

Federal Programs	C.33
<i>Adopted:</i>	

The district participates in a variety of federal programs and receives funding ("Awards") through those programs. All district representatives will comply with all regulatory guidance and laws applicable to the individual programs.

The district will regularly monitor its compliance efforts and make appropriate information available to the federal awarding agency ("FAA"), state pass-through entity ("State Entity"), inspectors general, and/or US comptroller. The district will make required performance reports using OMB approved information collections reports.

Audits

If the district expends \$750,000 or more in federal awards during the fiscal year, it will have an audit conducted.

Employee Compensation

Regardless of the source of the funds, employees are paid pursuant to the district's salary schedule for all work performed. If personnel costs are paid with Awards, those costs will be calculated as wages and fringe benefits permitted in 2 C.F.R. § 200.431 for services rendered during the relevant time period.

Employees who are paid with Award funds – in whole or in part - must maintain adequate records documenting the time spent performing each set of duties so that their compensation can be correctly allocated to the Award. 2 C.F.R. § 200.430

Travel and Conference Expenses

The district will follow its standard travel reimbursement and professional development policies and procedures when spending Award funds, except when a federal requirement is more stringent, in which case the district will adhere to the more stringent requirement. Any travel, conference / professional development participation and expenses will be reasonable, necessary, and related to the federal program tied to the Award.

Conflict of Interest / Mandatory Disclosure Regarding Contracting

The district will make written disclosure of any potential conflict of interest to the FAA or State Entity in accordance with the FAA's policy.

All members of the board are expected to maintain high ethical standards and use good judgment in conducting school business. Members are also required to follow the same standards of professional conduct required of all district employees. Board members specifically agree to refrain from using their position for any unfair personal or business advantage or engaging in any action which gives the appearance of such misconduct. Any board member who violates this policy will be referred to the Oklahoma State Ethics Commission.

Business Arrangements and Financial Transactions

All board members are required to familiarize themselves with and comply with all the requirements of OKLA. STAT. tit. 70 § 5-124.

As required by law, the district will not contract with any member of the board or any company, individual or business concern in which any member of the board is directly or indirectly interested. A member of the board is considered to be interested in any contract with a company, individual or business concern if the member of the board or any member of the immediate family (including a partner) of the member of the board owns any substantial interest in the same, or if an organization employs or is about to employ one of these parties. The only exceptions will be those allowed by OKLA. STAT. tit. 70 § 5-124.

If a contract is allowed by an exception listed in OKLA. STAT. tit. 70 § 5-124, then the board will not give special consideration to any company based on its affiliation with a board member or a board member's family or partner. If the board is seeking to conduct business with a company affiliated with a board member (or a board member's family member or partner) that member will abstain from the contracting process unless a statutory exception applies.

Gifts

Board members may not seek or accept gifts, payments, services, entertainment, travel, valuable privileges, etc. from individuals or vendors who do business or seek to do business with the district, although board members may accept common courtesies such as meals and promotional items as are customarily exchanged in the normal course of business. These courtesies must be of nominal value only. Board members are expected to use good judgment in accepting such courtesies and must avoid any conflict of interest or even the appearance of impropriety.

Reporting Misconduct

In the event a board member engages in misconduct such as fraud, bribery, or gratuity violations, the board president, or the vice president if the president is the board member engaging in the misconduct, will report the violation to the FAA or State Entity in order to help prevent or prosecute waste, fraud, and abuse.

Financial Management Procedures

Internal Controls

Hilldale Public School is responsible for implementing appropriate internal controls over Award funds which are consistent with 2 C.F.R. Part 200 Subpart E. This includes, but is not limited to, reviewing and comparing Awards, budgets, and allocations to determine whether the Awards are being expended appropriately and in compliance with relevant guidelines. Hilldale Public School is also responsible for taking prompt action if noncompliance is discovered. Hilldale Public School is required to take reasonable measures to safeguard protected personally identifiable and protected information.

