

Federal Procurement Waiver Changes: Noncompetitive Procurement

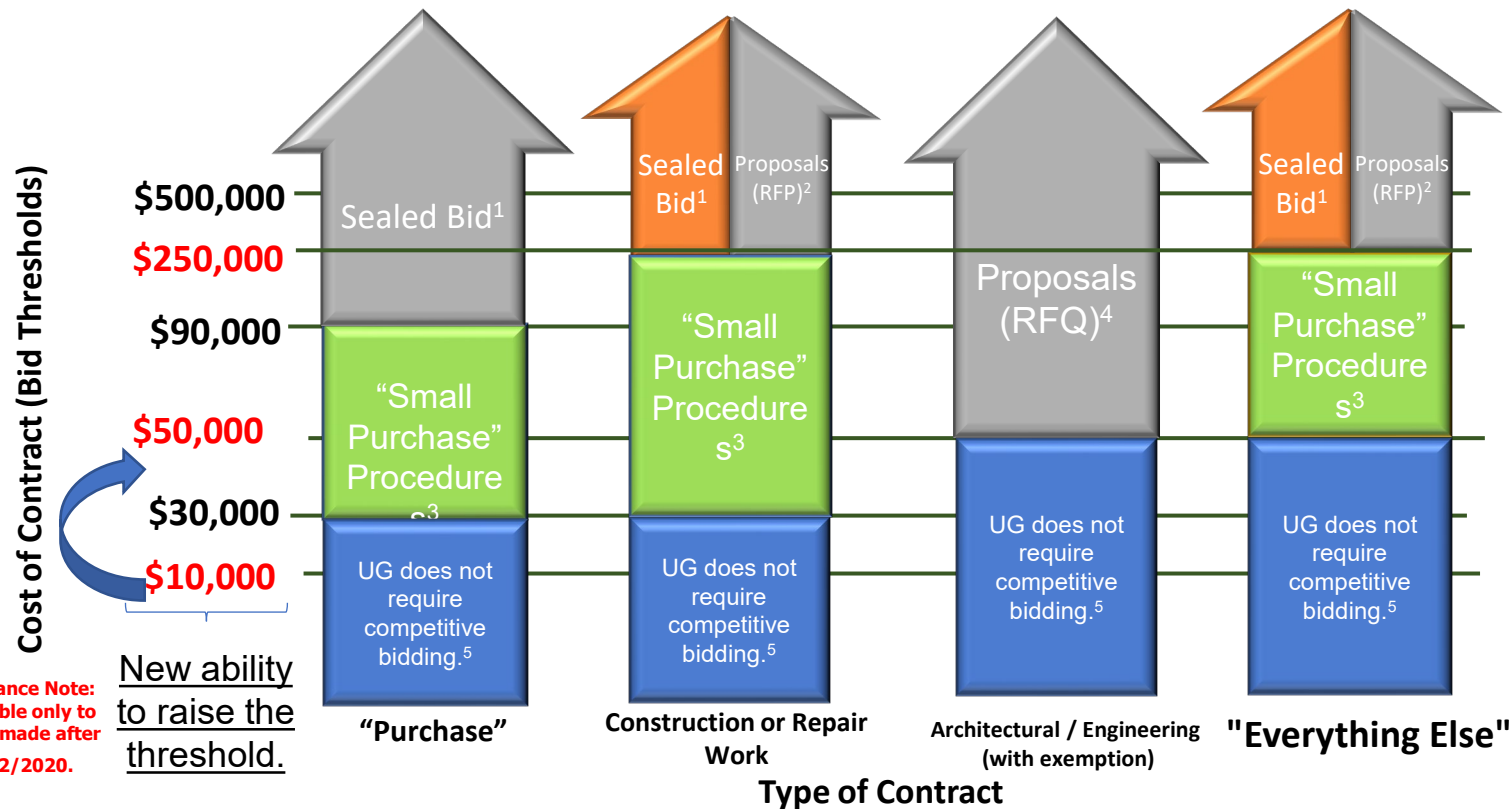
*NCDPI Division of Financial and Business Services
NCDPI Office of Federal Programs*

Topics

1. Competitive Procurement Requirements
2. Uniform Guidance Requirements:
Competitive Procurement
3. NCDPI's Current Federal Procurement
Waiver Process
4. Uniform Guidance Requirements:
Noncompetitive Procurement
5. Changes
6. Next Steps

Competitive Procurement Requirements

UG Procurement Rules with State Law Overlay –
Only If Unit Adopts Highest Bidding Thresholds “Consistent With State Law”



¹2 C.F.R. § 200.320(b)(1).
²2 C.F.R. § 200.320(b)(2).
³2 C.F.R. § 200.320(a)(2).
⁴2 C.F.R. § 200.320(a)(1).

