

Purchasing With Federal Dollars

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MISSISSIPPI
DEPARTMENT OF
EDUCATION

mdek12.org

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1 **ALL** Students Proficient and Showing Growth in All Assessed Areas

EVERY School Has Effective Teachers and Leaders

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2 **EVERY** Student Graduates from High School and is Ready for College and Career

EVERY Community Effectively Uses a World-Class Data System to Improve Student Outcomes

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3 **EVERY** Child Has Access to a High-Quality Early Childhood Program

EVERY School and District is Rated “C” or Higher

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VISION

To create a world-class educational system that gives students the knowledge and skills to be successful in college and the workforce, and to flourish as parents and citizens

MISSION

To provide leadership through the development of policy and accountability systems so that all students are prepared to compete in the global community

- State Purchase Law Summary
- Federal Procurement Standards
- Federal Procurement Decision Tree
- Commodity Purchases of \$50,000+
- ESSER Construction Projects

State Purchase Law Summary

- Definitions § 31-7-1
- Bidding Requirements § 31-7-13
 - Purchases Not Over \$5,000.00
 - Purchases Over \$5,000.00 But Not Over \$50,000.00
 - Purchases Over \$50,000.00
 - Lowest and Best Decision Procedure
 - Lease Purchase authorization



Federal Procurement Standards



The Administrator's Handbook on EDGAR 5th Edition



Federal Procurement Standards

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- General Procurement Standards 200.318
 - Written procurement procedures
 - Contract administration and oversight
 - Written conflict of interest rules
- Competition 200.319
- Methods of procurement 200.320
 - Informal procurement methods
 - Micro-purchase
 - Formal procurement methods
 - Noncompetitive procurement

The Administrator's Handbook on EDGAR 5th Edition



Federal Procurement Standards (cont.) 9

- Domestic Preferences 200.322
- Awards to responsible contractors
- Suspension and Debarment 200.214

Federal Procurement Decision Tree



Federal Programs

The mission of the Office of Federal Programs (OFP) is to provide leadership in the effective use of federal funds so that all students are prepared to compete in the global community. OFP is designed to improve our support for each school district's education initiatives by providing a common link with the capability of looking across all the programs to support districts in meeting their goals. Each school district is assigned a District Contact for managing all OFP programs. OFP is comprised of the following divisions:

- Bureau of District and School Support
- Mississippi Comprehensive Automated Performance-based System (MCAPS) and Data Collection/Reporting
 - Consolidated State Performance Report (CSPR)
 - OFP Highlights
 - OFP University
 - Online Application System
- Competitive Grant Programs
 - Emergency/ Impact Aid
 - Homeless Education
 - Migrant Education
 - Nita M. Lowey 21st Century Community Learning Centers Grant Program
 - Private Schools
- Non Competitive Grant Programs
 - Evidence-based Programs
 - Neglected & Delinquent
 - Parent and Family Engagement
 - Restart
 - Title I Basic
 - Title II Effective Instruction
- Monitoring & Compliance
 - Charter Schools
 - Title IV-A Student Supports & Academic Enrichments
 - Title V Rural Education

MCAPS (Mississippi Comprehensive Automated Performance-based System)