General Recordkeeping

The district will expend all Awards and account for those Awards in accordance with all applicable laws and regulations. Hilldale Public School is responsible for maintaining appropriate records, documentation, and oversight related to all Awards. This includes, but is not limited to the following:

- information to prepare all required reports
- compliance documentation to establish conformity with federal statutes, regulations, and the specific terms and conditions of an Award
- proof of the appropriate expenditure of Awards
- records of receipt / expenditure of Awards, including the federal program under which the Award was made, any applicable CFDA number, Award identification number and year, name of the FAA, and name of any applicable State Entity
- accurate, current, and complete disclosure of the financial results of all Awards in accordance with current OMB standards and the terms of the Award
- source documents showing the application for funds, authorizations, obligations, unobligated balances, assets, expenditures, and income and interest related to an Award
- evidence that all Award funds, property, and other assets have been safeguarded and are used solely for authorized purposes
- a comparison of Award expenditures and budgets
- the district's written procedures to minimize the elapsed time between the transfer of funds and disbursement by the district, when possible, to receive funds in advance from the FAA

- the district's written procedures for determining the allowability of costs in accordance with 2 CFR part 200 subpart E and the terms and conditions of the Award

Records Retention Timeline

The district will maintain all records pertinent to any Awards it receives. All documents will be maintained a minimum of 3 years from the date of submission of the final expenditure report OR 3 years from the date of the quarterly or annual financial report UNLESS there are pending claims related to project OR the FAA has notified the district the records should be maintained longer OR the records have been transferred to or are maintained by the FAA or State Entity. The district will retain records for real property and equipment maintained for 3 years after final disposition.

Interest

Hilldale Public School is responsible for maintaining advance Award payments in an interest bearing account unless:

- the district receives less than \$120,000 in Awards per year
- the district would earn less than \$500 per year in interest on federal cash balances
- the depository would require an unfeasible minimum balance
- the banking system prohibits interest bearing accounts

Hilldale Public School is responsible for retaining up to \$500 per year of interest earned on Awards for the district to utilize for administrative expenses. Hilldale Public School is responsible for remitting any additional earned interest to the Department of Health and Human Services Payment Management System.

Budgeting

Hilldale Public School is responsible for regularly reviewing budgets and expenses and making appropriate reports and requests for deviations in the budget or project scope.

Real Property, Equipment, and Supplies

The district will appropriately insure all real property, equipment, and supplies ("Property") acquired or improved with Awards, and will take reasonable steps to safeguard and adequately maintain the Property. All Property will be labeled.

The district will not encumber Property acquired or improved with an Award without prior approval from the FAA.

The district will maintain appropriate records of the Property. These records will include, as applicable, a description, serial/identification number, source of funding (including the Federal Award Identification Number), name of title holder, acquisition

date, cost, percentage of federal participation in the project's cost, location, use and condition, disposition data (including date of disposal and sale price).

The district will conduct an inventory of Property at least every 2 years, and will review/update the inventory annually. The district will include the following information on the inventory: fund source, description, serial number, acquisition date, acquisition cost, and location.

The district will use the Property as long as needed, and may make the Property available for other federal projects as long as this will not disrupt the intended use.

Once the Property is no longer needed, it will be disposed of in accordance with current federal standards.

Property purchased for a Title I, Part A Targeted Assistance program will be reserved only for identified students.

General Procurement Standards and Vendor Selection

General Standards

The district will follow its standard procurement policies and procedures when spending Award funds, except when a federal requirement is more stringent, in which case the district will adhere to the more stringent requirement. Hilldale Public School is responsible for overseeing that contractors perform in accordance with the terms of their contracts / purchase orders.

Any employee who has oversight or compliance responsibilities for administering an Award will comply with the district's stated conflict of interest policy above.

The district will use processes and analysis designed to avoid acquiring unnecessary and duplicative items and will actively attempt to make economical purchases with Award funds. This may include, when appropriate, consideration of leases, shared service agreements, use of federal excess and surplus property, and value engineering clauses in construction contracts.

The district will only award contracts to responsible contractors possessing the ability to successfully perform. In determining whether a contractor is a responsible contractor, the district will consider integrity, compliance with public policy, record of past performance, and financial and technical resources.

