



Title: Uniform Guidance Procurement Policy
Effective Date: February 5, 2021
Issuing Authority: Provost
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Purpose

Uniform Guidance is a set of regulations that consolidates federal guidelines impacting research administration. Uniform Guidance significantly reforms federal grant making to focus resources on improving performance and outcomes. The intent is to reduce administrative burdens for grant applicants and recipients and reduce the risk of waste, fraud, and abuse. Procurement guidance is specifically located in sections 200.317-200.326. This guidance focuses on increased competition (full and open) and transparency in the procurement process.

Scope

These policies and procedures apply to externally funded grant and contract procurement.

Exclusions

None

Policy Statement

Mercer University implemented policies and procedures to align with Uniform Guidance and has created steps based on purchase amount to assist Departments with Uniform Guidance compliance and University requirements. These policies and procedures apply to externally funded grant and contract procurement. **All** purchases should be necessary, reasonable, allocable, prudent, and subject to fair and reasonable pricing. Policies and procedures regarding procurement for Mercer Engineering Research Center are in compliance with Federal Acquisition Regulations.

There are five available methods of procurement for each purchase which are summarized below:

1. Micro-purchases: Aggregate up to \$10,000

- Contract can be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
- To the extent practicable, distribute micro-purchases equitably among qualified suppliers.

2. Small purchases: Less than \$250,000

- Rate quotes must be obtained from an “adequate” number of qualified sources. Three sources will be considered to have met this requirement.
- Quotes can be obtained from suppliers or from public websites and included as backup documentation for the purchase.

3. Sealed bids: \$250,000.01 and above

- Primarily used in construction projects
- Bids are publicly solicited from an “adequate” number of known suppliers (three sources would be considered to have met this requirement)
- Lowest responsive and responsible bidder for the fixed price contract should be awarded the contract (Price is a major factor)

4. Competitive proposals: \$250,001 and above

- Used for either a fixed price or cost reimbursement contract when sealed bids are not appropriate
- Formal Request for Proposal (RFP) must be publicized with predetermined evaluation method and their relative importance
- Proposals must be solicited from an adequate number of qualified sources (three sources would be considered to have met this requirement)
- Written policy for conducting technical evaluations of reviewing proposals and selecting the recipient
- Most advantageous bid wins, price and other factors considered

5. Sole source: For Procurement by noncompetitive proposals - any amount - must meet one of the following four requirements:

- The product/service is available only from a single source;
- A public emergency, the requirement will not permit a delay resulting from competitive solicitation;
- Federal Awarding Agency Authorization specifically authorizes a non-competitive procurement in response to a written request from the non-Federal entity. Principal Investigators should contract Grants and Contracts for guidance and assistance in

making requests to sponsors; and

- After solicitation of a number of sources, competition is determined inadequate.
- Requests for Payment one-time limit will be set at \$3,500 until 6/30/2021. Starting July 1, 2021 a requisition will be required for all purchases using externally funded grant or contracts.

Additionally, every sole source will require a price/cost justification. Examples of methods of providing this documentation include:

- documenting cost analysis efforts
- documenting market research including screenshots, emails, and/or catalog prices
- documenting pricing information obtained from colleagues at peer institutions who have purchased the same or similar items
- documenting prices of similar items

Ethical and Confidentiality

As part of the OMB's Uniform Guidance, there are new requirements for conflicts of interest within a procurement action and how the University must handle them.

University employees should avoid the intent or appearance of unethical practice in relationships, actions, and communications. Employees should handle confidential information with due care. Those part of the bid process should be in compliance with University conflict of interest policies.

University employees should refrain from purchasing goods/services or committing the University to the purchase of goods or services without following the Purchasing Procurement steps and working with Purchasing.

Mercer University complies with federal regulations which prohibit transacting or making payments to a supplier that are debarred by the U.S. Federal Contractor Registration.

The regulation states:

"No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest 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 parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract."

Additional Resources

1. 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards: <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1>
2. 2 CFR 200, Subpart E – Cost Principles: <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-E>
3. 2 CFR 200.317 Procurement Standards: <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d>
4. 40 CFR 247 Comprehensive Procurement Guideline for Products Containing Recovered Materials: <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-247>
5. Conflict of Interest and Commitment in Research Policy: <https://policies.wip.mercer.edu/conflicts-of-interest-and-commitment-to-research/>