

LAWRENCE UNIVERSITY
PROCUREMENT POLICY FOR FEDERALLY SPONSORED PROJECTS
REVISED AND ADOPTED FEBRUARY 1, 2024

PURPOSE

Federal grants are taxpayer dollars entrusted to Lawrence University for the advancement of public good. It is incumbent upon the university to make effective and thoughtful use of those funds. The purpose of this procurement policy is to ensure that purchases made with federal grant funds are

involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the p

owned firms, and women's business enterprises have opportunities to be included in competitions or price comparisons, and are utilized whenever possible and to the fullest extent practicable.

value from goods or services procured. Some form of cost analysis or price analysis must be performed for every procurement action (regardless of size). *Cost analysis* is the review and evaluation of each element of cost to determine reasonableness, allocability, and allowability. *Price analysis* may be accomplished in various ways, including the comparison of price quotations submitted, market prices and other indicia, together with discounts.

Procurement decisions must reflect a best-value analysis. Lowest price does not necessarily represent best value, especially for professional services or for non-standardized goods. The factors contributing to that analysis (e.g., price, quality, utility of distinctive features or characteristics, qualifications, record of past performance, integrity, financial or technical resources, ability to deliver timely, whether the contractor is a small business, minority-owned firm, or women's business enterprise) will depend on the nature of the goods or service being procured, the needs of the specific sponsored project, and the size of the procurement action.

PROCUREMENT, SUSPENSION, AND DEBARMENT REQUIREMENTS

Lawrence University is prohibited from contracting with or making a sub-award to parties that are suspended or debarred or whose principals are suspended or debarred by the federal government. For purchase amounts or sub-awards of \$25,000 or more, vendors and sub-awardees must be verified that they do not appear on the Excluded Parties Listing using the search function of the System for Award Management (SAM.gov). CFSR staff will verify purchase orders of \$25,000 or more on SAM.gov prior to purchase and document findings on the Contractor Selection Form.

PROCUREMENT METHODS

Federal funds used for purchases and subawards must comply with the procurement standards and all applicable procedures and limitations as described in the Uniform Guidance, which outlines five methods of procurement. For each federal grant purchase, the CFSR officer will determine which of these five methods is applicable:

1) MICRO-PURCHASES (<\$10,000 AGGREGATE)

Personnel authorized to make purchases for federally sponsored projects may take procurement actions of less than \$10,000 without documenting contractor quotes if the price is considered reasonable, or \$2,000 in the case of acquisitions for construction contracts subject to the Davis

Informal purchasing procedures are acceptable, but price or rate quotes must be obtained and documented from a minimum of three contractors. These quotes can be made by email, from screen shots of websites, from copies of published price lists, through advertised pricing, by fax, or in writing; oral quotes are acceptable if other methods are not readily available or would unacceptably delay a time-sensitive procurement decision. All price or rate quotes must be documented on the Contractor Selection Form, along with a procurement justification that describes the basis for selecting the contractor.

In some situations, fewer than three quotes may be acceptable. If several qualified contractors were invited to submit quotes or proposals and only one did so, the procurement process may move forward using the available quote. Sole source procurement may occasionally be acceptable; please see the "Sole Source" section below for more information.

3) SEALED BIDS (ABOVE \$250,000 SIMPLIFIED ACQUISITION THRESHOLD)

Sealed bids may be used for purchases of goods or services over the simplified acquisition threshold, currently \$250,000. With this purchase method, formal solicitation is required, and the fixed price (lump sum or unit price) is awarded to the responsible bidder who conformed to all material terms and is the lowest in price. This method is the most common procurement method for construction contracts. Expected cost and price analysis must be done in advance for each purchase above \$250,000 (i.e. catalogued or published list price, historical or market pricing; comparison to similar purchases).

Request for proposal (RFP) bids must be obtained from at least two qualified sources. The RFP must fully define the item, service specifications, or scope of work in order for the bidder to respond properly. The description shall not contain features which unduly restrict competition. Contractor selection must be documented in writing using the Contractor Selection Form and be based on the evaluation methods written into the RFP.

A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining the lowest responsive and responsible bidder. Written in price must be provided for all items.

an item is available only from one source;

when a public emergency does not allow for the time of the competitive proposal process;

when the federal awarding agency authorizes it;

when the competition is deemed inadequate after a number of attempts at a competitive process.

Sole source purchase decisions must identify which of the four criteria apply to the procurement method and document information on the Contractor Selection Form that addresses justification for noncompetitive procurement (i.e. only one known source; unique source; compatibility; professional expertise; product availability, exigency, or geographic limitations).

GENERAL PROCEDURES

- 1) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources.
- 2) Recipients shall, on request, make available for the federal awarding agency, pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc., when any of the following conditions apply.

A recipient's procurement procedures or operation fails to comply with the procurement standards in the Federal awarding agency's implementation of this part.

The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a

- 1) Contracts in excess of the Simplified Acquisition Threshold shall contain contractual provisions or conditions that allow for administrative, contractual, or legal remedies in instances in which a contractor violates or breaches the contract terms, and provide for such remedial actions as may be appropriate.
- 2) All contracts in excess of the Simplified Acquisition Threshold shall contain suitable provisions for termination by the recipient, including the manner by which termination shall be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.
- 3)

1. *Equal Employment Opportunity—*

pursuant to the Clean Air Act (42 U.S.C. 7401 *et seq.*) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 *et seq.*). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

7. *Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)*—Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

8. Debarment and Suspension (E.O.s 12549 and 12689)—A contract award with an amount expected to equal or exceed \$25,000 and certain other contract awards (see 2 CFR 180.220) shall not be made to parties I