


Onondaga County Division of Purchase	Compliance with State Requirements
Applies to: Federal Contracts	American Rescue Plan Funds
Effective: 09/24/2021 	For County Division of Purchase Employees

UNIFORM GUIDANCE COMPLIANCE FOR FEDERAL AMERICAN RESCUE PLAN CONTRACTS

2 CFR Part 200 (Subparts A through F), Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, requires organizations receiving federal awards to establish and maintain effective internal controls over federal awards.

Procedures

- 1 The requirements for procurements using federal awards are contained in the Uniform Guidance (2 CFR Part 200, Subparts A through F), program legislation, federal awarding agency regulations, and the terms and conditions of the award. To comply with 2 CFR Part 200 (Subparts A through F), the County of Onondaga implements policies and procedures, including, but not limited to:
 - a. The County will use its own documented procurement procedures which reflect applicable state and local laws and regulations; provided that the procurements conform to applicable federal law and Uniform Guidance. As such, County procurements related to federal grants will be subject to New York State General Municipal Law, Onondaga County procurement policies and Uniform Guidance requirements.
 - b. Contract files will document the significant history of the procurement, including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis of contract price.
 - c. The County will utilize one of the five acceptable procurement methodologies detailed in 2 CFR 200.320, which include:
 - Micro-purchase.
 - Small purchase procedure.
 - Sealed bid.
 - Competitive proposal.
 - Non-competitive proposal (single source, emergency, federal authorization, competition deemed inadequate after solicitation).
 - d. Procurements will provide for full and open competition as set forth in the Uniform Guidance, or state and local procurement thresholds, whichever is most restrictive.
 - e. 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. The officers, employees, and agents can neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. The Onondaga County Code of Ethics (Local Law No. 13-1990) provides the standards for determining such a conflict of interest and provides for the application of enforcement actions in the event of violation of such standards.

- f. The County will avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical procurement approach. The County will also analyze other means, as described in 2 CFR 200.318 of the Uniform Guidance, to ensure appropriate and economical acquisitions.
- g. The County will enter into state and local Intermunicipal agreements where appropriate for the procurement of common and shared goods and services.
- h. The County may use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions.
- i. The County will only utilize time-and-materials contracts when it has been determined, in writing, that no other contract type is suitable.
- j. Vendors/contractors that develop or draft specifications, requirements, statements of work, or invitation to bids or requests for proposals must be excluded from competing for such procurements.
- k. The County will make available upon request of the federal awarding agency or pass-through entity such technical specifications on proposed procurements where such agency or entity believes such review is needed.
- l. No contracts may be awarded to parties that are suspended or debarred or whose principals are suspended or debarred. "Covered transactions" include those procurement contracts for goods and services awarded under a non-procurement transaction (i.e., grant or cooperative agreement) that are expected to equal or exceed \$20,000. All non-procurement transactions (i.e., subawards to recipients), irrespective of award amount, are considered covered transactions.
- m. The County of Onondaga will include a suspension/debarment clause in all written contracts in which the vendor/contractor will certify that it is not suspended or debarred. The contract will also contain language requiring the vendor/contractor to notify the County immediately upon becoming suspended or debarred. This will serve as adequate documentation as long as the contract remains in effect.
- n. County departments must notify the Purchasing Division and Department of Law that federal funding will be used for a certain procurement/contract. When requesting a written contract, the County Department will be responsible for running the vendor's/contractor's name through the System for Award Management (SAM) to determine any exclusion. A copy of the SAM search will be included with the contract request. Prior to issuing a purchase order using federal funds, the Purchasing Division will check the SAM to determine if any exclusion exists for the vendor/contractor. If a vendor/contractor is found to be suspended or debarred, the County will immediately cease to do business with the vendor.
- o. The County will not use statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals; except in those cases where applicable federal statutes expressly mandate or encourage geographical preference.
- p. The County will take all necessary affirmative steps to assure that minority business enterprises, women's business enterprises, and labor area surplus area firms are used consistent with the Uniform Guidelines.
- q. The County will procure recovered materials in compliance with 2 CFR 200.322.
- r. The County must perform a cost or price analysis relating to every procurement greater than the simplified acquisition threshold (currently \$250,000) as may be amended from time to time. Profit must be negotiated as a separate element of price in all cases where costs analysis is performed and in cases in which there is no price competition.
- s. The County will require appropriate bonding requirements pursuant to 2 CFR 200.325.

- t. The County will only award contracts to responsible vendors and will document, in writing, such determination.
- u. County contracts will contain the applicable provisions described in Appendix II to Part 200, Contract Provisions for Non-Federal Entity Contracts under Federal Awards.
- v. The County Department Head is responsible for maintaining oversight to ensure that contractors perform in accordance with the contract terms, conditions, and specifications.