



## DDA - FEDERAL PROCUREMENT AND FISCAL REQUIREMENTS

This policy applies 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 are also governed by all applicable District policies, regulations and administrative guidelines, except to the extent otherwise provided herein. In the event this policy 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 control.

### Definitions

For the purposes of this policy, these terms have the following meanings:

- **“Immediate family”** means a Board member's or employee's spouse, partner in a civil union, children, and parents.
- **“Micro-purchase”** is an acquisition of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold.
- **“Simplified acquisition threshold”** means the dollar amount below which a non-Federal entity may purchase property or services using small purchase methods. Non-federal entities adopt small purchase procedures in order to expedite the purchase of items costing less than the simplified acquisition threshold.
- **“Large purchase”** means a purchase for dollar amounts in excess of the simplified acquisition threshold.
- **“Reasonable”** in the context of the price of a purchase means the purchase price is comparable to market prices for the geographic area.

### Purchasing Authority and Procedures Involving Federal Funds

Except to the extent otherwise provided herein, District employees must comply with District purchasing policies and administrative guidelines when making any purchase with federal funds, specifically including but not limited to Policy DJ - Purchasing and

Contracting, Policy DJA -Purchasing Authority, Methods, and Thresholds and Policy DJB - Contracting -.

### **Micro-purchases (less than \$10,000)**

Micro-purchases must be made or awarded in accordance with the provisions of District Policies DJ – Purchasing and Contracting, DJA – Purchasing Authority, Methods, and Thresholds and DJB –Contracting, governing purchases of goods and/or services less than \$10,000. Such purchases may be reviewed by the chief finance officer or designee to determine that the purchase price is reasonable based on research, experience, purchase history, or other information.

To the extent practicable, the District will 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.

### **Simplified Acquisition Threshold**

Small purchases must be made or awarded in accordance with the provisions of District Policies DJ – Purchasing and Contracting, DJA – Purchasing Authority, Methods, and Thresholds, and DJB – Contracting, governing purchases of goods and/or services from \$10,000 to \$100,000.

### **Large Purchases/Competitive Bidding Threshold (\$100,000 or more)**

Large purchases must be made or awarded in accordance with the provisions of District Policies DJ - Purchasing, DJA – Purchasing Authority and DJB – Purchasing Procedures governing purchases of goods and/or services for \$100,000 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 apply to District purchases and employee compensation in whole or in part involving federal funds:

- The District must avoid the acquisition of unnecessary or duplicative items.
- Where appropriate, consistent with District Policies DJ – Purchasing and Contracting, DJA – Purchasing Authority, Methods, and Thresholds and DJB – Contracting, consideration must be given to consolidating or breaking out purchases in order to obtain a more economical purchase. When appropriate, an analysis should be made between leasing and purchasing property or equipment to determine the most economical approach.

- When appropriate for the procurement or use of common or shared goods and services, the District will enter into State and local intergovernmental agreements or inter-entity agreements for procurement transactions.
- To the extent permitted or required by current federal law, affirmative steps must be taken for the types of businesses identified in federal regulation regarding procurement standards 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.
- District employees paid with federal funds must 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 must monitor the subgrant recipients to ensure their compliance with applicable laws 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 must comply with the federal restrictions set forth in this policy in addition to the provisions of Board of Education Policy GP 3.5 and District Policy GBEA - Employee Conduct and Ethics, Conflict of Interest, and Familial and Personal Relationships.

Under the UGG, Board members and employees must 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 partner, or an organization that employs or is about to employ any of the aforementioned parties, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract.

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 must 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 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 policy are subject to censure and/or other disciplinary actions in accordance with the Board's authority and state law. District employees who violate the standards of conduct set forth in this policy are subject to discipline up to and including termination of their employment.

### **Recordkeeping**

The District must maintain records sufficient to detail the history of procurements made with federal funds. These records may include, but not necessarily be limited to, the following: rationale for the method of procurement, contractor selection or rejection, and the basis for the contract price (including a cost or price analysis).

Retention of such procurement records must be in accordance with applicable law and Board and District policy.

Adopted by Superintendent: September 11, 2017

Revised by Board: December 8, 2020

Revised by Board: May 13, 2025, effective July 1, 2025

### **CROSS REFERENCES:**

DJ - Purchasing and Contracting

DJA - Purchasing Authority, Methods and Thresholds

DJB - Contracting

EHB - Records Retention

FE - Construction Projects and Contracting Procedures

FEAA - Construction Project Prequalification

GBEA - Employee Conduct and Ethics, Conflict of Interest, and Familial and Personal Relationships

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

### **LEGAL REFERENCES:**

2 C.F.R. Part 200 (post-award requirements under the federal Uniform Grant Guidance)

34 C.F.R. Parts 75 & 76 (EDGAR – Education Department General Administrative Regulations)

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