Budget Circular A-122. However, in acquiring

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such services, the agency shall consider the ability of the vendor, past performance, willingness to meet time requirements, and price

vi. Medicaid services delivered to an eligible Medicaid recipient unless the agency is directed otherwise in law.

vii. Family placement services.

viii. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the vendor, past performance, willingness to meet time requirements, and price.

ix. Training and education services provided to injured employees pursuant to s. 440.491(6).

x. Contracts entered into pursuant to s. 337.11.

xi. Services or commodities provided by governmental entities.

xii. Statewide public service announcement programs provided by a Florida statewide nonprofit corporation under s. 501(c)(6) of the Internal Revenue Code which have a guaranteed documented match of at least $3 to $1.

xiii. Continuing education events or programs that are offered to the general public and for which fees have been collected which pay all expenses associated with the event or program are exempt from requirements for competitive solicitation.

f. In addition to the requirements outlined in A. 4). above, all purchases using federal funds that exceed the Federal Simplified Acquisition threshold (currently $250,000) will be subject to competitive procurement, consistent with 2 CFR 200.320 (c) *Noncompetitive procurement.* There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

i. The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold ;

ii. The item is available only from a single source;

iii. The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;

iv. The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or

v. After solicitation of a number of sources, competition is determined inadequate.

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B. PROCUREMENT PROCEDURES

1) Director of contract management will consult with Director of finance to determine the appropriate funding source and maximum funding available for the service.
2) The assigned procurement/contract manager will apply the CCKids procurement decision tree (**Attachment A**) to determine procurement requirements, in accordance with state and federal law, DCF and CCKids policy.
3) Following completion of the procurement decision tree, the assigned contract manager/procurement manager will consult the director of contract management to determine the appropriate direction, which may include:
    a. Proceed with competitive procurement
    b. Proceed with non-competitive procurement below $250,000 or containing only State funds.
    c. Request DCF permission to non-competitively procure for contracts utilizing $250,000 or higher in Federal funds. Non-Competitive procurements for contracts greater than the simplified acquisition threshold (currently $250,000) shall only proceed following receipt of DCF permission to non-competitively procure. (**Attachment B)**
4) Director of Contract Management will determine the appropriate procurement process (i.e.: ITN, RPF, RFI)
5) Assigned procurement manager will consult with SMT to identify CCKids employees with subject matter expertise to serve as procurement team members. All prospective procurement team members will complete the conflict of interest declaration prior to serving on the team.
6) Procurement manager will ensure that the procurement is widely advertised using at a minimum
    a. The CCKids website
    b. Email notification to current network providers
    c. The Florida Coalition for Children advertisement process
7) Resulting contracts will contain all terms and conditions from the DCF/CCKids contract that are required to be included.
8) All decision tree documents and final decision regarding procurement activities will be maintained with the procurement/contract file for the commodity or service.

C. PURCHASES FROM OTHER LEAD AGENCY CONTRACTS

1) CCKids clients may require services from outside the Circuit 19 catchment area. This may include, but is not limited to, child placement in licensed group, shelter or residential treatment, or therapeutic services for children or parents under Circuit 19 court jurisdiction and residing outside Circuit 19.

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2) Upon determination of need for such service, the CCKids employee or subcontracted case management agency representative will contact the CCKids contract management department to inform of the need. The information needed will include: type of service, name address and contact information for the proposed service provider.
3) CCKids contract manager will determine whether the proposed service provider has an active contract with the Lead agency or other regulatory body and obtain a copy of the contract, documentation of current insurance and other contract requirements, and IVE budget template, as appropriate.
4) Contract manager will develop a purchase agreement that utilizes the negotiated rate for the service.
5) Should the proposed service organization not have an active contract with the Lead agency responsible for child welfare in the circuit, CCKids contract manager will initiate purchase procedures outlined above, including documentation of procurement method and process.
6) All activities will be conducted in a manner that minimizes delay of service implementation.

