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.