

PROCUREMENT, CONTRACTS AND MATERIALS MANAGEMENT

# FEDERAL PURCHASES UNDER UNIFORM GUIDANCE



Oregon State  
University



# Federal Purchases - Agenda

- Uniform Guidance
- Procurement Thresholds
- Important Changes
- Uniform Guidance Requirements

# Uniform Guidance

- Uniform Guidance (“UG”)
  - General OSU adoption July 1, 2015
  - PROCUREMENT STANDARDS (2 CFR 200.317 – 200.326)
    - OSU Adoption - July 1, 2018
- Impacts only purchases using **federal funding** or federal pass-through funds

# Uniform Guidance

- Combined eight different OMB Circulars
- Previously, Institutions of Higher Education (IHE) Procurement Standards followed OMB Circular A-110
- Under UG, IHE Procurement Standards are primarily based on OMB Circular A-102

# Uniform Guidance

- Imposed additional requirements on IHE for purchases using **Federal Funding**
- Low Micro-Purchase Threshold (MPT) - largest point of contention for IHE

# Uniform Guidance

- National Defense Authorization Act (NDAA) – Provided IHE with different options for MPT
- OSU requested a higher MPT using the NDAA – Request approved late July 2018
- Higher MPT equals OSU's longstanding \$25,000 direct purchase threshold

# Procurement Thresholds

- Competitive procurement dollar thresholds for both Federal and Non-Federal Funds:



# Procurement Thresholds

- Less than \$25K – Direct (Micro-Purchase)
  - No competition required, departments may solicit contractors directly
- \$25K - \$150K – Informal (Small)
  - Informal methods of competition required, PCMM must facilitate competitive requirements
- Greater than \$150K– Formal Procurement (Bids and Proposals)
  - Formal methods of competition required, PCMM must facilitate competitive requirements



# Important Changes

Important changes from Previous Procurement Rules to UG Procurement Standards

- **No exemptions** from competition for federally funded purchases
  - Individuals/companies named in award is no longer sufficient
- **Brand name or equal** may only use a brand name when allowing an equal.
- **Additional requirements** for Formal Procurements

# Important Changes

- The only **Noncompetitive Procurements** available are:
  - Item is available only from a **single source**;
  - The public exigency or **emergency** for the requirement will not permit a delay resulting from competitive solicitation;
  - Federal awarding agency or pass-through entity **expressly authorizes noncompetitive proposals** in response to a written request from the non-Federal entity; or
  - After solicitation of a number of sources, **competition is determined inadequate**.

# Uniform Guidance Requirements

- [Jump to checklist](#)

# Remedies for Non-Compliance

- 2 CFR 200.338 outlines remedies for non-compliance
  - Temporarily withhold cash payments pending correction
  - Disallow all or part of the cost of the activity or action not in compliance
  - Wholly or partly suspend or terminate the federal award
  - Initiate suspension or department proceedings