

## Federal Contracting Requirements

*The following pages 2 through 5 must be incorporated within the contract or included as an addendum to the bid manual and accepted as part of the terms of the contract to the awarded bidder.*

## **Federal Contracting Requirements**

This **Uniform Guidance Attachment** heretofore referenced as "**UG Attachment**" is incorporated into the Contract between [ORGANIZATION] and the Contractor. Capitalized terms not defined in this UG Attachment shall have the meanings assigned to such terms in the Contract. All references to the "Contractor" or "Company" or "Vendor" or "Provider" shall be deemed to mean the Contractor.

This Contract will be funded in whole or in part with federal funding. As such, federal laws, regulations, policies, and related administrative practices apply to this Contract. The most recent of such federal requirements, including any amendments made after the execution of this Contract shall govern the Contract, unless the federal government determines otherwise. This UG Attachment identifies the federal requirements that may be applicable to this Contract. The Contractor is responsible for complying with all applicable provisions.

To the extent possible, the federal requirements contained in the most recent version of the Uniform Administrative Requirements for federal awards (Uniform Rules) codified at 2.C.F.R., Part 200, including any certifications and contractual provisions required by any federal statutes or regulations referenced therein to be included in this contract are deemed incorporated into this Contract by reference and shall be incorporated into any sub-agreement or subcontract executed by the Contractor pursuant to its obligations under this Contract. The Contractor and its subcontractors, if any, hereby represent and covenant that they have complied and shall comply in the future with the applicable provisions of the original contract then in effect and with all applicable federal, state, and local laws, regulations, and rules and local policies and procedures, as amended from time to time, relating to Work to be performed under the Contract.

## **Contracts for more than the simplified acquisition threshold currently set at \$250,000.**

When federal funds are expended, [DISTRICT] reserves all rights and privileges under the Contract, applicable laws, and regulations with respect to this procurement in the event of breach of contract by either party.

## **Termination for Cause and for Convenience**

[DISTRICT] reserves the right to immediately terminate any agreement in excess of \$10,000 resulting from this procurement process in the event of a breach or default of the agreement by Contractor, in the event Contractor fails to:

- (1) meet schedules, deadlines, and/or delivery dates within the time specified in the procurement solicitation, contract, and/or a purchase order;
- (2) make any payments owed; or
- (3) otherwise perform in accordance with the contract and/or the procurement solicitation. [DISTRICT] also reserves the right to terminate the contract immediately, with written notice to Contractor, for convenience, if [DISTRICT] believes, in its sole discretion that it is in the best interest of [DISTRICT] to do so. The Contractor will be compensated for work performed and accepted and goods accepted by [DISTRICT] as of the termination date if the contract is terminated for convenience of [DISTRICT]. Any award under this procurement process is not exclusive and [DISTRICT] reserves the right to purchase goods and services from other vendors when it is in the best interest of [DISTRICT].

## **Equal Employment Opportunity**

Except as otherwise provided under 41 CFR Part 60, when funds will be expended by [DISTRICT] on a contract that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3, Contractor certifies it will comply with the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964- 1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

### **Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708)**

The Contractor certifies that during the term of an award for all contracts in excess of \$100,000 that involve the employment of mechanics or laborers, the Contractor will be in compliance with all applicable provisions of the Contract Work Hours and Safety Standards Act. Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

### **Rights to Inventions Made Under a Contract or Agreement**

If the Federal award meets the definition of “funding agreement” under 37 CFR §401.2 (a) and Contractor wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” Contractor agrees to comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

### **Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387) Compliance**

Contractor certifies that during the term of an award for all contracts by [DISTRICT] resulting from this procurement process in excess of \$150,000, the Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251- 1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

### **Debarment and Suspension (Executive Orders 12549 and 12689**

A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), “Debarment and Suspension.” SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

### **Compliance with Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)**

When federal funds are expended by [DISTRICT] for an award exceeding \$100,000, the Contractor certifies that during the term and after the awarded term of an award for all contracts by [DISTRICT] resulting from this procurement process, the vendor certifies that it is in compliance with all applicable provisions of the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352). The Contractor further certifies that:

- (1) No Federal appropriated funds have been paid or will be paid for on behalf of the Contractor, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the awarding of a Federal contract, the making of a Federal grant, the making of a Federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress,

or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

- (3) The Contractor shall require that the language of this certification be included in the award documents for all covered sub-awards exceeding \$100,000 in Federal funds at all appropriate tiers and that all subrecipients shall certify and disclose accordingly.

#### **Records Retention Requirements 2 CFR § 200.334**

The Contractor certifies that it will comply with the record retention requirements detailed in 2 CFR § 200.334. The Contractor further certifies that Contractor will retain all records as required by 2 CFR § 200.334 for a period of three years after grantees or subgrantees submit final expenditure reports or quarterly or annual financial reports, as applicable, and all other pending matters are closed.

