



# WESTON PUBLIC SCHOOLS

FY'23 Internal Control Manual for Federal Grants

Internal control document to ensure compliance with  
the Education Department General Administrative  
Regulations (EDGAR)

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This manual is based on the Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards to Non-Federal Entities guidance, which is commonly known as the [Uniform Grant Guidance \(UGG\) \(2 CFR 200\)](#). With most Weston Public Schools grants sourced through the U.S. Department of Education, the manual uses the Education Department General Administrative Regulations (EDGAR) as our guide. Final revisions were published on August 13, 2020 with guidance is issued every five (5) years.

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## **Introduction**

This manual sets forth the policies and procedures used by Weston Public School personnel to administer federal and state grant funds. The manual contains the internal controls and grant management standards used by the District to ensure that all federal funds are lawfully expended. It describes in detail the district's financial management system, including cash management procedures, procurement policies; inventory management protocols; procedures for determining the allow ability of expenditures; time and effort reporting; record retention; and sub-recipient monitoring responsibilities. It is essential that new employees of the district, as well as incumbent employees who work with our federal and state grants, review and become familiar with the information contained in this manual in order to gain familiarity and an understanding of the district's practices and procedures regarding federal and state grants. This manual was created for compliance to the federal Uniform Grant Guidance regulations 2 CFR Part 200 "UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS".

### **I. Financial Management System**

The District maintains a proper financial management system in order to receive both direct and state-administered grants and to expend funds associated with a grant award. Certain fiscal controls and procedures must be in place to ensure that all financial management system requirements are met. Failure to meet a requirement may result in return of funds or termination of the award.

#### **A. Financial Management Standards**

The standards for financial management systems are found in the Code of Federal Regulations (2 C.F.R. § 200.302). The required standards include:

#### ***Identification***

The District must identify, in its accounts, all federal awards received and expended and the federal programs under which they were received. Federal program and award identification must include, as applicable, the CFDA title and number, federal award identification number and year, name of the federal agency, and, if applicable, name of the pass-through entity.

#### ***Financial Reporting***

Accurate, current, and complete disclosure of the financial results of each federal award or programs must be made in accordance with the financial reporting requirements set forth in the Uniform Grant Guidance (UGG) 2 CFR 200 and U.S. Education Department General Administrative Regulations (EDGAR) 34 CFR 76 State Administered Grants. [eCFR: 34 CFR Part 76 -- State-Administered Programs](#)

#### ***Accounting Records***

The district must maintain records which adequately identify the source and application of funds provided for federally assisted activities. These records must contain information pertaining to grant or sub grant awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest and be supported by source documentation. [2 CFR § 200.302 Financial management - Code of Federal Regulations \(ecfr.io\)](#)

#### ***Internal Controls***

[2 CFR § 200.303 Internal controls - Code of Federal Regulations \(ecfr.io\)](#)

Effective control and accountability must be maintained for all funds, real and personal property, and other assets. The district must adequately safeguard all such property and must assure that it is used solely for authorized purposes. "Internal controls" are tools to help program and financial managers achieve results and safeguard the integrity of their program. Internal controls should be designed to provide reasonable assurance that the following objectives are achieved:

- Effectiveness and efficiency of operations.
- Adequate safeguarding of property;
- Assurance property and money is spent in accordance with grant program and to further the selected objectives; and
- Compliance with applicable laws and regulations.

***Budget Control***

Actual expenditures or outlays must be compared with budgeted amounts for each federal award.

***Cash Management***

The District must maintain written procedures to implement the cash management requirements found in UGG 2 CFR 200.305 [2 CFR § 200.305 Federal payment - Code of Federal Regulations \(ecfr.io\)](#) and EDGAR 34 CFR 76.

Please see page 13 for these written cash management procedures.

***Allowable Costs***

The District must maintain written procedures for determining allowability of costs in accordance with UGG 2 CFR 200 Subpart E [Title 2 Part 200 Subpart E - Code of Federal Regulations \(ecfr.io\)](#)

Please see page 8 for these written allow ability procedures.

**B. Overview of the Financial Management/Accounting System**

The Weston Public School district utilizes Tyler Technologies Munis Financial system. Munis is the primary system for purchasing; human resources and payroll; and budget and accounting. Separate inventory systems exist for information technology, instructional materials, and fixed assets. Fixed assets are managed by the Assistant Superintendent for Finance and Operations in conjunction with the Town Finance Office. The Director of Technology is responsible for the inventory of all hardware and software district-wide. Inventory for instructional materials is the responsibility of the respective Director and/or Department Head.

Once a grant allocation notice (GAN) is received by the district from DESE that indicates the funds allocated to the District, the Asst Supt for Finance and Operations and the individual responsible for the grants meet to review the planned expenditures in light of the approval from DESE. The Asst Supt for Finance and Operations establishes the fund set-up sheet and assigns the appropriate account codes in Munis. A copy of the GAN from the Department of Elementary and Secondary Education (DESE), and request to establish the account structure, is maintained by the Asst Supt for Finance and Operations and forwarded to the Town Accountant. In compliance with 2 C.F.R. 200.302, the district track's the CFDA title and number, federal award identification number and year, name of the federal agency, and, if applicable, name of the pass-through entity in an excel schedule that is maintained for all grants.