D. CONTRACT RENEWALS

1) All contract documents resulting from Category 2 or above purchasing procedures shall contemplate the use of contract renewals as outlined in Florida statute.
2) Renewal options will be included as a contract term in the original contract document resulting from the procurement.
3) Exercise of a CCKids contract renewal option shall be determined in collaboration with CCKids CEO, COO and CFO, based on satisfactory performance and other factors which may include, but not be limited to:
    a. Make or buy strategic planning
    b. Availability of funding
4) Documentation of decision to use contract renewal shall be maintained with the contract file
5) Upon approval to renew the contract, the Contract Manager will evaluate the existing contract document, and will circulate the draft renewal contract among the Senior management team prior to execution to identify any changes that are required as a result of Statute, administrative code, DCF or CCKids policy.
6) At the discretion of the Director of contracts, identified changes may be made with an amendment included in the contract renewal, or in a separate amendment following the renewal that occurs no later than 60 days following the renewal.

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E. RE-PROCUREMENT OF SUBCONTRACTS

1) Contract procurement activities will be initiated in a manner that ensures no lapse in service may occur.
2) Director of Contract Management shall maintain a list of all active subcontracts, including term dates, renewal options and method of procurement.
3) Subcontracts will be evaluated a minimum of once per fiscal year to develop a procurement schedule for the year. Evaluation will include:
   a. Identification of all contracts expiring within the fiscal year
   b. Current method of procurement for each subcontract.
4) All subcontracts subject to re-procurement will be identified a minimum of six months prior to contract termination date.

F. CONFLICTS OF INTEREST

1) CCKids maintains written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported if he or she has a real or apparent conflict of interest. CCKid's policy **#1502, Business Ethics**, applies to all members of the Communities Connected for Kids Board of Directors, Officers, and staff.
2) CCKids will not enter into a contract or be a party to any transaction with related parties if a conflict of interest is not properly disclosed. CCKids shall disclose any known or potential conflicts of interest to the Department. CCKids will not enter into a contract with a related party for officer-level or director-level staffing to perform management functions. Subcontracting with a related party may be contemplated for specific administrative functions as long as the fee, rate, or price paid by the lead agency for the following commodities or services being procured does not exceed the fair market value for such commodities or services:

   Human Resources
   Information Technology
   Payroll and Accounting Services
   Legal Services

3) CCKids Director of Contract Management, or designee, will ensure that conflict of interest declarations are completed by all Board members, company officers, and staff members involved in the procurement of a contract prior to submission of contracts for approval by the Board of Directors.

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4) Any conflicts identified during the declaration process will be addressed as outlined in the above referenced policy.

G. ADDITIONAL PROCUREMENT STANDARDS

CCKids staff conducting purchasing at any threshold will conform to the Federal and state requirements outlined below:

- Office of Management and Budget; Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
  - Establishes uniform administrative requirements, cost principles, and audit requirements for Federal awards to non-Federal entities.
  - Provides the basis for a systematic and periodic collection and uniform submission by Federal agencies of information on all Federal financial assistance programs to the Office of Management and Budget (OMB)
  - Sets forth the uniform administrative requirements for grant and cooperative agreements, including the requirements for Federal awarding agency management of Federal grant programs before the Federal award has been made, and the requirements Federal awarding agencies may impose on non-Federal entities in the Federal award. (2 CFR 200, Subpart B through D)
  - Establishes principles for determining the allowable costs incurred by non-Federal entities under Federal awards. (2 CFR 200, Subpart E)
  - Sets forth standards for obtaining consistency and uniformity among Federal agencies for the audit of non-Federal entities expending Federal awards. (2 CFR 200, Subpart F)

- Florida Statute Chapter 287 – Procurement of Personal Property and Services
  - It is essential to the effective and ethical procurement of commodities and contractual services that there be a system of uniform procedures to be utilized by state agencies in managing and procuring commodities and contractual services; that detailed justification of agency decisions in the procurement of commodities and contractual services be maintained; and that adherence by the agency and the vendor to specific ethical considerations be required.
    - fair and open competition be recognized as a basic tenet of public procurement;
    - such competition reduces the appearance and opportunity for favoritism and inspires public confidence that contracts are awarded equitably and economically; and
    - Documentation of the actions taken, and effective monitoring mechanisms are important means of curbing any improprieties and establishing public confidence in the process by which contractual services are procured.

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- Florida Statute Chapter 215 – Financial Matters: General Provisions
  - Policies used by Communities Connected for Kids will comply with disclosure requirements for all agreements funded by federal and/or state monies passed-through the State Treasury.