#### **Procurement of recovered materials. 2 CFR § 200.323**

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

#### **Prohibition on certain telecommunications and video surveillance services or equipment. 2 C.F.R § 200.216**

Contractor is prohibited from obligating or expending loan or grant funds to:

- (1) Procure or obtain;
- (2) Extend or renew a contract to procure or obtain; or
- (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
  - i. For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).
  - ii. Telecommunications or video surveillance services provided by such entities or using such equipment.
  - iii. Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

In implementing the prohibition under Public Law 115-232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

### **Certification of Compliance with EPA Regulations**

For a contract in excess of \$150,000, the Contractor certifies that the Contractor is in compliance with all applicable standards, orders, regulations, and/or requirements issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

### **Certification of Compliance with Energy Policy and Conservation Act**

Contractor certifies that the Contractor will be in compliance with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat. 871).

### **Certification of Non-Collusion Statement**

Contractor certifies under penalty of perjury that its response to this procurement solicitation is in all respects bona fide, fair, and made without collusion or fraud with any person, joint venture, partnership, corporation or other business or legal entity.

### **Drug Free Workplace**

Contractor will comply with all drug and alcohol policies set forth in applicable Federal, State and local laws and regulations, including, but not limited to the Drug-Free Workplace Act of 1988, and the Illinois Drug Free Workplace Act, in such version, prior or subsequent to amendment or revision, as is currently enforced or enforceable at and during the execution and performance of this Contract.

### **Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms. 2 C.F.R § 200.321**

If Contractor intends to subcontract any of the work, it must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

The Affirmative steps must include:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; and
- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND  
AUDIT REQUIREMENTS FOR FEDERAL AWARDS

(2 CFR 200)

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly referred to as 2 CFR 200, is a comprehensive set of rules and regulations that govern the administration of federal grants and cooperative agreements. This regulation was designed to streamline the federal grant-making and monitoring processes, reduce administrative burden on non-federal entities receiving federal funds, and guard against waste, fraud, and abuse. 2 CFR 200 is a critical framework for ensuring that federal funds are spent efficiently, effectively, and in alignment with the intended purposes. Compliance with these regulations is essential for all recipients of federal awards to ensure accountability and proper stewardship of public funds.

### 1. General Provisions

- i. **Purpose:** Establishes standards for consistency and uniformity among federal agencies in the administration of grants and agreements with non-federal entities.
- ii. **Applicability:** Applies to all federal agencies that provide federal awards to non-federal entities, including state and local governments, non-profit organizations, and institutions of higher education.

### 2. Pre-Award Requirements

- i. **Risk Assessment:** Federal agencies must evaluate the risks associated with a potential recipient before awarding federal funds (§200.205).
- ii. **Mandatory Disclosures:** Applicants for federal funding must disclose any relevant information that may affect the federal award's integrity (§200.113).

### 3. Post-Award Requirements

- i. **Financial Management:** Requires non-federal entities to maintain records that identify adequately the source and application of funds for federally-funded activities (§200.302).
- ii. **Internal Controls:** Non-federal entities must establish and maintain effective internal control over the federal award that provides reasonable assurance that they are managing the award in compliance with federal statutes, regulations, and the terms and conditions of the federal award (§200.303).
- iii. **Performance and Financial Monitoring:** Entities must monitor their grant activities to ensure compliance with federal requirements and performance expectations (§200.328).

### 4. Cost Principles

- i. **Determining Allowable Costs:** Provides principles to determine the allowability of costs incurred by non-federal entities under federal awards (§200.403).
- ii. **Direct and Indirect Costs:** Defines and differentiates between direct costs that can be directly attributed to the federal award and indirect costs that are incurred for common objectives and cannot be identified readily with a particular federal award (§200.413 & §200.414).
- iii. **Prior Written Approval:** Certain costs require prior written approval from the federal awarding agency (§200.407).

### 5. Audit Requirements

- i. **Audit Requirement:** Non-federal entities that expend \$750,000 or more in federal awards in a year must undergo a single audit or a program-specific audit (§200.501).
- ii. **Audit Findings Follow-up:** Non-federal entities are required to take prompt action on audit findings, including corrective action on reported deficiencies and fraudulent activities associated with federal awards (§200.511).

### 6. Closeout

- i. **Closeout Procedures:** Specifies procedures for closing out federal awards to ensure timely and orderly completion of the processes (§200.343).

### 7. Record Retention

- ii. **Retention Requirements:** Financial records, supporting documents, statistical records, and all other non-federal entity records pertinent to a federal award must be retained for a period of three years from the date of submission of the final expenditure report (§200.333).