Once the Asst Supt for Finance and Operations establishes the account codes in Munis, the Asst. Business Manager will enter the budgeted amounts. However, the final budgeted amounts will be determined once the submitted application for the funds has been approved by DESE. All grant expenditures must be within the dates of the approved grant award application submitted to and approved by DESE. The start and end dates are documented on the approved application. Budgeted amounts in Munis must match the approved budget. If changes are required, an amendment is prepared and sent to DESE for approval. Once approved, the Munis program is updated. Business Office personnel (normally Asst. Supt. for Finance and Operations) are responsible for submitting all grant programs' final financial reports (FR-1 filings) to DESE which are due 60 days after the grant has ended (November 30<sup>th</sup>).

### C. Budgeting

#### **The Planning Phase: Meetings and Discussions**

*Before Receiving the Grant Award Notice (GAN):* Once a grant opportunity has been identified, the Superintendent is notified of the potential grant funds. The Superintendent and Business Administrator are notified of the following information:

1. Source of funds
2. Purpose of grant
3. Potential benefits and pitfalls of the grant for the district
4. Benefits to the students
5. Identification of grant manager
6. Timeline for application and approval
7. Match requirements, if applicable and
8. Potential amount and length of funds

The Superintendent will approve all grant applications. If the Superintendent approves the concept of applying for the grant, the Grant Liaison in conjunction with the Asst Supt. for Finance and Operations will review the timeline, curriculum impacts, match requirements (if any), and grant reporting requirements, budget development / projections and potential concerns. If the grant could impact other departments, the Grant Liaison holds follow-up discussions with appropriate school personnel. For example, if an application could result in technology purchases, the Director of Technology will be involved in the planning process.

DESE grant funds can supplement but cannot supplant budgeted funds. Therefore, when possible, it is critical that the grant application is developed in conjunction with the annual budget.

***Reviewing and Approving the Budget:*** Before the grant application is completed, the Grant Liaison and the Asst Supt for Finance and Operations review the items in the budget to ensure allow ability. See Section I for a discussion on performing allow ability determinations. The grant budget will be revised to ensure that all items meet the allow ability determination. The Superintendent is responsible for final approval and signoff of all grant applications to be submitted to DESE for approval. Copies of all approved grant applications are housed in the Business Office.

### **After Receiving the GAN**

After receiving the GAN from DESE which states the amount of funding the district has been allocated from the grant for the year, the district will complete an application and the budget is loaded into Munis. An application is prepared for submittal to DESE for approval. If the application amounts vary from the approved application from DESE (whether increased or decreased), the Grant Liaison and the Business Administrator discuss the implications for the variance. A revised budget is developed based on the approved application and program objectives. The revised allocation amounts are updated and entered into Munis.

**Preparation of Grant Approvals:** After receiving a GAN, all grants are approved by the School Committee. A grant cannot be established or set-up in Munis without their official approval. Expenditures cannot be charged to the grant until the application is approved by DESE. Expenditures prior to the approval date cannot be charged to the grant and should be charged to the carryforward funds of the same grant from the previous year.

### **Amending the Budget**

The District ensures grant amendments are submitted and approved in advance of the needs. Grant amendments can be made for financial and/or programmatic purposes. The Asst Supt of Finance and Operations is responsible for preparing all grant amendments. The Superintendent or his/her designee will approve all grant amendments prior to them being submitted to the Department of Elementary and Secondary Education. Approved amendments are sent back to the Asst Supt, who will update the budget in Munis once approved.

### **Budget Control**

The Asst Business Manager monitors its financial performance by comparing and analyzing actual results with budgeted results. The Asst Business Manager runs year-to-date reports for all grant funds on a monthly basis. These reports are used for cash drawdown purchases monthly. In addition, reports are run quarterly, and meetings are had with folks responsible with grants to ensure proper spending of the grant and spending in the appropriate timeframe. The reports are used to monitor grant expenses and to plan for future purchases.

### **D. Accounting Records**

Accounting records are kept in the Business Office. Business Office personnel are responsible for the maintenance of all purchase orders and related accounting records in conformance with the Municipal Records Retention Schedule. Relevant definitions in this section include the following:

- **Asset** is defined as anything owned by an individual or a business, which has commercial or exchange value. Assets may consist of specific property or claims against others, in contrast to obligations due others.
- **Liability** is defined as a loan, expense, or any other form of claim on the assets of an entity that must be paid or otherwise honored by that entity.
- **Revenue** is defined as the inflows of assets from selling goods and providing services to customers; including the reduction of liabilities from selling goods and providing services to customers.
- **Expense** is defined as the amount of assets or services used during a period.