- Florida Administrative Code 60A-1 – General Regulations
  - State rule(s) for purchasing describe how an entity may exercise its authority in procuring services. It describes the procurement process required for all types of contracts and incorporates the Office of Management and Budget Uniform Guidance (2 CFR 200)

1) Avoid the acquisition of unnecessary or duplicative items. Perform consolidation vs. breaking out procurements and lease vs. purchase analyses when appropriate to determine the most economical and practical choice.
[2 CFR Part 200.318(d)]

2) When possible, use state and local inter-entity agreements to procure common or shared goods and services.
[2 CFR Part 200.318(e)]

3) Use federal excess and surplus property instead of purchasing new equipment and property when possible and if such activity helps reduce program/project costs.
[2 CFR Part 200.318(f)]

4) Award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
[2 CFR Part 200.318(h)]

5) Maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
[2 CFR Part 200.318(i)]

6) A time and materials type contract will only be used when it has been determined that no other type of contract is suitable and the contract includes a ceiling cost that is exceeded only at the contractor's own expense. The costs for this contract type are comprised of the actual cost of materials and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.
[2 CFR Part 200.318(j)]

7) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all

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contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.
[2 CFR Part 200.318(k)]

8) Conduct all procurement transactions in a manner that allows for full, open and fair competition. [2 CFR Part 200.319(a-b)]
Situations considered to be restrictive of competition in addressing procurement transactional requirements, as provided in the Uniform Guidance.

   a. Placing unreasonable requirements on firms in order for them to qualify to do business;
   b. Requiring unnecessary experience and excessive bonding;
   c. Noncompetitive pricing practices between firms or between affiliated companies;
   d. Noncompetitive contracts to consultants that are on retainer contracts;
   e. Organizational conflicts of interest;
   f. Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
   g. Any arbitrary action in the procurement process.

9) Not use state or geographical preferences in the evaluation of bids or proposals except where federal statutes mandates or encourages it.

   [2 CFR Part 200.319(c)]

10) Have written procedures for procurement transactions that incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. [2 CFR Part 200.319(d)]

11) Should a prequalified lists of persons, firms, or products which are used in acquiring goods and services be developed, ensure that the list is current and includes enough qualified sources to ensure maximum open and free competition and not preclude potential bidders from qualifying during the solicitation period.

   [2 CFR Part 200.319(e)]

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12) Make purchases using one of the allowed methods of procurement, which include those listed below. Sealed bids and competitive proposals will be publicized, allowing sufficient time for response from an adequate number of respondents. Should any or all bids or proposals be rejected, documentation of the sound reasoning for the rejection will be maintained in the procurement record.
[2 CFR Part 200.320]

   a. Micro-purchases
   b. Small Purchases
   c. Sealed Bid
   d. Competitive Proposals (with the exception of architectural/engineering professional services [2 CFR Part 200.320(b)2]
   e. Noncompetitive Proposals (sole source)

13) Take all necessary affirmative steps (as listed below) to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
[2 CFR Part 200.321]

   a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
   b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
   c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
   d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
   e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
   f. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (i) through (v) of this section.

14) Comply with domestic preferences for procurement (i.e. iron, cement, aluminum, and lumber).
[2 CFR Part 200.322]

15) Comply with instructions for procurement of recovered materials.
[2 CFR Part 200.323]

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16) Conduct a cost and price analysis requirements for procurement transactions.
[2 CFR Part 200.324]

   a. Applies at federal level for purchases in excess of simplified acquisition threshold ($250,000)
   b. The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed.
   c. Estimated costs for contracts will be negotiated using the Federal Cost Principles.
   d. Cost-plus-a-percentage-of-costs method of contracting will not be used.

17) All related records must be available for inspection and review upon request by federal awarding agency or pass-through entity.
[2 CFR Part 200.325]

18) Include all required/applicable contract provisions/disclosures described in Appendix II to Part 200 in writing.
[2 CFR Part 200.326]

19) Must make case-by-case determinations whether each agreement it makes for the disbursement of Federal program funds casts the party receiving the funds in the role of a subrecipient or a contractor.
[2 CFR Part 200.330]

20) The Federal awarding agency or pass-through entity must decide on the appropriate instrument for the Federal award (i.e., grant agreement, cooperative agreement, or contract).
[2 CFR Part 200.201]

21) Subrecipients will be informed of the subaward and the relevant items of a Federal subaward. Subrecipients will receive the following items and all subsequent revisions to these items:
[2 CFR Part 200.331(a)]

   a. Federal Award Identification.
      i. Subrecipient name (which must match the name associated with its unique entity identifier);
      ii. Subrecipient's unique entity identifier;
      iii. Federal Award Identification Number (FAIN);
      iv. Federal Award Date (see §200.1 Federal award date) of award to the recipient by the Federal agency;
      v. Subaward Period of Performance Start and End Date;
      vi. Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient;