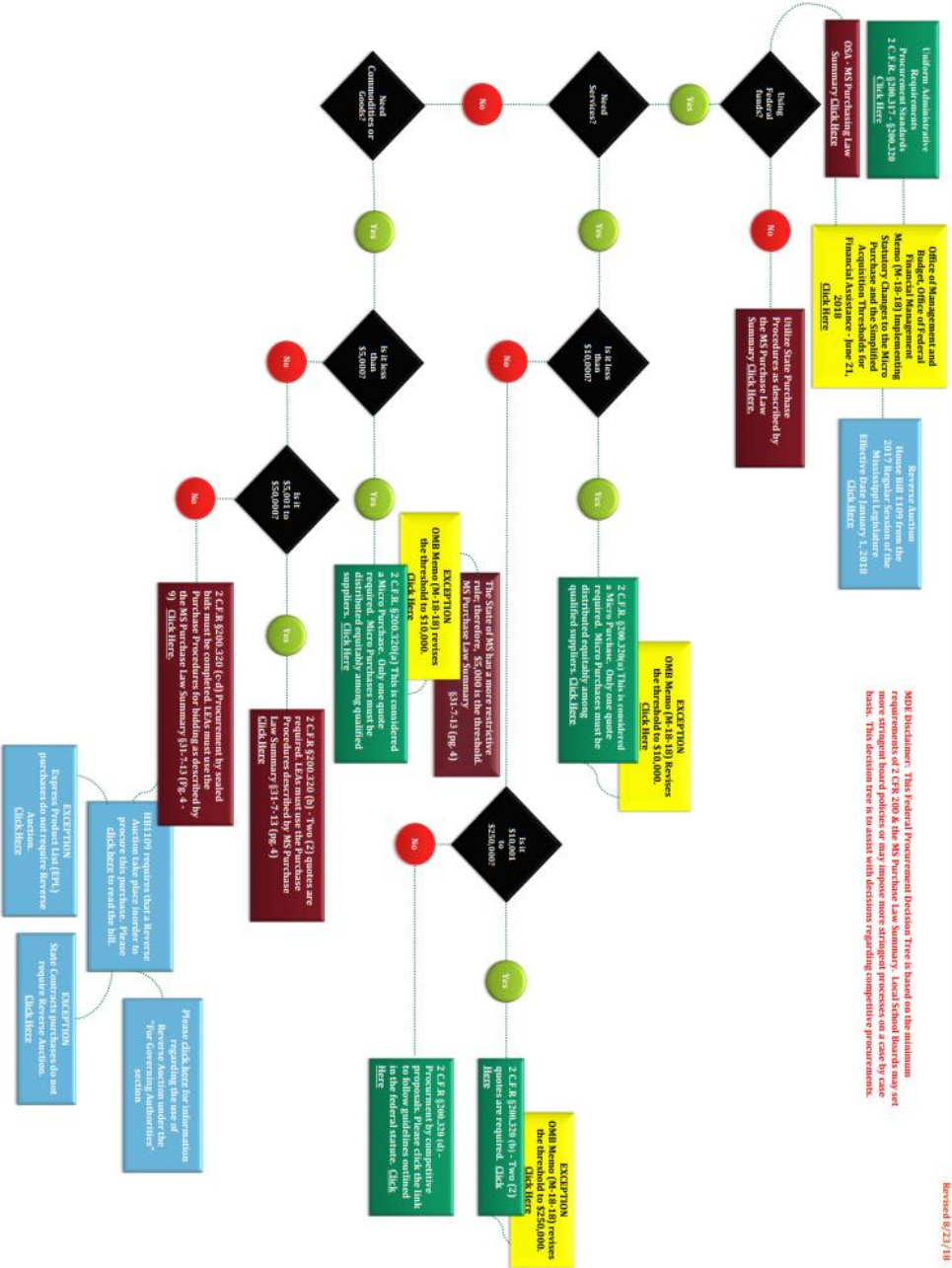


Federal Programs 601-350-3499 Staff
Services >
Allocations - Federal Programs
Committee of Practitioners
Federal Award Notifications
Federal Programs Highlights
Links >
Documents >
Personnel Activity Report Template
Semi-Annual Certification Form - multiple template
Semi-Annual Certification Form - single template
Federal Programs Procurement >
Decision Tree
Purchasing Rules
Resources >