The Chart of Accounts for the grant fund organization codes was set up so that an individual could track expenses by fund, fiscal year, award year, and source of funds. In Weston, the project code designates expenses by fiscal year. Below is an outline detailing the structure of the organization codes for grant funds:

Fund Codes

22F Federal Grants      22S State Grants

Federal Grant Organization Codes (Effective July 2022):

- 22F262: Early Childhood Special Education (DESE Fund Code 262)
- 22F180: ESSA Title III, English Learners (DESE Fund Code 180)
- 22F140: ESSA Title IIA Teacher Quality (DESE Fund Code 140)
- 22F309: ESSA Title IV A (DESE Fund Code 309)
- 22F240: Special Education I.D.E.A. (DESE Fund Code 240)
- 22F262: Early Childhood (DESE Fund Code 262)
- 22F305: ESSA Title I (DESE Fund Code 305)
- 22F274: I.D.E.A. Targeted Special Educ. Prog. Improvement (DESE Fund Code 274)
- 22F298: Early Childhood Targeted Special Educ. Prog. Impr. (DESE Fund Code 298)
- 22F258: Targeted Program Improvement (DESE Fund Code 258)
- 22F113: ESSER I (DESE Fund Code 113)
- 22F115: ESSER II (DESE Fund Code 115)
- 22F119: ESSER III (DESE Fund Code 119)

State Grant Organization Code (Effective July 2022):

- 22S317: METCO Grant (DESE Fund Code 317)
- 22S329: Influence 100 (DESE Fund Code 329)
- 22S459: Enhanced School Health Services (MA DPH)

Object Codes:

This district utilizes the object code that is appropriate for the anticipate purpose of the expense.

Project Codes:

The district utilizes project codes to designate the fiscal year of the expense. All grant project codes are created as “yy” to designate the fiscal year and “xxx” to designate the grant fund code.

FY’21 Codes	FY’22 Codes	FY’23 Codes
21XXX	22XXX	23XXX

E. Spending Grant Funds

As the recipient of federal funds, Weston Public Schools is responsible for administering the grant consistent with the grantor’s terms and conditions. Federal funds must be administered in a manner consistent with the cost principles contained in 2 CFR Part 200 the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards.

Although each grant may have specific allowable and unallowable costs, Weston Public Schools adheres to the federal cost principles when developing and administering the grant award. Federal cost principles require costs to be allowable, reasonable, and allocable.

To meet the definition of “allowable,” a cost must be:

1. Be necessary and reasonable to carry out the grant.
2. Be consistent with policies and procedures that apply uniformly to both federal and non-federal financed expenses.
3. Not be included as part of a match of federal funds; and
4. Be adequately documented.

To meet the definition of “reasonable,” the cost of the good or service does not exceed the amount a prudent person would spend on an item at the time the decision was made to incur the cost. Reasonable is further defined as:

1. Use of sound business practices, adherence to federal, state, and local laws and regulations, and the terms and conditions of the Federal award.
2. Use of market prices in the Southeastern Mass. area for comparing the costs of goods and services.

To meet the definition of "allocable," the cost of the goods or services involved are chargeable or assignable to that Federal award or cost objective in accordance with relative benefits received. Allocable is further defined as:

1. Costs are incurred specifically for the Federal award.
2. Costs can be distributed in proportions that may be approximated using reasonable methods.
3. Costs necessary to the overall operation of the non-Federal entity.

These definitions are taken from the Code of Federal Regulations (CFR).

## **Direct and Indirect Costs**

### ***Determining Whether a Cost is Direct or Indirect:***

- Direct costs are those costs that can be identified specifically with a final cost objective, such as a federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy. 2 C.F.R. § 200.413(a).
- Indirect costs are those that have been incurred for a common or joint purpose benefiting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. 2 C.F.R. § 200.56. Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect costs. 2 C.F.R. § 200.413(a).

Identification with the federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect costs of Federal awards. Typical costs charged directly to a Federal award are the compensation of employees who work on that award, their related fringe benefit costs, the costs of materials and other items of expense incurred for the Federal award. 2 C.F.R. § 200.413(b). The salaries of administrative and clerical staff may be treated as indirect costs. Direct charging of these costs may be appropriate

only if all of the following conditions are met:

- Administrative or clerical services are integral to a project or activity.
- Individuals involved can be specifically identified with the project or activity.
- Such costs are explicitly included in the budget or have the prior written approval of the federal awarding agency; and
- The costs are also not recovered as indirect costs. 2 C.F.R. § 200.413(c).

**Indirect Cost Rate:**

The Massachusetts Department of Elementary and Secondary Education (MA DESE) determines an unrestricted and restricted indirect cost rate for every district in the Commonwealth. The rates are determined annually based on information submitted in the End of Year report and are the maximum allowable rate for any fiscal year. According to MA DESE, if a district utilizes an indirect cost figure, it must be equal to or less than the currently approved restricted rate. The decision to recover indirect costs using these established rates is a local option. Weston Public Schools does not apply an indirect cost rate to federal grants.

The MA DESE Grants Procedure Manual provides the following information on calculating the indirect cost recovery allowable for a particular grant. The grant manual, and other important information, can be found at <http://www.doe.mass.edu/grants/procedure/manual.html>. Indirect rates cannot be applied to capital expenditures, individual contracts in excess of \$25,000 or to the indirect cost themselves.

The following formula is recommended:

1. Total entitlement.
2. Minus capital expenditures (Line 10).
3. Minus each contract in excess of \$25,000, and
4. Divided by one plus the restricted rate.

The resulting amount is the amount that can be used for grant activities. When this amount is subtracted from the total entitlement the result equals the amount allowed for indirect cost. This calculation is in the grant application.

If indirect costs are recovered, they shall be returned to the general fund of the city or town in accordance with Massachusetts General Laws, Chapter 44, Section 53.

