

## **Procurement for Federal Programs and Projects**

### **F-145-P**

The Superintendent or designee will administer federally funded programs and projects in accordance with federal laws. These laws include federal conflict of interest rules applicable to Board members, employees and agents involved with the selection of contractors and rules regarding the approval and administration of contracts for federal programs and projects. Each purchase must be authorized in the approved budget for administration of the grant. Purchases will be identified in District accounts in accordance with the federal program under which the purchase was made. The District is exclusively responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual administrative issues arising out of procurement.

### **Bids and Requests for Proposals**

Bid specifications and requests for proposals will include an accurate description of all requirements for the material, product or service sought and will identify all requirements and factors that will be used in evaluating bids or proposals. Bid specifications will not be written in a manner to favor one contractor over another. Contractors who develop specification requirements, statements of work or invitations for bids or requests for proposals for the District may not bid on the project.

In lieu of local or state purchasing preferences when purchasing goods or services related to a federal contract, the District will ensure that small businesses, minority businesses, women's business enterprises and Labor Surplus Area (LSA) firms are used when possible. It will also purchase, to the maximum extent practicable, domestic commodities and products and use solid waste management services in a manner that maximizes energy and resource recovery.

When the purchase price of the item exceeds \$10,000, or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000, the District will purchase items that contain the highest practicable percentage of recovered materials, as defined by the Environmental Protection Agency (EPA), consistent with maintaining a satisfactory level of competition.

### **Conflict of Interest**

District employees and Board members participating in procurement using federal funds must comply with federal requirements and Missouri laws governing conflicts of interest and financial disclosures. Federal requirements must be followed when they are more stringent than Missouri requirements. District employees or Board members who have a real, apparent or potential conflict of interest may not participate in the selection, award or administration of a contract supported by federal funds. Such individuals will submit, in writing, any real, apparent or potential conflict of interest to the Superintendent who will forward any such disclosures to the awarding state or federal agency.

District employees and Board members cannot solicit or accept gratuities, favors or anything of monetary value from contractors, parties to subcontracts or any vendor who is attempting to be a contractor for a federal program or project, but may accept unsolicited gifts worth \$25 or less.

### **Contracts**

The District will not use a time and materials contract unless there is a determination that no other contract is suitable and the District includes a ceiling price and oversees the project to ensure efficiency. The District may use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions.

### **Consequences**

District employees and Board members are required to report any violation of this District policy to the Superintendent or Board President. All violations of federal criminal law involving fraud, bribery or a gratuity violation potentially affecting the federal award, even if no charges have been filed, will be reported to the Superintendent within five days of the violation. The Superintendent will submit information about the violation to the federal awarding entity. See 2 C.F.R ' 200.113.

Violations of this policy or the laws it references may also be reported to law enforcement, the Missouri Ethics Commission, the Attorney General's Office or DESE.