MISSISSIPPI DEPARTMENT OF EDUCATION - FEDERAL PROCUREMENT DECISION TREE

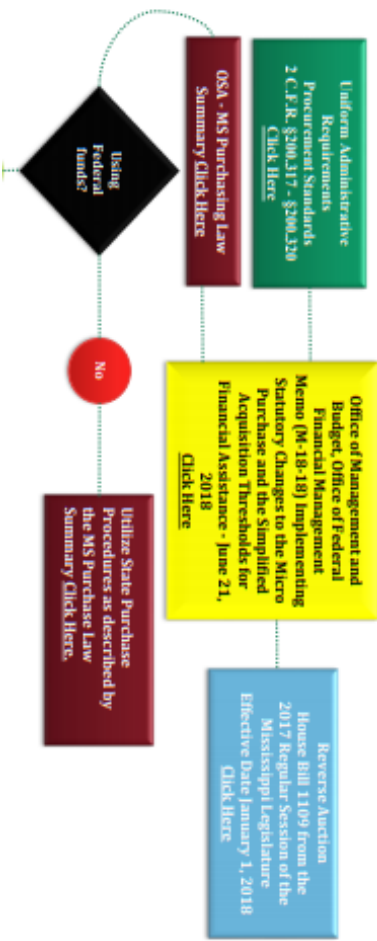
Revised 8/23/18

NOTE: Disclosures: This Federal Procurement Decision Tree is based on the minimum requirements of 2 CFR 201 & the MS Purchase Law Summary. Local School Boards may set more stringent board policies or may impose more stringent processes on a case by case basis. This decision tree is to assist with decisions regarding competitive procurements.

