

Florida Community College at Jacksonville Procedures For Purchasing when using Federal Funding (3/14/08)

1. The College as a political subdivision of the State of Florida is governed by a District Board of Trustees and required on purchases using STATE funds to comply with both Florida Statutes, State Board of Education(SBE) Rules, College Board Rules and College APM's / Desktop procedures.
2. However for federal awards in addition to the regulations in item #1 above, federal regulations would also apply such as:
 - >Education Department of General Administrative Regulations (EDGAR),
 - >Office of Management & Budget (OMB)
 - >Federal Acquisition Regulations (FAR), US Department of Transportation
 - >(USDOT) or US Department of Labor(USDOL) etc.
3. The intent of this document is to provide a very brief general summary of significant differences when using federal funds and examples of some of the additional procurement regulations as best known at this time
4. The project manager / administrator in charge would begin with needing to know: When awarded a project/ contract, the project manager / administrator in charge would need to carefully review both the application guidelines and the approved award package. Both documents list the regulations appropriate for that specific award. Some items the project manager / administrator in charge would need to look for include but are not limited to:
 - i. Is the procurement using funds that come to FCCJ directly from a federal agency (i.e. USDOE) or is coming to FCCJ through a State Agency (i.e. Fla. DOE)
 - ii. Next they would need to review sections of the agency's RFP and resultant contract to see if there are any unique additional procurement requirements put on FCCJ (i.e., could be addl. attestations required, or requires the college to do additional process steps in a procurement)
 - iii. Next they would need to see if in the agency's RFP and resultant contracts requires FCCJ to use federal funds to pay a specific company.
 - iv. If so next the project manager / administrator in charge would need to determine if that company meets the federal definition of a Partner/ Sub-Grantee / Sub-Recipient or that of a Vendor.
(Listed below is a simple table that should help define indicators of the difference)

Will the company:	<u>Partner/ Sub-Grantee / Sub-Recipient</u> Note: FCCJ is "not" required to solicit bids/ propsoals for a partner / sub-grantee or sub-recipient" unless required by the grant/agreement	<u>Vendor</u> Note: FCCJ is required to solicit competitive proposals / bids if a Vendor if > \$ thresholds *
Determine who is eligible to receive what Federal Financial Assistance ?	Yes	No
Have its performance measured against whether the objectives of the Federal Program are met ?	Yes	No
Have the responsibility for programmatic decision making ?	Yes	No
Have the responsibility to adhere to applicable Federal program compliance requirements?	Yes	No
Use the Federal Funds to carry out a program of the organization as compared to providing goods and services for a program of the pass-through entity ?	Yes	No
> Provide good or services within normal business operations?	No	Yes
>Provide similar goods / services to many clients & operates in a competitive environment	No	Yes

5. If striving to do business with a vendor the project manager / administrator in charge would next need to enter an online ORION requisition to fund the approximate cost of the purchase using LIS as the Buyer.
The suppliers name field in ORION can be left blank if a supplier is not known.
6. The project manager / administrator in charge would then need to explore if the desired company (if known) has won a publicly solicited contract for the exactly same good or service with any form of federal agency govt. , any states govt, agency any city/municipality/ school board or public college or university.
7. If yes, pursuant to State Board Rule 6A 14.0734 Larry Snell would want to see a copy of that agencies solicitation, tabulation sheet, and resultant contract to confirm it's use is not restricted to just that agency (i.e. GSA)
8. Listed below is a simple table of quoting/ bidding thresholds FCCJ is required by Statute/ Board Rules / APM's to comply with:

Annual Purchase value	< \$3500	\$3,500- \$9,999	\$10,000- \$49,999	\$50,000- \$149,999	\$150,000 +
# of informal *quotes required (which can be done	1	2	3		
# Sealed ** bids/proposals required	N/R	N/R	N/R	Yes 3+	
Board of Trustee Approval Required ?					Yes

- * which can be done by either the end user dept. or Purchasing, but we suggest you call Mr. Snell before you begin the informal process
- ** which must be done for you by Purchasing

9. Listed below is a table of additional requirements that might be applicable to your project when using federal funds :

#	Category / Requirements of EDGAR/ OMB etc	\$ Threshold
1	Advertising for recruitment using federal funds requires specific language to be included in any print or any media (i.e., funded by the US Dept. of Labor)	At any amount
2	Requirement to go to a federal web page to research/verify if the Vendor is on a Federal Excluding Parties List (and print off a copy for the PO file)	\$25,000 +
3	Requirement to compel vendor to attest compliance with federal attestation requirements (i.e., Davis Bacon Act/ Copeland Anti-Kick Back Act, Executive Order 11246 equal opportunity act etc.	> \$3500
4	Maintain a detailed record documenting the rationale the college had to define both the history of the procurement, rationale for the solicitation and contract type used as well as how we determine the price basis to be fair and reasonable	> \$3500
5	Restriction on the use of Time and Materials Contracts	> \$3500
6	Restriction on use of a Request for Qualification to only be used on hiring architects and engineers.	> \$3500
7	Restriction on use of local or state preference in solicitations to only be used on hiring architects and engineers.	> \$3500
8	Requirement to negotiate profit and overhead separately when receiving only one single bid/proposal as the result of a solicitation	> \$3500
9	Cost / Price Analysis is required with every procurement action "including change orders"	> \$3500
10	Requirement to solicit competitive proposals/bids using open non restrictive specifications accepting submittal of technical equivalents.	> \$3500
11	While when using State funds the college can exempt certain type purchases (i.e, IT systems /equipment, copyrighted items, sole source items) when using Federal funds there are no such clear exemptions identified .	> \$3500

10. Where does the project manager / administrator in charge begin if they are aware of having won a contract, grant or agreement funded by the federal government and the project will require vendor purchases > \$3500 ?
- a. The project manager / administrator in charge would want to call Debbie Smith (dsmith@fccj.edu) at ext 3297 to schedule 1 hour mtg. with Larry Snell (lsnell@fccj.edu) (ext 3294)
 - b. In this initial mtg. Larry Snell would need to learn a lot about your project/opportunity / restrictions / research completed to date by your committee from the project manager / administrator in charge.
The goal of this initial mtg. would be to:
 - i. Determine if the company is a vendor or partner/sub-grantee/ sub-recipient
 - ii. Explore if they have a contract we can piggyback
 - iii. Discuss selecting the type solicitation to use (ITB / RFP / ITN etc)
 - iv. Discuss selecting the type contract to pursue (short term rental, lease, lease/purchase, out right purchase, 1 year, multiple year etc.)
 - v. Selecting a evaluation committee
 - vi. Discussing project schedule needs constraints
 - vii. Begin to develop solicitation requirements/specifications
 - viii. Requiring an ORION dept. requisition be entered
 - ix. Asking for project manager / administrator in charge support in identifying the names/addresses of vendors they are aware of that we can mail the resultant solicitation to.