***Applying the Indirect Cost Rate:***

Once the District has an approved indirect cost rate, the percentage is multiplied against the actual direct costs (excluding distorting items such as equipment, contracts in excess of \$25,000, pass-through funds, etc.) incurred under a particular grant to produce the dollar amount of indirect costs allowable to that award. 34 C.F.R § 75.564; 34 C.F.R. § 76.569. Once the District applies the approved rate, the funds that may be claimed for indirect costs have no federal accountability and may be used as if they were non-federal funds. For Direct Grants, reimbursement of indirect costs is subject to the availability of funds and statutory or administrative restrictions. 34 C.F.R. § 75.564.

Where a federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap must include all direct administrative charges as well as any recovered indirect charges.

### **Determining Allowability of Costs**

Expenditures must be aligned with approved budgeted items. Any changes or variations from the state-approved budget and grant application need prior approval from the state.

When determining how the district will spend its grant funds, the Asst Supt for Finance and Operations and Grant Liaison will review the proposed cost to determine whether it is an allowable use of federal grant funds *before* obligating and spending those funds on the proposed good or service. All costs supported by federal education funds must meet the standards outlined in 2 CFR Part 200 Subpart E, which are provided in the bulleted list below and be approved in the grant application budget. The Asst Supt for Finance and Operations and Grant Liaison will consider these factors when making an allow ability determination. Additional helpful questions to ask when making allow ability determinations are located on page 13 of this manual.

**Be Necessary and Reasonable for the performance of the federal award.** District staff must consider these elements when determining the reasonableness of a cost. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices. +

When determining reasonableness of a cost, consideration must be given to:

- Whether the cost is a type generally recognized as ordinary and necessary for the operation of the District or the proper and efficient performance of the federal award.
- The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state, and other laws and regulations; and terms and conditions of the federal award.
- Market prices for comparable goods or services for the geographic area.
- Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the District, its employees, its students, the public at large, and the federal government.
- Whether the district significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the federal award's cost. 2 C.F.R. §200.404 [2 CFR § 200.404 Reasonable costs - Code of Federal Regulations \(ecfr.io\)](#)

While 2 C.F.R. §200.404 does not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the district can demonstrate that the cost addresses an existing need and can prove it. For example, the district may deem a language skills software program necessary for a limited English proficiency program.

When determining whether a cost is necessary, consideration may be given to

- Whether the cost is needed for the proper and efficient performance of the grant program.
- Whether the cost is identified in the approved budget or application.
- Whether there is an educational benefit associated with the cost.
- Whether the cost aligns with identified needs based on results and findings from a need assessment.
- Whether the cost addresses program goals and objectives and is based on program data.
- Allocable to the federal award: A cost is allocable to the federal award if the goods or services involved are chargeable or assignable to the federal award in accordance with the relative benefit received. This means that the federal grant program derived a benefit in proportion to the funds charged to the program. 2 C.F.R. §200.405. [2 CFR § 200.405 Allocable costs - Code of Federal Regulations \(ecfr.io\)](https://www.ecfr.io) . For example, if 50% of a teacher's salary is paid with grant funds, then that teacher must spend at least 50% of his or her time on the grant program.
- Consistent with policies and procedures that apply uniformly to both federally financed and other activities of the District.
- Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the federal award.
- Consistent treatment: A cost cannot be assigned to a federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.
- Adequately documented. All expenditures must be properly documented.
- Be determined in accordance with general accepted accounting principles (GAAP), unless provided otherwise in 2 CFR Part 200.
- Not included as a match or cost-share unless the specific federal program authorizes federal costs to be treated as such. Some federal program statutes require the non-federal entity to contribute a certain amount of non-federal resources to be eligible for the federal program.
- Be the net of all applicable credits. The term "applicable credits" refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the state relate to the federal award, they shall be credited to the federal award, either as a cost reduction or a cash refund, as appropriate. 2 C.F.R. §200.406.
- Purchases for goods and services paid for with grant funds shall be net of all applicable credits. To avoid the earning of "credits" where the benefits are not reimbursable or credited to the federal grant, personal reimbursements are subject to the policies of the district. The district will take advantage of all prompt pay discounts. All payments from federal grants shall be processed through the district's accounting system through the invoice payment process.

2 CFR Part 200 Cost Principles in Subpart E must be considered when federal grant funds are expended. As provided above, federal rules require state- and District-level requirements and policies regarding expenditures to be followed as well. For example, state and/or District policies relating to travel or equipment may be narrower than the federal rules, and the stricter State and/or District policies must be followed. Further, certain types of incentives are allowable under federal law, but are not allowable under State law.

**Selected Items of Cost**

2 CFR Part 200 examines the allow ability of 55 specific cost items (commonly referred to as Selected Items of Cost) at 2 C.F.R. §§ 200.420-200.475. These cost items are listed in the chart below along with the citation where it is discussed whether the item is allowable. No assumption should be made that an item is allowable because it is specifically listed in the regulation as it may be unallowable despite its inclusion in the selected items of cost section. The expenditure may be unallowable for a number of reasons, including: the express language of the regulation states the item is unallowable; the terms and conditions of the grant deem the item unallowable; or State/local restrictions dictate that the item is unallowable. The item may also be unallowable because it does not meet one of the cost principles, such as being reasonable because it is considered too expensive. If an item is unallowable for any of these reasons, federal funds cannot be used to purchase it.