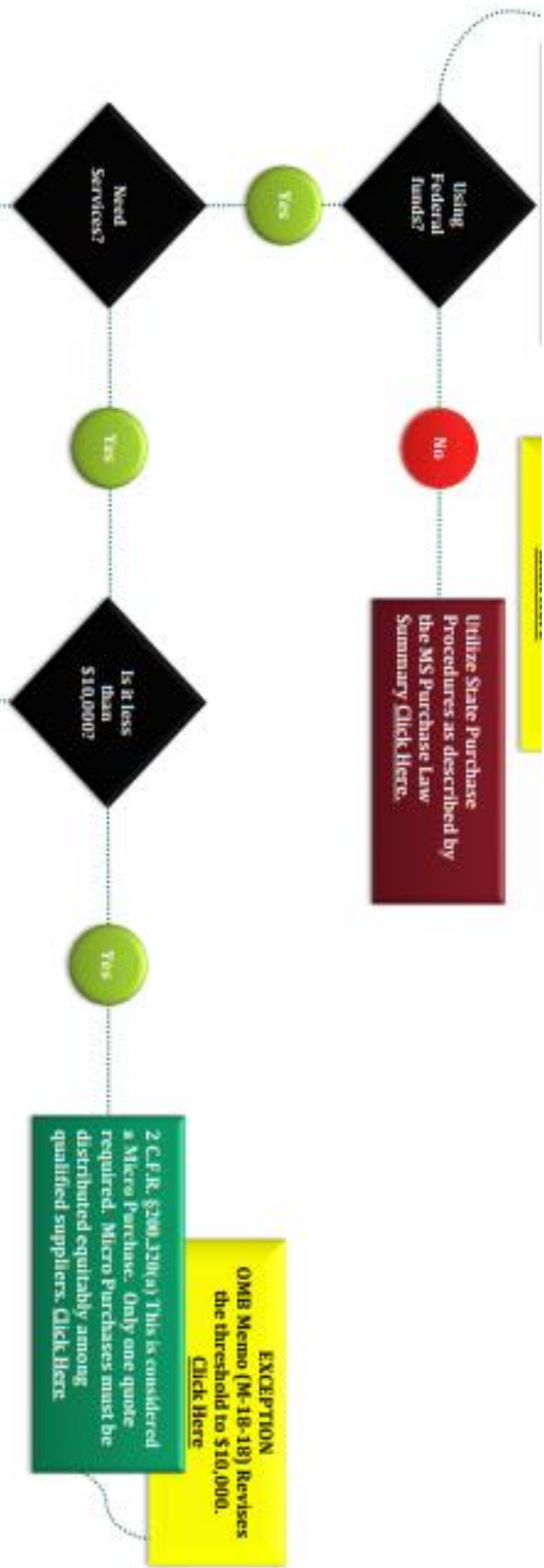


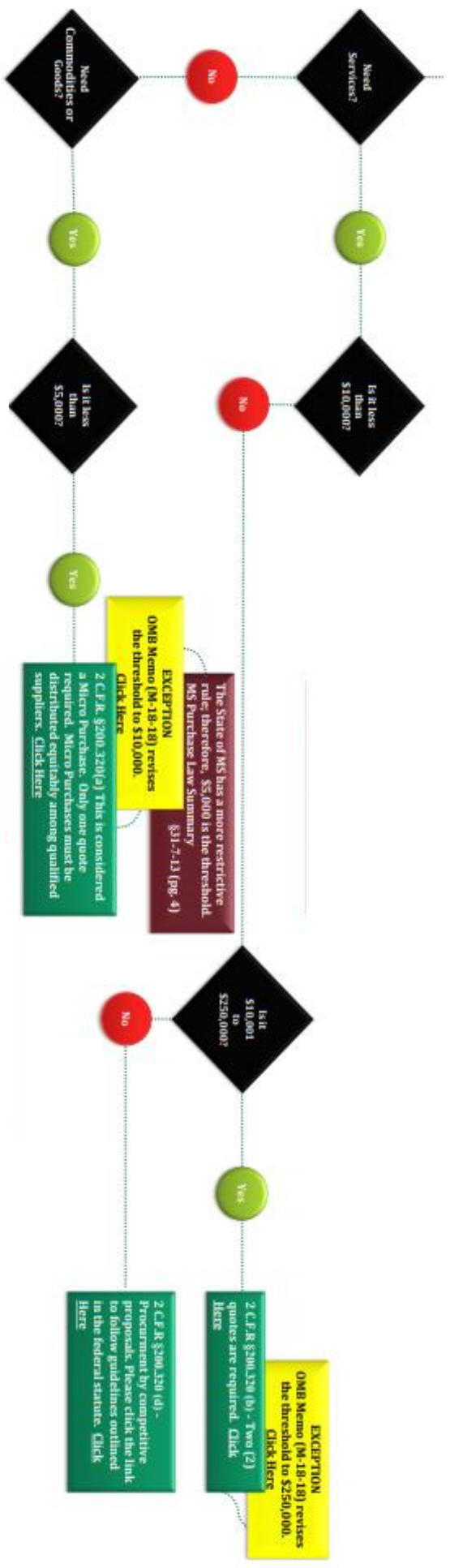
MISSISSIPPI DEPARTMENT OF EDUCATION - FEDERAL PROCUREMENT DECISION TREE

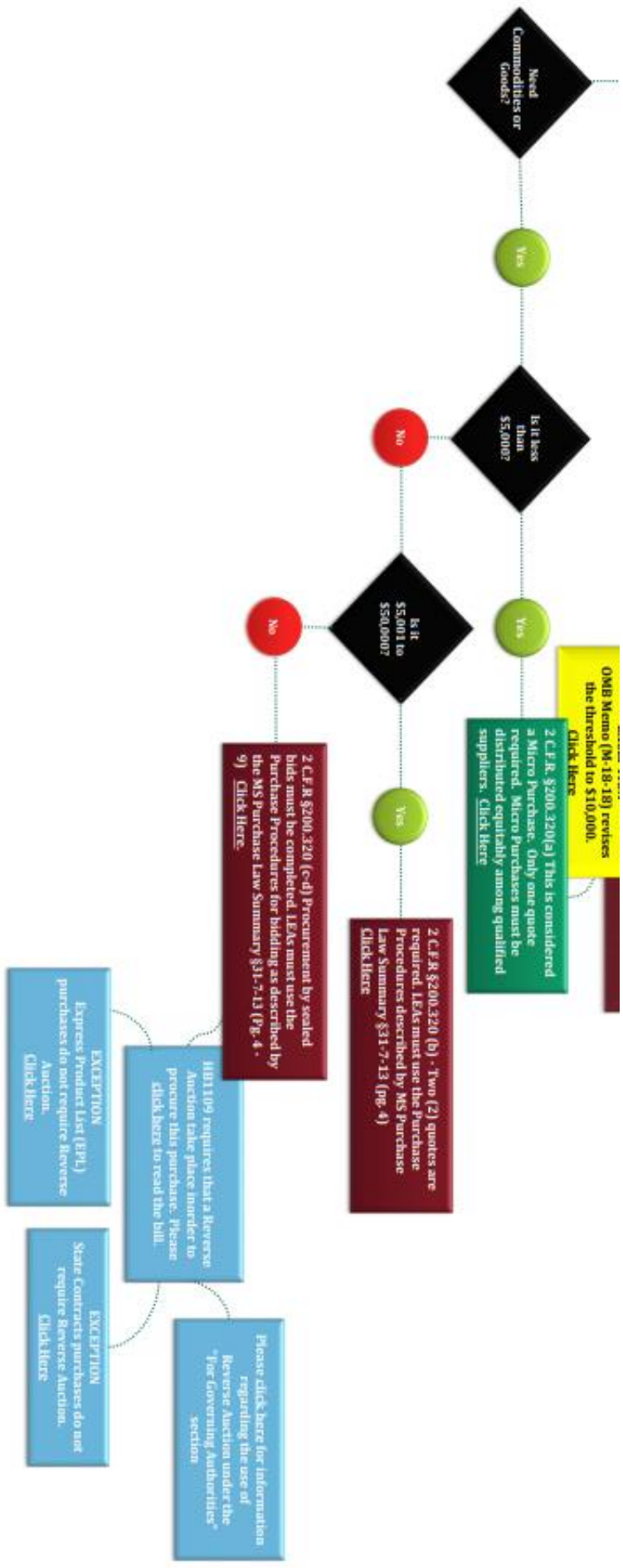
Revised 8/23/18



MDE Disclaimer: This Federal Procurement Decision Tree is based on the minimum requirements of 2 CFR 200 & the MS Purchase Law Summary. Local School Boards may set more stringent board policies or may impose more stringent processes on a case by case basis. This decision tree is to assist with decisions regarding competitive procurements.







OMB Memo (M-18-18) revises the threshold to \$10,000. [Click Here](#)

