

Kentucky Equal Justice Center

Provisional Procurement Policy

August 31, 2023

Kentucky Equal Justice Center (KEJC) adopts the following standards to comply with Federal Regulations CFR 200, Procurement Standards paragraphs 200.318 to 200.325 under the Uniform Guidance.

The Uniform Guidance procurement standards apply for goods and services that are directly charged to a Federal Award, including direct federal grants or state grants funded by federal pass-through funds.

Per Federal regulations, KEJC purchases will comply with these standards:

1. The purchase will comply with KEJC's written documented procedures for purchases, see Attachment A.
2. The purchase must be necessary.
3. There will be open competition to the extent required.
4. The KEJC conflict of interest policy re: purchases will be followed, see Attachment B.
5. There will be proper documentation for purchases.
6. When appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
7. The "Excluded Parties List" system for suspended or debarred sub-grantees and contractors must be checked prior to an award; the site of the list is: <https://www.sam.gov/>

The procurement types are defined as follows:

1. Purchases of services or supplies under \$3,000 will be treated as "micro-purchases" and no competitive quotations are required. However, to the extent practicable, such purchases should be distributed equitably among suppliers.
2. Purchases of services between \$3,000 and \$150,000 will follow the "small purchase procedure" which states that price or rate quotations must be obtained from an adequate number of qualified sources. KEJC has determined that the adequate number of sources is any number greater than one and that the methods of obtaining price or rate quotations can be in writing, received orally, from vendor price list on website, or generated via on-line search engine.
3. Purchases more than \$150,000 that require sealed bids, such as construction projects, must be accepted at the lowest bid if services are comparable.
4. Purchases more than \$150,000 that require competitive proposals should be awarded to the firm whose proposal is most advantageous to the program with price being one of the various factors.
5. Noncompetitive purchases are allowed under special circumstances which apply to all purchase levels. These circumstances may include situations in which (a) the item is only available from one source, (b) there is an emergency which requires an immediate purchase, (c) the Federal awarding agency has authorized the purchase or (4) after numerous attempts, the competition is deemed inadequate.

ATTACHMENT A: PURCHASE PROCEDURE

The only staff authorized to purchase goods and services for a Federal Award are the executive director and Operations Manager, in consultation with project directors as applicable.

All purchases must comply with the KEJC Procurement Policy.

For goods or services for Federal Awards exceeding \$3,000:

1. Complete a price analysis using a format to be developed by KEJC's Operations Manager in consultation with KEJC accountants.
2. It is not necessary to accept the lowest price, but please indicate in narrative section why a specific vendor was used.
3. Noncompetitive/sole source purchases are acceptable but an explanation must be provided.

All invoices must be approved by the person initiating the purchase.

All invoices/purchases must include the grant funding source.

ATTACHMENT B: CONFLICT OF INTEREST POLICY

Purchases must be at arms-length, avoiding the appearance of family, financial or other interest in the vendor.

Kick-back arrangement are prohibited.

Gratuities to federal officials are prohibited.

All staff and board members shall fill out annually KEJC's Conflict of Interest Policy form, disclosing any potential conflicts.