PROCUREMENT STANDARDS  
(2 CFR 200)



The procurement standards under 2 CFR 200, specifically outlined in §§200.317-200.326, establish a framework that non-federal entities must follow when purchasing goods and services using federal funds. These standards are designed to ensure that such procurements are conducted in a manner that is transparent, competitive, and fair, maximizing the value of federal awards. Adhering to these procurement standards ensures that non-federal entities use federal funds efficiently and ethically, securing the best possible outcomes for their projects while maintaining public trust. Compliance not only supports fair and open competition but also encourages participation by small and minority businesses, women's business enterprises, and labor surplus area firms.

### 1. General Procurement Standards

- i. **Conduct:** Non-federal entities must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-state or local geographical preferences, except in cases where applicable federal statutes expressly mandate or encourage geographic preference (§200.319).
- ii. **Conflict of Interest:** Entities must maintain a written code of standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts (§200.318(c)).
- iii. **Documentation:** Must document the procurement process, including rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price (§200.318(i)).

### 2. Competition

- i. **Requirements:** All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of §200.319.
- ii. **Situations to be Avoided:** Identifies situations that are restrictive of competition, such as placing unreasonable requirements on firms in order for them to qualify to do business, noncompetitive pricing practices between firms or affiliated companies, and unnecessary experience and excessive bonding requirements (§200.319).

### 3. Methods of Procurement

- i. **Micro-Purchases:** Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. Micro-purchases may be awarded without soliciting competitive quotations if the non-federal entity considers the price to be reasonable (§200.320(a)).
- ii. **Small Purchase Procedures:** Procurements that do not cost more than the Simplified Acquisition Threshold can be acquired using simple and informal procurement methods (§200.320(b)).
- iii. **Sealed Bids (Formal Advertising):** Preferred method for procuring construction; all necessary specifications and purchase descriptions must be made clear, and bids are publicly solicited and awarded to the lowest responsive and responsible bidder (§200.320(c)).
- iv. **Competitive Proposals:** Method used when conditions are not appropriate for sealed bids. Requires more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded (§200.320(d)).
- v. **Noncompetitive Proposals (Sole Source):** Procurement through solicitation of a proposal from only one source may be used only in specific circumstances like when the item is available only from a single source, public exigency or emergency, or after solicitation of a number of sources, competition is deemed inadequate (§200.320(f)).

### 4. Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms

- i. **Encouragement:** Non-federal entities are encouraged to take affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible (§200.321).

### 5. Procurement of Recovered Materials

- (1) **Preference:** Non-federal entities are encouraged to use and promote environmentally safe and preferable products, such as recycled products, in their procurement actions (§200.322).

### 6. Contract Cost and Price

- i. **Cost Analysis:** Requires performing a cost or price analysis in connection with every procurement action, including contract modifications. The method and degree of analysis depend on the facts surrounding the particular procurement situation (§200.323).

## Federal Guidelines – Noncompetitive Procurement

Only awarded if one or more of the criteria apply:		References:
<input type="checkbox"/>	The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold totaling \$ 10,000	<a href="#">2 CFR 200.320(c)</a>
<input type="checkbox"/>	The item is available only from a single source (requires documentation);	
<input type="checkbox"/>	The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;	
<input type="checkbox"/>	After solicitation of several sources, competition is determined inadequate.	

## Federal Guidelines – Formal Methods of Procurement

Purchase Type:	Standards:
Formal Methods of Procurement <a href="#">2 CFR 200.320(b)</a>	<b>\$250,000&lt;</b> <input type="checkbox"/> Required when the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity
<a href="#">2 CFR 200.320(b)(1)(i)</a>	<b>Feasibility Checklist</b> <input type="checkbox"/> Is there a complete, adequate, and realistic specification or purchase description available?
	<input type="checkbox"/> Are two or more responsible bidders willing and able to compete effectively for the business?
	<input type="checkbox"/> Does the procurement lend itself to a firm fixed price contract? Can the selection of the successful bidder be made principally based on price?
<a href="#">2 CFR 200.320(b)(1)(ii)</a>	<b>Requirement Checklist</b> <input type="checkbox"/> Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
	<input type="checkbox"/> The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services for the bidder to properly respond;
	<input type="checkbox"/> All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly. Any or all bids may be rejected if there is a sound documented reason.;
	<input type="checkbox"/> A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

## Federal Guidelines – Informal Methods of Procurement

Purchase Type:	Standards:
<b>Informal Procurement</b> - 2 CFR 200.320(a) - 2 CFR 200.1 “Simplified acquisition threshold” - 48 CFR 2.101 “Simplified acquisition threshold”	<input type="checkbox"/> The procurement of property or services does not exceed the Simplified Acquisition Threshold (SAT) of \$250,000 or a lower threshold
<b>Micro-Purchases</b> - 2 CFR 200.320(a)(1)(i) - 2 CFR 200.1 “Micro purchase threshold” - 48 CFR 2.101 “Micro purchase threshold”	<input type="checkbox"/> <b>\$10,000:</b> The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold.
Small Purchases - 2 CFR 200.320(a)(2)	<input type="checkbox"/> <b>\$10,000 - \$249,999:</b> The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.