Commodity Purchases \$50,000+

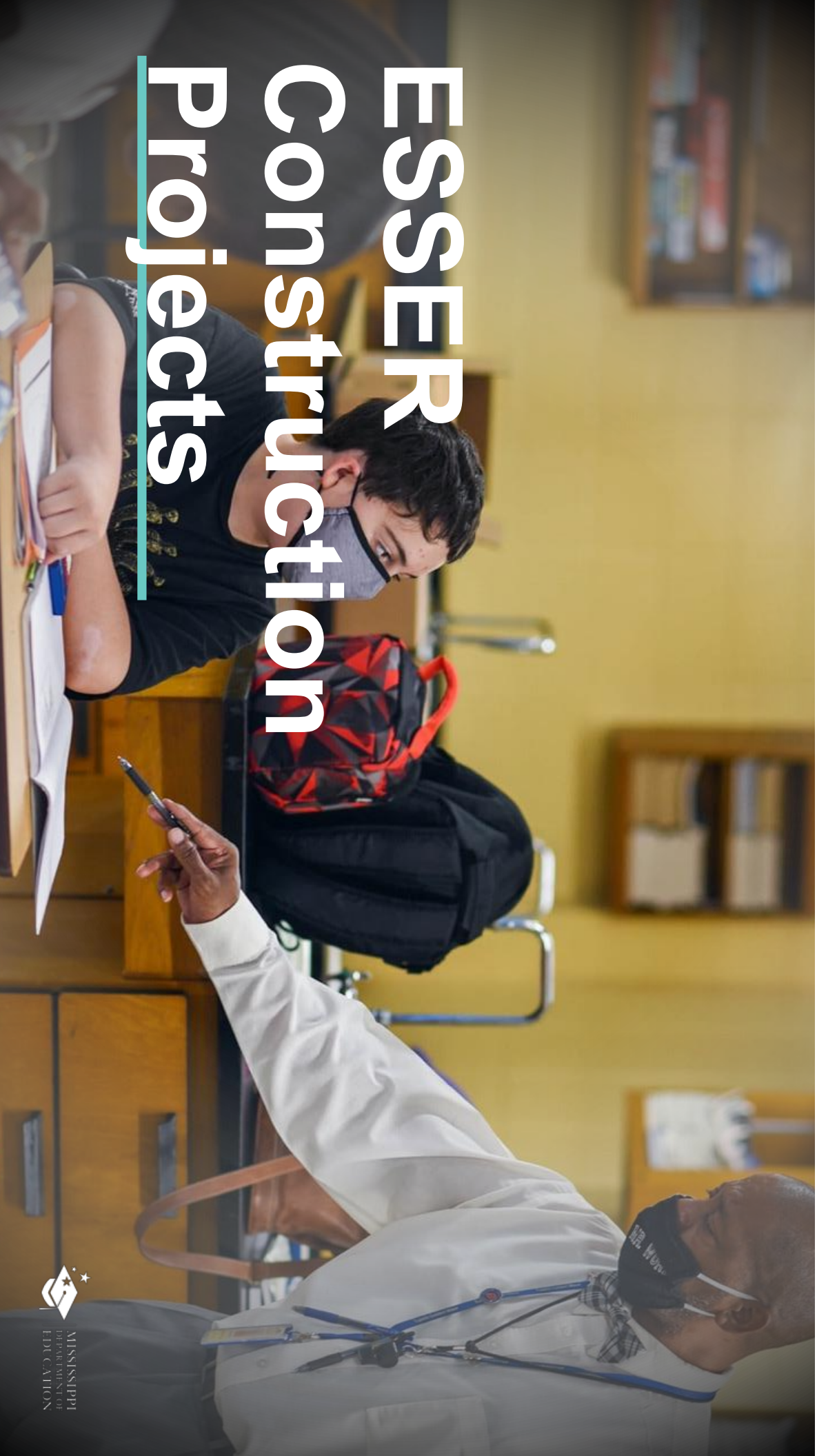


Commodity Purchases above \$50,000

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<p>Reverse Auction Petition of Relief to PPRB Reverse Auction & Electronic Bidding Contact PPRB pprb@dfa.ms.gov</p>	<p>ITS-EPL EPL ITS Procurement Handbook Contact ITS Procurement Help Desk (601) 432-8166 isshelp@its.ms.gov</p>	<p>Exceeding the EPL Limit EPL Planned Purchase Procedure Contact ITS Procurement Help Desk (601) 432-8166</p>	<p>State Contract</p> <ul style="list-style-type: none">• Competitive• Negotiated• Statewide Agency• Cooperative PSCR Service <p>State Contract Website</p>	<p>Emergency Procurements MS Code 31-7-13 Purchases must still be reasonable and supporting documentation must be maintained.</p>
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ESSER Construction Projects



Can ESSER funds be used to pay for projects that were planned/started prior to March 13, 2020?

- Maybe
- If it is a pre-existing challenges that, if left unaddressed, will impede recovery from the pandemic, then yes (i.e. assists SEALEA to “emerge stronger”).
12/29/21 ESSER FAQs; or
- If additional costs or changes are made due to COVID, then yes, but must:
 - Demonstrate allowability;
 - Obtain required prior approvals, as required;
 - Meet Davis-Bacon Wage requirements, as applicable; etc.