District personnel responsible for spending federal grant funds and for determining allow ability must be familiar with the Part 200 selected items of cost section. The District must follow these rules when charging these specific expenditures to a federal grant. When applicable, District staff must check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District, and program-specific rules may deem a cost as unallowable and District personnel must follow those non-federal rules as well.

- The selected item of cost addressed in Part 200 includes the following (in alphabetical order):

<b>Item of Cost</b>	<b>Citation of Allowability Rule</b>
Advertising and public relations	2 CFR § 200.421
Advisory councils	2 CFR § 200.422
Alcoholic beverages	2 CFR § 200.423
Alumni/ae activities	2 CFR § 200.424
Audit services	2 CFR § 200.425
Bad debts	2 CFR § 200.426
Bonding costs	2 CFR § 200.427
Collection of improper payments	2 CFR § 200.428
Commencement and convocation costs	2 CFR § 200.429
Compensation – personal services	2 CFR § 200.430
Compensation – fringe benefits	2 CFR § 200.431
Conferences	2 CFR § 200.432

Contingency provisions	2 CFR § 200.433
Contributions and donations	2 CFR § 200.434
Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	2 CFR § 200.435
Depreciation	2 CFR § 200.436
Employee health and welfare costs	2 CFR § 200.437
Entertainment costs	2 CFR § 200.438
Equipment and other capital expenditures	2 CFR § 200.439
Exchange rates	2 CFR § 200.440
Fines, penalties, damages and other settlements	2 CFR § 200.441
Fund raising and investment management costs	2 CFR § 200.442
Gains and losses on disposition of depreciable assets	2 CFR § 200.443
General costs of government	2 CFR § 200.444
Goods and services for personal use	2 CFR § 200.445
Idle facilities and idle capacity	2 CFR § 200.446
Insurance and indemnification	2 CFR § 200.447
Intellectual property	2 CFR § 200.448
Interest	2 CFR § 200.449
Lobbying	2 CFR § 200.450
Losses on other awards or contracts	2 CFR § 200.451
Maintenance and repair costs	2 CFR § 200.452
Materials and supplies costs, including costs of computing devices	2 CFR § 200.453
Memberships, subscriptions, and professional activity costs	2 CFR § 200.454
Organization costs	2 CFR § 200.455
Participant support costs	2 CFR § 200.456
Plant and security costs	2 CFR § 200.457

Pre-award costs	2 CFR § 200.458
Professional services costs	2 CFR § 200.459
Proposal costs	2 CFR § 200.460
Publication and printing costs	2 CFR § 200.461
Rearrangement and reconversion costs	2 CFR § 200.462
Recruiting costs	2 CFR § 200.463
Relocation costs of employees	2 CFR § 200.464
Rental costs of real property and equipment	2 CFR § 200.465
Scholarships and student aid costs	2 CFR § 200.466
Selling and marketing costs	2 CFR § 200.467
Specialized service facilities	2 CFR § 200.468
Student activity costs	2 CFR § 200.469
Taxes (including Value Added Tax)	2 CFR § 200.470
Termination costs	2 CFR § 200.472
Training and education costs (Allowable)	2 CFR § 200.473
Transportation costs	2 CFR § 200.474
Travel costs	2 CFR § 200.475
Trustees	2 CFR § 200.476

Likewise, it is possible for the State and/or District to put additional requirements on a specific item of cost. Under such circumstances, the stricter requirements must be met for a cost to be allowable. Accordingly, employees must consult federal, State and District requirements when spending federal funds. **Massachusetts procurement laws are more restrictive than the federal guidelines; therefore, all purchases must follow state procurement laws but adhere to federal requirements.**

In order for a cost to be allowable, the expenditure must also be allowable under the applicable program statute (e.g., Title I of the Elementary and Secondary Education Act (ESEA), or the Carl D. Perkins Career and Technical Education Act (Perkins)), along with accompanying program regulations, non-regulatory guidance and grant award notifications.

The State and/or District rules related to some specific cost items are discussed below:

- Technology purchases (hardware, software, and web-based systems) require the prior approval of the Chief Information Officer. New purchases must be compatible with current operating, storage, and network configurations.
- Furniture (including carpet) purchases require the prior approval of the Chief Operating Officer.
- Professional development (workshops, conferences, and consultants) require prior approval by the Principal/Assistant Superintendent and Chief Financial Officer. All professional development must be in line with the planned district-wide professional development.

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District employees must be aware of these State and District rules and ensure they are complying with these requirements.

### **Frequent Types of Costs**

*Travel:* Travel costs are the expenses for conference/workshop registration, transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of a grant recipient. Such costs may be charged on an actual cost basis in accordance with the District's written travel reimbursement policies. 2 C.F.R §200.474(a).

Costs incurred by employees for travel, including costs of lodging, other subsistence, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the District in its regular operations as the result of its written travel policy. In addition, if these costs are charged directly to the federal award, documentation must be maintained that justifies that (1) participation of the individual is necessary to the federal award; and (2) the costs are reasonable and consistent with the District's established policy. 2 C.F.R §200.474(b).

