

BALTIMORE CITY --- PUBLIC SCHOOLS

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EDGAR

Education Department General Administrative regulations

August 1, 2018

Federal Government (EDGAR) Procurement Regulations

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- **Federal Uniform Grant Guidance (2 CFR Part 200)**
 - Applies to Grants issued after July 1, 2018. (EDGAR)
- **EDGAR competitive quote requirements:**
 - \$0 – \$10,000 one quote (City Schools limit is \$5,000)
 - \$10,000-\$150,000 multiple quotes
 - >\$150,000 requires a competitive solicitation
- **Education Department General Administrative regulations**
 - <https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>

EDGAR Regulations

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- Requires school districts utilize the most restrictive procurement method; in most cases that means City Schools regs. apply
- Any contracts over \$150,000 requires a competitive solicitation process. City Schools current bid threshold is \$25,000.
- Districts shall follow the same procedures they use to procure goods & services for General funded procurements.
- Solicitations must be awarded to responsible vendors who are able to perform successfully. Refer to www.sam.gov; suspension and debarment website.
- City Schools & Charters must maintain sufficient records to detail the history of procurement.
- All procurements must provide full and open competition. Real or perceived unfair advantages must be avoided.

EDGAR Regulations

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- Consider purchase alternatives; such as lease versus buy, consolidating procurements, etc.
- Consider entering into ever intergovernmental agreements or inter-entity agreements (piggyback) for the procurement of common or shared goods and services.
- Use Federal surplus equipment and property.

Conflict of Interest & Specifications

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- A Conflict of Interest exist when contractors develop or draft specifications, requirements, statements of work, or invitations for bids or request for proposals and therefore are excluded from competing for such procurements. Section 200.319 (a).
- The scope of work must provide a clear and accurate description of the technical requirements to be procured.
 - The description cannot restrict competition.
 - When impractical to otherwise describe the technical requirements, a “brand name or equivalent” description may be used.
 - Specific features of the name brand that must be achieved are to be clearly stated.

Non-Competitive Proposals (Sole Source)

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- Sole source may be used when one or more the following circumstances apply:
 - The item is available only from a single source;
 - A competitive solicitation would result in an unreasonable delay and negatively impacts services to students (emergency);
 - After solicitation from a number of sources, competition is determined to be inadequate.

Contracts over \$150,000 require:

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- The School District must perform a cost price analysis before proceeding with the solicitation.
- The method and degree of analysis depends on the facts surrounding the particular procurement.
- The School District must develop an independent estimate before issuing IFB (Invitation for Bids) or RFP (Request for Proposals). Recommended solution is to issue an RFI (Request for Information).
- If there is no price competition or if there is no cost analysis, and the procurement exceeds \$150,000, the non-Federal entity must negotiate profit as a separate element of the price.

EDGAR vs General Funds Guidelines

Expenditure Amount	Using K12Buy w/General Funds	Using K12Buy w/Grant Funds	Charter School Process (not using K12Buy)
\$0 - \$5,000	One Quote	One Quote	Follow your Charter School Procurement Process (Must have 1 Quote if using Grant Funds)
\$5,000 - \$25,000	Two Quotes	Two Quotes	Follow your Charter School Procurement Process (Must have 2 Quotes if using Grant Funds)
\$25,000+	Maryland State Law requires a competitive solicitation	Maryland State Law requires a competitive solicitation	Maryland State Law requires Charters issue a competitive solicitation
\$150,000+	See above \$25,000+	EDGAR regulations require a competitive solicitation process Must perform a cost or price analysis Must prepare an estimate of the cost before issuing the IFB/RFP	EDGAR regulations require a competitive solicitation process Must perform a cost or price analysis Must prepare an estimate of the cost before issuing the IFB/RFP

EDGAR - Takeaways

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- A vendor's involvement in the preparation of a solicitation is a conflict of interest.
- Contracts over \$150,000 will require an independent estimate prior to the issuance of an IFB or RFP. Recommended solution is to issue an RFI (Request for Information).
- Sole source is not a recommended procurement method.

***Reminder: Any purchase over \$5K
still require two (2) quotes.***