

UND UNIFORM GUIDANCE MEMO

TO: University PIs, Department Grant Officers/Liaisons, EERC

FROM: Procurement & Payment Services, Division of Research & ED, Grants & Contracts Administration (GCA)

DATE: 02/20/2019

SUBJECT: Uniform Guidance review

The effective date for implementation of Uniform Guidance (UG) at the University of North Dakota for procurements using federal funds is July 1, 2018, [sections 200.317 – 200.326](#) outlines procurement standards that cover purchases using federal grant funds. The University's current procurement practices meet or exceed the UG requirements. This document lists a few key points.

1. [200.318\(j\)](#) Time and Materials contracts
 - a. These types of contracts that are open ended with no fixed costs need to include a ceiling price in the contract.
2. [200.320\(f\)\(3\)](#) – Sole Source Procurements
 - a. Authorized when: *The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity.*
3. [200.323](#) - Contract cost and price
 - a. Cost or price analysis is to be completed with every purchase over the Simplified Acquisition Threshold (currently \$250,000).
 - b. Must negotiate profit for sole source situations and when a cost analysis is performed.
4. [200.319\(b\)](#) State preference statutes
 - a. Preference laws prohibited while evaluating bids or proposals.
5. [200.326](#) – Contract Provisions
 - a. UND's contracts must contain the applicable provisions in [Part 200, Appendix II](#)
 - b. FAR Clauses

PROCEDURE FOR COMPLIANCE:

1. [200.318\(j\)](#) Time and Materials contracts
 - a. Time and Materials contracts are not allowed by the Division of Research & ED. As such, UND has no need to include a ceiling price in our contracts.
 - b. EERC occasionally has Time and Material contracts. EERC stated they would follow U.G.
2. [200.320\(f\)\(3\)](#) – Sole Source Procurements
 - a. After discussions with the Division of Research & ED, and GCA, other Universities, review of [UG FAQs](#), and other documentation, we interpret that if specific vendors are listed in an awarded proposal those vendors are an authorized sole source procurement.
 - i. GCA is completing a Subcontract Payment Log and selecting “no procurement action needed” if the vendor is written into the awarded proposal. This spreadsheet is included with the invoice.
3. [200.323](#) - Contract cost and price
 - a. In review of this section, we interpret that a Bid or RFP meets the cost analysis requirement.
 - b. If a sole source is awarded over the Simplified Acquisition Threshold (currently \$250,000), a cost analysis and profit negotiation is required.

Division of Research & ED will hold proposal request over \$250K and discuss with the PI about Bid/RFP options. If it is determined that a Bid/RFP is not an option, the Division of

Research & ED, Procurement, and PI will collaborate to complete a costs analysis and profit negotiations.

4. [200.319\(b\)](#) prohibit use of state preference statutes while evaluating bids or proposals
 - a. If Bid/RFP requests are using federal grant funds, Procurement will need to remove State preference law language from our Bid, RFP, and/or contract language.
5. [200.326](#) – Contract Provisions
 - a. [Part 200, Appendix II](#) – if Contract is using federal grant funds, these terms are referenced in the contract.
 - b. Additional FAR clauses as required by the Division of Research & ED.