In addition to the federal guidelines regarding travel, employees and officers must adhere to school policy. The travel policy covers single day travel, overnight travel, and out-of-state travel. The policy can be found in the District's Policy manual.

### **Helpful Questions for Determining Whether a Cost is Allowable**

In addition to the cost principles and standards described above, the Asst Supt for Finance and Operations and the grant manager can refer to this section for a useful framework when performing an allowability analysis. In order to determine whether federal funds may be used to purchase a specific cost, it is helpful to ask the following questions:

- Is the proposed cost allowable under the relevant program?
- Is the proposed cost consistent with an approved program plan and budget?
- Is the proposed cost consistent with program specific fiscal rules?
- For example, the District may be required to use federal funds only to supplement the amount of funds available from nonfederal (and possibly other federal) sources.
- Is the proposed cost consistent with EDGAR?

- Is the proposed cost consistent with specific conditions imposed on the grant (if applicable)?

As a practical matter, the Assistant Superintendent for Finance and Operations and the grant manager should also consider whether the proposed cost is consistent with the underlying needs of the program. For example, program funds must benefit the appropriate population of students for which they are allocated. This means that, for instance, funds allocated under Title III of the Elementary and Secondary Education Act (ESEA) governing language instruction programs for limited English proficient (LEP) students must only be spent on LEP students and cannot be used to benefit non-LEP students. Further, under most major elementary and secondary education programs, recipients may use federal funds only to supplement the amount of funds available from nonfederal sources for the education of students participating in the program. The recipients cannot use federal funds to supplant nonfederal funds that would otherwise have been used for the expenditure in question.

Also, funds should be targeted to address areas of need, as necessary. To make this determination, the Business Office should review data when making purchases to ensure that federal funds to meet these areas of concern. This should be a collaborative effort of the Asst Supt for Finance and Operations and the Purchasing Agent who review and approve requisitions and tracks grant expenditures.

#### F. Federal Cash Management Policy/Procedures

The District will comply with applicable methods and procedures for payment that minimize the time elapsing between the transfer of funds and disbursement by the District, in accordance with the Cash Management Improvement Act at 31 CFR Part 205. Generally, the District receives payment from the Massachusetts Department of Elementary and Secondary Education, the Massachusetts Department on a reimbursement basis. 2 CFR § 200.305. However, if the District receives an advance in federal grant funds, the District will remit interest earned on the advanced payment quarterly to the federal agency. The District may retain interest amounts up to \$500 per year for administrative expenses. 2 CFR § 200.305(b) (9).

According to guidance from the U.S. Department of Education (ED), when calculating the interest earned on ED grant funds, regardless of the date of obligation, interest is calculated from the date that the federal funds are drawn down from the G5 system until the date on which those funds are disbursed by the LEA.

Interest will not accrue if the LEA uses nonfederal funds to pay the vendor and/or employees prior to the funds being drawn down from the Edgrants system, commonly known as a reimbursement.

#### **Payment Methods**

**Reimbursements:** The District will initially charge all federal grant expenditures directly to federal grant funds. The Financial Manager responsible for grant funds will request reimbursement for actual expenditures incurred under the federal grants on a monthly basis as expenditures are incurred. Attached to all monthly drawdowns is the current Munis year-to-date budget report that is the supporting documentation for the grant reimbursement request. All

reimbursements are based on actual disbursements or known approved obligations. In addition, cash requests do not include the amounts paid by MA DESE to the Massachusetts Teachers' Retirement Board (MTRB).

The Massachusetts Department of Elementary and Secondary Education (MA DESE) will process reimbursement requests in a timely manner. Consistent with state and federal requirements, the District will maintain source documentation supporting the federal expenditures (invoices, time sheets, payroll stubs, etc.) and will make such documentation available for the MA DESE review upon request. Reimbursements of actual expenditures do not require interest calculations.

**Advances:** To the extent the District receives advance payments of federal grant funds; the District will strive to expend the federal funds on allowable expenditures as expeditiously as possible. The District will hold federal advance payments in interest-bearing accounts unless an allowable exception applies. The District will begin to calculate interest earned on cash balances once funds are deposited into the District's account.

G. Timely Obligation of Funds

**When Obligations are Made**

Obligations are orders placed for property and services, contracts and sub awards made and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period. EDGAR 434 CFR 76.707 [ecfr :: 34 CFR Part 76 -- State-Administered Programs](#)

The following table illustrates when funds are determined to be obligated under federal regulations:

<b>If the obligation is for:</b>	<b>The obligation is made:</b>
Acquisition of property	On the date which the District makes a binding written commitment to acquire the property
Personal services by an employee of the District	When the services are performed
Personal services by a contractor who is not an employee of the District	On the date which the District makes a binding written commitment to obtain the services
Public utility services	When the District receives the services
Travel	When the travel is taken
Rental of property	When the District uses the property

A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 CFR part 200, Subpart E-Cost Principles.	On the first day of the project period.
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**Period of Performance of Federal Funds**

All obligations must occur on or between the approved application from DESE beginning and ending dates of the grant project. 2 C.F.R. § 200.309 and EDGAR 34 CFR76.708. This period of time is known as the period of performance. 2 C.F.R. § 200.77.