Can I use ESSER funds for multi-year contracts? (e.g., subscription to instructional software)

- Must “obligate” within the period of availability.
- Grant activities carried out through a valid obligation of funds may continue beyond that date; must be liquidated within 120 calendar days after the end of the performance period. ESSER FAQs, E-1
- Considerations: how far past the period would the subscription last? Is the cost still allocable to the program (related to the prevention/response to coronavirus)?



Construction Related

- School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards, and to support student health needs.
- Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door repair and replacement.



Mississippi Code § 31-7-1(g)

“shall mean the process of building, altering, improving, renovating or demolishing a public structure, public building, or other public real property. It does not include routine operation, routine repair or regularly scheduled maintenance of existing public structures, public building or other public real property.”



76.600 –Where to find construction regulations

- A state or subgrantee shall comply with the rules on construction that apply to applications and grantees under 34 CFR 75.600 –75.617
- State performs functions of Secretary (Sec. 75.602 (preservation of historic sites) and Sec. 75.605 (approval of drawings and specifications))

75.600 –Use of a grant for construction

- Sections 75.601 –75.615 apply to an applicant that requests funds for construction and to grantees whose grant includes funds for construction
- However, ED has since said that 75.601 (assessment of environmental impact) and 75.605 (approval by Secretary of final drawings before beginning) **DO NOT APPLY!**



Must pay workers no less than the locally prevailing wage & fringe benefits for corresponding work in the area.

Applies to all federally-funded contracts in excess of \$2,000, includes:

- Construction
- Alteration
- Repairs
- Painting & decorating, etc.

<https://www.dol.gov/agencies/whd/governmentcontracts/construction/regions>

ESSER FAQ B-6

- Supplement to the FAQ document that was released May 2021
 - The Department encourages SEAs and LEAs to think holistically about their response to COVID-19 in order to address the impact of **lost instructional time from the pandemic on all students and to address pre-existing challenges that, if left unaddressed, will impede recovery from the pandemic.**

- Ensuring that students have access to the teachers and other critical staff they need to support their success by hiring additional educators and school staff and improving compensation to recruit and retain educators and school staff.
- Creating or improving existing data systems and collection to identify and respond in a timely manner to student needs in light of the pandemic.

- Maintaining healthy facilities, which could include addressing pre-existing or new ventilation, roofing, and plumbing needs, or other needs that may inhibit healthy learning environments during full-time in-person learning. This might include roof repairs or replacement; reducing lead exposure in water; or mold, radon, and asbestos remediation, as well as facility updates (such as upgrading science labs) to address the impact of lost instructional time.

- Monetary incentives for students (includes gift cards)
- Food and beverages (water is considered a beverage)
- Vehicles outside of school buses
- 2 CFR §200.403(a) – Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles

ESSER II & ARRR ESSER Construction Approval Form



- Construction Project Detail
- General Assurances
- LEA's Superintendent Signature



ESSER II & ARP ESSER Construction Project Detail

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Project Name Bathroom Renovations	Project Description & Location Add additional sewer lines & replace all bathroom hardware to all school locations	ESSER Relation Reduce high touch area with touchless devices & expand bathroom space for social distancing	Estimated Cost \$500,000* *Project cost should match application budget	Start - Completion Date December 2020 – September 2021
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- Project detail information must match application budget
- Each project must be budgeted separately in the application
- Locations and amounts must match
 - If amounts are not budgeted at school level; the expenditure per-pupil report may be skewed

Applicable requirements in 34 CFR section 76.600

Applicable requirements in 34 CFR sections 75.600–617

Applicable requirements in 2 CFR Part 200

Appendix II to Part 200 – Contract Provision for Non-Federal Entity Contract Under Federal Awards

- Form must be completed with all boxes checked and signed by the LEA's superintendent
- Any revisions to the construction project will require a revised ESSER II & ARP ESSER Construction Approval Form

Questions





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