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vii. Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation;
viii. Total Amount of the Federal Award committed to the subrecipient by the pass-through entity;
ix. Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);
x. Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity;
xi. CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each Federal award and the CFDA number at time of disbursement;
xii. Identification of whether the award is R&D; and
xiii. Indirect cost rate for the Federal award (including if the de minimis rate is charged per §200.414 Indirect (F&A) costs).

a. All requirements imposed by the pass-through entity on the subrecipient so that the Federal award is used in accordance with Federal statutes, regulations and the terms and conditions of the Federal award;
b. Any additional requirements that the pass-through entity imposes on the subrecipient in order for the pass-through entity to meet its own responsibility to the Federal awarding agency including identification of any required financial and performance reports;
c. An approved federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government or, if no such rate exists, either a rate negotiated between the pass-through entity and the subrecipient (in compliance with this part), or a de minimis indirect cost rate as defined in §200.414 Indirect (F&A) costs, paragraph (f);
d. A requirement that the subrecipient permit the pass-through entity and auditors to have access to the subrecipient's records and financial statements as necessary for the pass-through entity to meet the requirements of this part; and
e. Appropriate terms and conditions concerning closeout of the subaward.

22) Characteristics indicative of a procurement relationship between the non-Federal entity and a contractor are when the contractor:
[2 CFR Part 200.331(b)]

a. Provides the goods and services within normal business operations;
b. Provides similar goods or services to many different purchasers;
c. Normally operates in a competitive environment;
d. Provides goods or services that are ancillary to the operation of the Federal program; and
e. Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.

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23) Evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring described in item 25) of this section, which may include consideration of such factors as:
[2 CFR Part 200.332(b)]

   a. The subrecipient's prior experience with the same or similar subawards;
   b. The results of previous audits including whether or not the subrecipient receives a Single Audit and the extent to which the same or similar provider has been audited as a major program;
   c. Whether the subrecipient has new personnel or new or substantially changed systems; and
   d. The extent and results of Federal awarding agency monitoring (e.g., if the subrecipient also receives Federal awards directly from a Federal awarding agency).

24) Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes, in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Monitoring must include:
[2 CFR Part 200.332(d)]

   a. Reviewing required financial and performance reports.
   b. Following-up and ensuring that the subrecipient takes timely and appropriate action on all deficiencies detected through audits, on-site reviews, and other means.
   c. Issuing a management decision for audit findings pertaining to the Federal award provided to the subrecipient as required by §200.521 Management decision.

25) Verify the every subrecipient is audited in compliance with [2 CFR Part 200 Subpart F – Audit Requirements] when the fiscal year threshold has been met or exceeded. Review subrecipient audits upon receipt and determine if deficiencies in their financial practices indicate conditions necessitating adjustments with Communities Connected for Kids financial records. Consider action against noncompliance by a subrecipient.
[2 CFR Part 200.332(f) – (h)]

26) Requirements for sealed bid and competitive proposals:
[2 CFR Part 200.320]

Verify procurement files include all of the following items:

- Public notice
- Copy of RFP
    - Technical Requirements

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  - Statement of Work
  - Cost Requirements
  - Evaluation Criteria
- Proposals Submitted
- Evaluation of Proposals
- Board Approval of Contracts (as applicable)
- Contract Negotiations *(if different than proposed price)*
- Award of contract to lowest bidder who met the technical requirements/specifications for sealed bids and the responsible firm whose proposal is most advantageous to the program, with price and other factors considered for competitive proposals.