The district will maintain adequate records detailing the history of procurement, including the rationale for the procurement method, selection of the contract type, contractor selection or rejection, and the basis for the contract price for all Awards.

In procurement with Awards, the district will only use time and material type contracts after determining that no other contract is suitable and if the contract includes a ceiling

price that the contractor exceeds at its own risk. If such a contract is used, the district will utilize extra oversight on the project.

The district will utilize good practices and sound business judgment to settle all procurement issues related to Awards, including source evaluations, protests, disputes, and claims.

Procurement Methods

For procurement processes with Award funds, the district will make technical specifications on proposed procurements available to the FAA or State Entity if requested.

All contracts connected with an Award will comply with 2 C.F.R. §200.326.

For all procurements using funds from an Award, the district will utilize one of the procurement methods identified below:

- Micro-purchase will be utilized for purchases under \$3,500 (or \$2,000 if the purchase is subject to the Davis-Bacon Act). The district will attempt to distribute these purchases equitably among qualified suppliers, and the district will not solicit competitive quotations if the district believes a purchase price is reasonable.
- Small purchase procedures will be utilized for purchases under the Simplified Acquisition Threshold (\$150,000). When utilizing this procurement method the district will obtain quotes from an adequate number of qualified sources.
- Sealed bids will be utilized when complete, adequate, and realistic specifications are available, multiple bidders are willing and able to compete effectively for the business and the procurement lends itself to a firm fixed price and the successful bidder can be made principally on the basis of price. When utilizing this procurement method, the district will timely and publicly issue the invitation for bids - including adequate information about the project. All the bids will be publicly opened as prescribed in the invitation for bids, and the contract will be awarded in writing to the lowest responsible bidder. If a sealed bid is rejected, the district will document the reason for the rejection.
- Competitive proposals will be utilized when other procurement methods are not appropriate. The first step of the competitive proposal process is getting an independent estimate. When utilizing this procurement method, the district will publicize the evaluation factors and their relative importance to an adequate number of qualified sources and will consider all responses. The district will use an established, written method for conducting technical evaluations of the proposals (including receiving independent estimates before receiving bids or proposals) and award the project to the proposal which is most advantageous to the district.

The district may also use competitive proposals for qualifications-based procurement of architectural/engineering (A/E) services to award proposals to the most qualified competitor – subject to fair and reasonable compensation. The district will not use this type of procurement to purchase other types of services through A/E firms.

- Noncompetitive proposals will be utilized when an item is only available from a single source, there is an urgent situation which precludes the delays associated with competitive selection, the FAA or State Entity has expressly authorized this method, or solicitation from multiple sources has yielded inadequate competition.
- Negotiating Profit will be negotiated as a separate element of the price for each contract if there is no price competition and in all cases where cost analysis is performed.

For all procurements using funds from an Award, the district:

- will not utilize a cost plus a percentage of cost or percentage of construction cost method of contracting
- will not accept bids or proposals from a contractor that develops or drafts specifications, requirements, statements of work, invitations for bids, or similar documents
- will not unnecessarily restrict bidders to a specific geographic area
- will ensure that if a list of prequalified persons, firms or products are used, that the list is current and includes enough qualified sources to ensure maximum open and free competition
- will take appropriate affirmative steps to ensure that small and minority businesses, women's business enterprises, and labor surplus area firms ("target groups") are included in its contracting process, including:
 - including target groups on the solicitation list and ensure that these target groups are solicited whenever they are potential sources
 - dividing total requirements, if economically feasible, to permit maximum participation by target groups
 - establishing delivery schedules, when possible, which encourage target groups to participate
 - utilizing groups which interface with the target groups (e.g., Small Business Administration, Minority Business Development Agency of the Department of Commerce, etc.)

- requiring the prime contractor, if using subcontracts, to take these same affirmative steps to include target groups
- ensuring the district and all its contractors comply with the with § 6002 of the Solid Waste Disposal Act, including procuring only items which contain the highest percentage of recovered materials practicable for purchases over \$10,000, procuring solid waste management services which maximize energy and resource recovery, and establishing an affirmative procurement program for procuring recovered materials identified in EPA guidelines