

**2023-2024 SY Delaware Department of Education (DDOE) Federal Compliance Monitoring**

**Subject: FFY 2022 Procurement Procedures**

**Status**

☐ Compliant  
☐ Non-Compliant

**LEA:**

**LEA Contact:**

**DDOE Reviewer:**

**Program Reviewed:** ☐ IDEA 619      ☐ IDEA 611

**Date of Review:**

**Review Type:**

☐ On-site Review  
☐ Desk Audit Review

**Legislation/Regulation Authority:**

2 CFR §200.318 the subgrantee must use its own documented procurement procedures which reflect applicable State and local laws and regulations, provided that the procurement conforms to applicable Federal law and the standards. Contract awards must be awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement.

2CFR §200.320 three methods of procurement are allowable: procurement by micro-purchases, procurement by small purchase procedures, and procurement by sealed bids.

29 Del. C. c. 69 VI. § 6980-6987

**Focus of Monitoring:**

To verify that LEAs have developed, documented and implemented procurement procedures accordingly to reflect applicable state and local laws and regulations, and that conform to federal standards.

Required Federal/State Compliance Items	Acceptable Evidence	Compliance			Comments/Corrective Action Required/ DDOE Action Taken	Corrective Action Due Date
		Yes	No	N/A		
1. LEA has written policies/procedures in place outlining procurement procedures, including the following: a) Bidding procedures b) Formal RFP procedures c) Evaluation criteria of applicants	Written or electronic policies or procedures  *If providing copy of a manual, LEA must indicate applicable page #s.					
2. Vendors providing services under federal award(s) to LEAs have not been disbarred or suspended according <a href="https://www.sam.gov">https://www.sam.gov</a>	Official names of vendors requested					
3. Formal bidding procedures were followed for <i>Material and Non-Professional Services</i> * purchases (thresholds are reflective of FY '22): a) Less than \$10,000 – Open Market Purchase b) \$10,000 - \$49,999 – 3 written quotes c) \$50,000 and over – Formal bid	Quotes or formal bid(s), copy of vendor contract  <b>Evidence for state approved contracts:</b> - State vendor contract number - Contract with vendor					
4. Formal RFP process was followed for <i>Professional Services</i> ** purchases (thresholds are reflective of FY '22): a) Less than \$100,000 – Open Market Purchase b) \$100,000 and over – RFP process	Formal RFP(s)/ Award Notice  <b>Evidence for state approved contracts:</b> - State vendor contract number - Contract with vendor					

5. Written documentation is on file citing the existence of a sole source condition including: a) the specific efforts made to determine the availability of any other source; and, b) an explanation of the procurement need	Written document including required components in file with contract, receipts, executed purchase orders, invoices, vouchers, FSF reports					
---	---	--	--	--	--	--

*\*According to 29 Del. C. c. 69 § 6902 Definitions: "Material" means materials, equipment, tools, supplies, or any other personal property, but does not include real property or electric, gas, water, telephone or similar utilities.*

*\*\*According to 29 Del. C. c. 69 § 6902 Definitions: "Professional services" means services which generally require specialized education, training or knowledge and involve intellectual skills. Examples of professional services include, but are not limited to, engineering, environmental engineering, environmental monitoring, land surveying, landscape architecture, geology, architectural, archaeologists, architectural historians, historians, educational consultants **(includes related services)**, management, medical, teaching, planning, computer information management, financial, accounting, auditing, construction management and arbitration services.*

*\*\*\*No RFP is required if vendor has a statewide contract with the State of Delaware*