27) Requirements for small purchases
[2 CFR Part 200.439(b)(2) 2 CFR Part 200.302(b)(3); 2 CFR Part 200.320(a)]

Verify files include all of the following items:

- Prior approval for equipment purchases in excess of the lesser of (1) $5,000 or (2) the entity's approved capitalization threshold
- Documentation of small purchase transactions by one or more of the following items:
  - Sales receipt
  - Current catalogs
  - Formal quote
- Files indicate the entity obtained price or rate quotations from an adequate number of qualified sources.
  - Review documentation of written or telephone quotes
  - Determine if documentation is adequate and the number of quotes obtained is sufficient in accordance with entity policies and procedures

28) Micro-purchase transactions should comply with good purchasing practices per state purchasing guidance.
[2 CFR Part 200.320(a)]

29) Requirements for professional services [2 CFR Part 200.459]
To help determine allowability of these costs, Entity files will document:

- The nature and scope of the service rendered in relation to the service required;
- The need to contract for the service, considering the Entity's capability in the particular area;
- The past pattern of such costs, particularly in the years prior to Federal awards;

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- The impact of Federal awards on the non-Federal entity's business (i.e. what new problems have arisen), if applicable;
- Whether the decision is business-based and not made just because grant monies are available to fund the cost (instead of other Entity revenues);
- If the service can be performed more economically by direct employment rather than contracting;
- The qualifications of the individual or concern rendering the service and the customary fees charged, especially on non-federally funded activities; and
- Adequacy of the contractual agreement for the service (e.g., description of the service, estimate of time required, rate of compensation, and termination provisions).
- In addition, retainer fees must be supported by evidence of bona fide services available or rendered.

30) Required contents for Procurement files [DMS State Purchasing Memo No. 01 (2012-13); State Purchasing, Ch. 60A-1, FAC, s.216.3475, F.S.; FDOE Contract Training Manual]

a. Planning/procurement files must obtain/document the following elements:
   i. Purchase order must have at least one written quote or written records of telephone quote;
   ii. At least one quote should be from a CMBE or else document why this quote was not obtained;
   iii. Cost analysis is required, since a competitive process won't be used for most small dollar purchases;
   iv. Rationale for method of procurement;
   v. Selection of contract type;
   vi. Contractor selection or rejection; and
   vii. The basis for the contract price.

b. Purchase orders, contracts or other agreement files must obtain/document the following elements:
   i. Quantity, description, price, applicable payment terms, applicable discount(s), date of performance, transportation/shipping arrangements, and other pertinent information.
   ii. Additional purchase order terms/disclosures, required regardless of the scoped goods/services.
      - Liquidated damages/financial consequences
      - Payment audit (records of costs will be available upon request)

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- Payment made after written “agency” acceptance
- Payment timeframe – timely payments
- Funding availability/annual appropriation
- No lobbying
- Public access/public records
- Conduct of business – federal/state laws govern
- Conflict of interest/related party activities
- Confidentiality and safeguarding information

iii. Other/additional terms may also apply based on scoped goods/services.

iv. If credit card transactions occur all the standards noted here will still apply.

31) Additional federal considerations
[2 CFR Part 200.326; 2 CFR Part 200 Appendix II]

For transactions funded by federal programs, additional disclosures are required regardless of scoped/services.

a. Debarment and suspension provision(s).

b. Equal Employment Opportunity provision.

c. Other/additional terms may also apply based on scoped goods/services.

32) Requirements for sole source or other non-competitive proposals
[2 CFR Parts 200.320(f) and 200.323; s. 216.3475, F.S.]

a. Documentation of entity’s determination criteria for a sole-sourced transaction due to:

- The item is only available from one single source;
- The public emergency precludes delay resulting from competitive solution
- Department of Children and Families gave written authorization for non-competitive proposals; or
- After solicitation of a number of sources, competition is determined inadequate.

b. Cost analysis, (i.e., verifying the proposed scope of work or goods/services data and the evaluation of the specific elements of costs and negotiating profit (if applicable)) is required. Note: *Grant rules state this is a mandatory task for sole source procurement. A cost/price analysis should be completed by staff prior to receiving any bid or fee information.*

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33) Will not procure, extend or renew a contract to procure or obtain equipment, services or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, as described in Public Law 115-232, section 889. Covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

34) Procurement files – required retention instructions
[2 CFR Parts 200.334 – 200.338]
   a. All records must be maintained for five (5) years after the impacted program year, if "closed."
   b. Records retention schedules apply regardless of the physical format of entity records.
   c. Wherever practicable records should be collected, transmitted and/or stored in open and machine readable formats.
   d. Federal and state awarding agencies have the right to access any documents pertinent to federal/state awards.
   e. Communities Connected for Kids shall comply with the records retention requirements in Florida. The General Records Schedule GS1-SL for State and Local Government Agencies is located at http://dos.myflorida.com/library-archives/records- management/general-records-schedules/.

DocuSigned by:
Approved: Carol Deloach
Carol Deloach, CEO
Date: _____