**State-Administered Grants:** For subgrantees of DESE grant funds, **EDGAR 34 CFR 76.708** states that sub grantees may begin to obligate funds when:

(a) If the authorizing statute for a program requires a State to make subgrants on the basis of a formula (see § 76.5), the State may not authorize an applicant for a subgrant to obligate funds until the **later** of the following two dates:

(a) If the authorizing statute for a program requires a State to make subgrants on the basis of a formula (ex. ESSA, IDEA, PERKINS), the State may not authorize an applicant for a subgrant to obligate funds until the later of the following two dates:

- (1) The date that the State may begin to obligate funds under § 76.703; or
- (2) The date that the applicant submits its application to the State in substantially approvable form.

(b) Reimbursement for obligations under paragraph (a) of this section is subject to final approval of the application.

(c) If the authorizing statute for a program gives the State discretion to select subgrantees (competitive grants ex. Adult Ed), the State may not authorize an applicant for a subgrant to obligate funds until the subgrant is made. However, only US Department of Education may approve pre-agreement costs in accordance with the cost principles in 2 CFR part 200, subpart E-Cost Principles.

For many federal education grants, the period of availability is 27 months. Federal education grant funds are typically awarded on July 1 of each year to the Department of Elementary and Secondary Education (DESE) who is the pass-through agency for education grants in Massachusetts. While the District will always plan to spend all current grant funds within the year the grant was appropriated for, the period of obligation for any grant that is covered by the "Tydings Amendment" is 27 months, extending from the date the application for the funds is submitted and approved by DESE of the fiscal year for which the funds were appropriated through September 30 of the second following fiscal year. This maximum period includes a 15-month period of initial availability, plus a 12-month period for carryover. For example, if the application is submitted and approved by DESE on September 30, 2021 for an FY22 grant, the funds would remain available for obligation through September 30, 2023 per **EDGAR 34 CFR § 76.708 “When certain subgrantees may begin to obligate funds”**

**Direct Grants:** In general, the period of availability for funds authorized under direct grants is identified in the GAN and are governed by 34 CFR 75.

For both state-administered and direct grants, regardless of the period of availability, the District must liquidate all obligations incurred under the award not later than 90 days after the end of the funding period unless an extension is authorized. 2 C.F.R. § 200.343(b). Any funds not obligated within the period of availability or liquidated within the appropriate timeframe are said to lapse and must be returned to the awarding agency. 2 C.F.R. § 200.343(d). Consequently, the District closely monitors grant spending throughout the grant cycle.

**Carryover/Multi-year Delegation:**

*State-Administered Grants:* As described above, the Tydings Amendment extends the period of availability for applicable state-administered program funds. Essentially, it permits recipients to "carryover" any funds left over at the end of the initial 15-month period into the next year. These leftover funds are typically referred to as carryover funds and continue to be available for obligation for an additional 12 months. 34 C.F.R. § 76.709. Accordingly, the District may have multiple years of grant funds available under the same program at the same time.

Once a carryover (Multi-year Delegation GAN) has been received, the Chief Financial Officer, responsible for grants, documents the Grant carryover for another year. The organization code follows these conventions:

- Fund code is the grant fund code.

**Direct Grants:**

Grantees receiving direct grants are not covered by the 12-month Tydings period. However, under 2 C.F.R. § 200.308, direct grantees enjoy unique authority to expand the period of availability of federal funds. The District is authorized to extend a direct grant automatically for one 12-month period. Prior approval is not required in these circumstances; however, in order to obtain this extension, the District must provide written notice to the federal awarding agency at least

10 calendar days before the end of the period of performance specified in the award. This one-time extension may not be exercised merely for the purpose of using unobligated balances.

Before the grant is set to expire, the Chief Financial Officer and the Grant Liaison will meet with the Financial Manager responsible for grants to review the grant closeout process. If a surplus is anticipated, the Grant Liaison will contact DESE personnel to inquire about the possibility of extending the grant period. If an extension is approved, the Grant Liaison will work with the Administrative Assistant responsible for grants to complete the steps necessary to seek an extension and complete the grant closeout process.

The District will seek prior approval from the federal agency when the extension will not be contrary to federal statute, regulation, or grant conditions and:

- The terms and conditions of the Federal award prohibit the extension.
- The extension requires additional Federal funds; or
- The extension involves any change in the approved objectives or scope of the project. 2 C.F.R. § 200.308(d) (2).

## H. Program Income

### ***Program income***

(2 CFR Part 200.1) means gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance except as provided in [§ 200.307\(f\)](#). (See the definition of *period of performance* in this section.) Program income includes but is not limited to income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations, or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts, and interest earned on any of them. See also [§ 200.407](#). See also [35 U.S.C. 200-212](#) “Disposition of Rights in Educational Awards” applies to inventions made under Federal awards. Program income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under federal awards, the sale of commodities or items fabricated under a federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with federal award funds. Interest earned on advances of federal funds is not program income. Except as otherwise provided in federal statutes, regulations, or the terms and conditions of the federal award, program income does not include rebates, credits, discounts, and interest earned on any of them. 2 C.F.R. § 200.1 Additionally, taxes, special assessments, levies, fines, and other such revenues raised by a recipient are not program income unless the revenues are specifically identified in the federal award or federal awarding agency regulations as program income. Finally, proceeds from the sale of real property, equipment, or supplies are not program income. 2 C.F.R. § 200.307.