Slide Courtesy of UNC School of Government: Connor Crews

Uniform Guidance Requirements: Competitive Procurement

§ 200.320 Methods of procurement to be followed.

The **non-Federal entity** must have and use documented **procurement procedures**, consistent with the standards of this section...for any of the following methods of procurement

200.320(a) Informal procurement methods

- (1) Micro-Purchase
- (2) Small Purchases

200.320(b) Formal procurement methods

- (1) Sealed Bids
- (2) Proposals

200.320(c) Noncompetitive procurement

non-Federal entity =
Subrecipients /Recipients
(Public School Units)

NC DPI's Current Federal Procurement Waiver Process

Current [Process](#) Ending December 1, 2022:

1. Submit a noncompetitive procurement request form.
2. Submit the completed form via email to ProcurementWaiversTeam@dpi.nc.gov and attach any additional documentation.
3. The email, form, and additional documentation will be your official 'request' for a noncompetitive procurement waiver.
4. Federal Programs, Exceptional Children, CTE, and the Procurement Division are involved in reviewing and approving each waiver.

FEDERAL FUNDS NONCOMPETITIVE PROCUREMENT REQUEST

Submit the completed form via email to ProcurementWaiversTeam@dpi.nc.gov (attach any additional documentation). One request must be submitted for each individual issue (e.g., one email / request per vendor); they cannot be combined.



LEA Name and Unit Number:

Name and Title of Individual Submitting Request:

Vendor Name:

Federal Funding Source (including PRC):

Scope of Work:

Noncomplete Justification: Select one or more of the procurement policy provisions below that best describes the exception to the Uniform Guidance bidding requirements for procuring goods or services valued \$10,000 or greater with federal funds.

Inadequate Competition: After solicitation of a number of potential sources, competition is determined to be inadequate. Bids were solicited and, no responsive bid is received, or only a single responsive bid is received and is rejected. Provide a copy of RFP or informal bid request, non-responsive answers, and, if one bid was received copy of the bid and reason for why it was rejected.

Public Exigency: When life, safety or health of the public must be sustained through the immediate delivery of products or performance of services or a critical agency mandate, statutory or operational requirement must be fulfilled immediately. Please use the "other" box below to provide a narrative to support the selection of this justification.

Uniform Guidance Requirements: Noncompetitive Procurement

200.320(c) Noncompetitive procurement.

There are specific circumstances in which noncompetitive procurement can be used.

Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

(1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the **micro-purchase threshold...**;

(2) The item is available only from a **single source**;

(3) The **public exigency or emergency** for the requirement will not permit a delay resulting from publicizing a competitive solicitation; or

(4).....

(5) **After solicitation of a number of sources, competition is determined inadequate.**

Uniform Guidance Requirements: Noncompetitive Procurement

200.320(c) Noncompetitive procurement.

(4) The Federal awarding agency or **pass-through entity** expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity.

**pass-through entity =
NC DPI**

Changes



NC DPI will no longer review or need to approve procurement waiver requests related to procurement that can be awarded by the PSU



NC DPI will establish a new process for procurement waivers that are requested but can not be awarded by the PSU (January 2023)



The PSU will be responsible for determining when a purchase is noncompetitive

Next Steps



The PSU will need to establish and document policies and procedures that identify internal controls over procurement when:

- (1) Items are available only from a single source;
- (2) A public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation; or
- (3) After solicitation of a number of sources, competition is determined inadequate.



NC DPI will process approvals that are remitted through November 30, 2022.



Remaining requests will be approved as a signature of approval from the programmatic and procurement divisions. A formal memo will not be issued.



NC DPI will issue additional guidance and provide technical support.

Questions?

Shirley McFadden

Shirley.mcfadden@dpi.nc.gov

John Keefer

John.Keefer@dpi.nc.gov

Last Updated 11/21/22