



Administrative Regulation 3329 PROCUREMENT PROTOCOLS – FEDERAL FUNDS

Responsible Office: Office of Business and Finance

PURPOSE

Through this Administrative Regulation, the District establishes procedures necessary to comply with state and federal laws and regulations related to purchases of supplies and services utilizing federal monies by the Washoe County School District (District).

DEFINITIONS

1. "Bid" is a cComplete sealed solicitation (submitted in competition with other bidders in response to a Request for Bid) to execute specified job(s) within prescribed time that usually includes labor, equipment, services, and/or materials. The bid- receiving party may reject or accept the bid. Once accepted, the bid may turn into a binding contract.
2. "Contract" is, for the purposes of this Regulation, a legally binding written agreement between two or more competent parties with consideration and specific terms that creates mutual obligations which are enforceable by law. Contracts include, but are not limited to, terms of service, license agreements, Memorandums of Understanding, terms of use, or any other written binding agreement. Verbal agreements are not included in this definition and are not permitted by the District.
2. "Contract" A voluntary, deliberate, and legally binding agreement between two or more competent parties. Contracts are usually written but may be spoken or implied, and generally have to do with employment, sale or lease, or tenancy. Contracts include Memorandums of Understanding (MOUs), terms of services, terms of use, or any other binding agreement.
3. "Proposal" is a cComplete sealed solicitation (submitted in competition with other proposers in response to a Request for Proposal) to execute specified job(s) within prescribed time that usually includes labor, equipment, services, and/or materials. The proposal-receiving party may reject or accept the proposal. Once accepted, the proposal may turn into a binding contract.
4. "Quotation" is aA formal statement of promise (submitted usually in response to a request for quotation) by potential supplier to supply the goods or services

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required by a buyer, at specified prices, and within a specified period. A quotation may also contain terms of sale and payment, and warranties.

5. "Solicitation" is the general process of employing competition through any approved solicitation type for a specified product, service, or project. A solicitation can include, but is not limited to: Request for Bid, Request for Proposal, Request for Qualifications, and Request for Quotation.

6. "Joinder" is an agreement that permits one or more additional parties, such as governmental agencies, to join an existing competitively solicited government contract after its initial award.

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REGULATION

1. All procurement protocols, to include bidding and quoting processes and conditions of a contract award, shall comply with the District's policies, regulations, and procedures as well as applicable state and federal laws and regulations.
2. The District shall utilize the following methods and transaction thresholds for the purchase of supplies and services in order to comply with state and federal procurement procedures, and specifically the U.S. Office of Management and Budget (OMB) and the U.S. Education Department General Administrative Regulations (EDGAR), when utilizing federal monies, to include federal grants.
3. In the purchase of supplies and services described in this regulation, the District shall comply with the stricter of the applicable law, whether that is state or federal law/regulation.

4. Purchase Thresholds and Procedures

The purchase thresholds for the categories listed below are established by the U.S. Office of Management and Budget (see 2 CFR § 200.320) and are periodically adjusted for inflation.

- a. -Micro-Purchase Procedures. The micro-purchase threshold is ~~less than~~ \$10,000 or less.
 - i. Micro-purchase refers to the purchase of supplies or services using simplified procedures. Employees are not required to utilize the quotation or bidding processes for micro-purchases but shall make an effort to be equitable among suppliers.

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- ii. These procedures are used in order to expedite the completion of low-dollar, small purchase transactions and to minimize the associated administrative burden and cost.
- b. Small Purchase Procedures. The small purchase threshold is greater than \$10,000 ~~or more and less but not greater~~ than \$250,000. Small purchase procedures are
- methods for securing services, supplies, or other property in an aggregate
 - amount greater than of \$10,000 ~~or more but less but not greater~~ than \$250,000.
- i. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.
- 1) Every effort will be made to obtain at least three quotes (more are acceptable).
 - 2) If the department or school can demonstrate that multiple (more than three) quotes were requested, but at least three were not obtained, the quote can be processed with two upon presentation of documentation to the Purchasing Department.
 - 3) If the department or school is unable to secure at least two quotes, an ~~exception~~ exemption for sole source or for insufficient competition may be applicable and the Purchasing Department should be contacted for guidance.
- ii. In lieu of the above--described quote process, a department or school may issue a request for letter proposal. The request for a letter proposal should include a detailed scope of work and the criteria to be evaluated. The weights for the criteria should be determined prior to sending out the request for letter proposals. The department or school should solicit proposals from a minimum of three companies that can perform the work. The criteria upon which to evaluate proposals should include, but not be limited to:
- the vendor's qualifications and relevant experience;
 - proposed project approach;
 - proposed personnel; and

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- the firm's proposed compensation structure/quote.

An evaluation of each of these areas, and any others identified by the school or department in the scope of work, should be performed by the department or school and a recommendation for award to the vendor receiving the highest score should be made by the department or school, subject to review and approval by the Purchasing Department.

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- 3) The Department or school conducting the request for letter proposals must submit the scope of work and scoresheets for each firm evaluated and for each person that participated in the evaluation to the Purchasing Department for approval prior to notifying the winning vendor.

c. Sealed Request for Proposal (RFP) or Sealed Request for Bid Procedures (RFB). If the transaction is greater than \$250,000 or more, sealed bids or competitive proposals must be used (lower thresholds may apply if the purchase is subject to Nevada Revised Statute (NRS) Chapter 332, Purchasing: Local Governments), and the following requirements apply:

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- i. The sealed bid-RFP or RFB process is facilitated through and handled by the District's Purchasing Department. Schools and departments are not permitted to do their own sealed solicitationbid process;
- ii. Bids-RFPs and RFBs must be solicited from an adequate number of known suppliers in accordance with District procedures;
- iii. RFPs and RFBs The invitation for bids shall be publicly advertised, include any specifications and pertinent attachments, and define the items or services in order for the bidder to properly respond; and/or
- iv. All RFPs and RFBsbids will be opened publicly at the time and place prescribed in the invitation for bidsRFP or RFB;
- v. If the requirements of NRS 332 are stricter than the Federal requirements, then NRS 332 must be followed. Contact the Purchasing Department if guidance is needed.

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5. Exemptions-Exceptions to the federal regulations are limited to the following and departments and schools should consult with the Purchasing Department to determine if an exemption-exception exists:

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- a. The item is available only from a single source (sole source documentation must be submitted to and approved by the District’s Purchasing Department);
- b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- c. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
- d. After solicitation of a number of sources, competition is determined to be inadequate or insufficient.

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LEGAL REQUIREMENTS AND ASSOCIATED DOCUMENTS

1. This Administrative Regulation reflects the goals of the District’s Strategic Plan and aligns/complies with the governing documents of the District, to include:
 - a. Board Policy 3320, Procurement; and
 - b. Board Policy 3321 Contract Review and Approval.
2. This Administrative Regulation complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), and specifically:
 - a. Chapter 332, Purchasing: Local Governments.
3. This Administrative Regulation complies with federal laws and regulations, to include:
 - a. The U.S. Office of Management and Budget (OMB) Uniform Administrative Requirements Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), 2 CFR § 200.320.

REVISION HISTORY

Date	Revision	Modification
9/19/2018	1.0	Adopted
3/15/2022	2.0	Revised: added definitions, clarified language.

<u>TBD</u>	<u>3.0</u>	<u>Revised: added solicitation definition, added additional language to small purchase procedures.</u>
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