



DDA - FEDERAL PROCUREMENT AND FISCAL REQUIREMENTS

This Policy DDA shall apply with respect to the purchase of services, supplies, equipment or other property with federal funds, and District employees paid with federal funds, that are subject to the federal Uniform Grant Guidance (“UGG”) and other applicable federal laws including but not limited to the Education Department General Administration Regulations (“EDGAR”) and the United States Department of Agriculture (“USDA”) regulations governing school food service programs. Such purchases and employee compensation shall also be governed by all applicable District policies, regulations and administrative guidelines, except to the extent otherwise provided herein. In the event this Policy DDA and/or other District policies, regulations or administrative guidelines conflict or are otherwise inconsistent with mandatory provisions of the UGG, EDGAR or other applicable federal laws, the mandatory provisions of such federal laws shall control.

PURCHASING AUTHORITY AND PROCEDURES INVOLVING FEDERAL FUNDS

Except to the extent otherwise provided herein, District employees shall comply with District purchasing policies and administrative guidelines when making any purchase with federal funds, specifically including but not limited to Policy DJ (Purchasing), Policy DJA (Purchasing Authority) and Policy DJB (Purchasing Procedures).

MICRO-PURCHASES

“Micro-purchases,” as defined by federal law, shall be made or awarded in accordance with the provisions of District Policies DJ, DJA and DJB governing purchases of goods and/or services up to \$5,000. Such purchases are subject to a determination by the executive director of finance and/or purchasing and materials manager that the purchase price is reasonable. For purposes of this Policy DDA, “reasonable” means the purchase price is comparable to market prices for the geographic area.

To the extent practicable, the District shall distribute micro-purchases equitably among qualified vendors when the same or materially interchangeable goods and/or services are identified and such vendors offer effectively equivalent rates, prices and other terms.

SMALL PURCHASES

“Small purchases,” as defined by federal law, shall be made or awarded in accordance with the provisions of District Policies DJ, DJA and DJB governing purchases of goods and/or services from \$5,000 to \$50,000.

LARGE PURCHASES

For purposes of this Policy DDA, "large purchases" are purchases for dollar amounts in excess of the "simplified acquisition threshold," as defined by federal law. Large purchases shall be made or awarded in accordance with the provisions of District Policies DJ, DJA and DJB governing purchases of goods and/or services for \$50,000 and up.

ADDITIONAL REQUIREMENTS FOR PURCHASES AND EMPLOYEE COMPENSATION INVOLVING FEDERAL FUNDS

Unless otherwise provided by the UGG or other applicable federal law, the following standards shall apply to District purchases and employee compensation in whole or in part involving federal funds:

- The District shall avoid the acquisition of unnecessary or duplicative items.
- Where appropriate consistent with District Policies DJ, DJA and DJB, consideration shall be given to consolidating or breaking out purchases in order to obtain a more economical purchase.
- Affirmative steps shall be taken for minority businesses, women's business enterprises and labor surplus area firms to have an opportunity to contract with the District. Such affirmative steps may include but are not limited to placing qualified small and minority businesses and women's business enterprises on solicitation lists and ensuring the small and minority businesses and women's business enterprises are considered as potential sources.
- Federal funds received by the District shall be administered in accordance with this Policy DDA and applicable federal law, including but not limited to the UGG.
- District employees paid with federal funds shall document the time they expend in work performed in support of each federal program and/or such program's cost objective(s), in accordance with applicable federal law and District administrative guidelines. Time and effort reporting requirements do not apply to independent contractors.
- If the District awards federal subgrants, it shall monitor the subgrant recipients to ensure their compliance with applicable law and District policies.
- The District shall maintain records sufficient to detail the procedures and rationale for procurements made with federal funds. Retention of such records shall be in accordance with applicable law and District policies.

DISTRICT BOARD MEMBER AND EMPLOYEE STANDARDS OF CONDUCT REGARDING FEDERAL FUNDS

Federal law imposes restrictions on the conduct of District Board members and employees whenever the transaction in question is supported by federal funds subject to the UGG. In such cases, Board members and employees shall comply with the federal restrictions set forth in this section of Policy DDA in addition to the provisions of Board of Education Policy GP 3.5 and District Policies GBEA & GBEB.

Under the UGG, Board members and employees shall not participate in the selection, award or administration of a contract supported by a federal award if they have a real or apparent conflict of interest, as defined by the UGG. A conflict of interest arises under the UGG when Board members or employees, any member of their immediate family, their business partner, or an organization which employs or is about to employ any of the aforementioned parties has a substantial financial or other interest in or would obtain a substantial tangible personal benefit from a firm considered for a federally funded contract. As used in this Policy DDA, the term "immediate family" means a Board member's or employee's spouse, partner in a civil union, children and parents.

Also under the UGG, Board members and employees are prohibited from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or parties to federally funded subcontracts, unless the gratuity, favor or gift is an unsolicited item of nominal value. In determining whether a financial or other interest is "substantial," or whether anything solicited or accepted for private benefit is of "nominal value," Board members and employees shall comply with the standards of conduct and corresponding definitions applicable to local public officials under state law.

In accordance with federal law, the requirements of this Policy DDA are not waivable in connection with any transaction or contract to which they apply.

Board members who violate the standards of conduct set forth in this section of Policy DDA shall be subject to censure and/or other disciplinary action in accordance with the Board's authority and state law. District employees who violate the standards of conduct set forth in this section of Policy DDA shall be subject to discipline up to and including termination of their employment.

Adopted by Superintendent: September 11, 2017

LEGAL REFS:

2 C.F.R. Part 200

34 C.F.R. Parts 75 & 76

C.R.S. 24-18-101 et seq.

CROSS REFS:

DJ, Purchasing

DJA, Purchasing Authority

DJB, Purchasing Procedures

EHB, Records Retention

FE, Construction Projects and Contracting Procedures

FEAA, Construction Project Prequalification

GBEA, Staff Ethics / Conflict of Interest

GBEB, Staff Conduct (and Responsibilities)

Board of Education Policy GP 3.5 (Board Members' Code of Conduct)