### **Use of Program Income**

The default method for the use of program income for the District is the deduction method: 2 C.F.R. § 200.307(e). Under the deduction method, program income is deducted from total allowable costs to determine the net allowable costs. Program income will only be used for current costs unless the District is otherwise directed by the federal awarding agency or pass-through entity. 2 C.F.R. § 200.307(e) (1). The LEA may also request prior approval from the federal awarding agency to use the addition method. Under the addition method, program income may be added to the Federal award by the Federal agency and the non-Federal entity. The program income must then be used for the purposes and under the conditions of the Federal award. 2 C.F.R. § 200.307(e) (2).

While the deduction method is the default method, the District always refers to the GAN prior to determining the appropriate use of program income.

## II. Procurement System

The District maintains the following purchasing procedures that are in compliance with state (MGL Chapter 30B, Chapter 149 and Chapter 30, Section 39M), local, and federal laws and regulations under 2 CFR 200.317-327.

### A. Responsibility for Purchasing

The Assistant Superintendent for Finance and Operations is the purchasing agent for the school district and as such, retains the authority to review and approve all purchases. He/She may delegate the review of purchase order requests to the Assistant Business Manager. Weston Public Schools requires all requests to purchase goods or services be initiated through the Munis financial system or paper form depending on permissions. Principals and central office administrators may request access to the Munis system for their employees. The Assistant Superintendent for Finance and Operations and/or the Assistant Business Manager may seek an appropriate access (security) level to Munis through the Town Finance Director. Training on the Munis financial system is conducted by the Business Office.

Requisitions are entered by an approved Munis user. Most Munis users have access to all school accounts, regardless of fund type, for all non-salary account. Central office users have access based on their roles and responsibilities. School based entries are approved by a Building Principal. Department based entries are approved by the Director or Department Head. The Assistant Superintendent for Finance and Operations verifies appropriate account codes; adherence to state and local procurement rules; and best value for the district. Once approved, the Assistant Superintendent for Finance and Operations or Assistant Business Manager completes the purchase order processing after a final review. Printed purchase orders are processed by Bookkeeping.

On an annual basis, the Assistant Superintendent for Finance and Operations and/or Assistant Business Manager review the list of authorized Munis users. Additions to and deletions from the list are made as employees are hired and / or terminated by Weston Public Schools. All Munis users are set up with budgetary controls in place that prevent a user from processing a requisition in excess of the budgeted amounts. The bookkeepers process all requisitions.

The Asst Supt and Asst Business Manager are responsible for monitoring purchases to ensure procurement practices are compliant with applicable laws, to develop strategies for improvement, to implement policies and procedures, and to identify potential cost-savings and efficiencies in the procurement process.

### B. Procurement Methods

State procurement laws (MGL Chapter 30B for Goods and Services and MGL Chapter 149 Construction) are followed however the district is aware of the federal requirements. When there are **exemptions** from state procurement laws, or when federal regulations are stricter the district will use the strictest rules, under 2 CFR 200.318-327. [eCFR :: 2 CFR 200.320 -- Methods of procurement to be followed.](#)

#### **Purchases under \$10,000 (Sound Business Practices) (State and Federal)**

Procurement of supplies, services, and construction under \$10,000 are governed by

Massachusetts General Law, Chapter 30B for goods and services and Chapter 149 and Chapter 30 section 39 and Chapter 7 Sections 44-58 for construction. The procurement procedure for purchasing supplies and services and construction under \$10,000 require sound business practices. This is defined as ensuring the receipts of favorable prices by periodically soliciting price lists or quotes. No formal advertising is required. The contract is awarded to the vendor offering the best price. A contract cannot exceed three years unless the School Committee authorizes a longer contract period. As a result of the Municipal Modernization Act, building construction procurements under \$50,000 may also be made using a State Contract procured by OSD, or a Blanket Contract procured by the District.

**Purchases and Construction between \$10,000 and \$50,000 (Solicit Quotes) (For State MGL30B goods and services procurement exemptions threshold will be \$10,000-\$250,000)**

Procurement of supplies and services between \$10,000 and \$50,000 are governed by Massachusetts General Law, Chapter 30B. The procurement procedure for purchasing supplies and services between \$10,000 and \$50,000 requires soliciting three written or oral quotes. The contract is awarded to the responsible and responsive person offering the best price. A responsible vendor is defined as a person who has the capability to perform fully the contract requirements, and the integrity and reliability which assures good faith performance. A responsive bidder is defined as a person who has submitted a bid or proposal which conforms in all respects to the invitation for bids or requests for proposals. For construction, a public notice is required for at least 2 weeks. A written contract is required. A contract cannot exceed three years unless the School Committee authorizes a longer contract period, and a City Council vote is taken as well. For construction, the district adheres to the requirements of Chapter 149, and Chapter 30 Section 39M, and Chapter 7 Sections 44-58 as applicable. See chart from MA OIG. Procurement Charts, July 2018 (mass.gov).

Procurement of building construction contracts estimated to cost between \$10,000 and \$50,000 requires the solicitation of at least three (3) written quotes from potential contractors. Quote requests must be in written form and well-communicated to each potential vendor. Documentation of quotes solicited must be included in the requisition process.

Procurements made under this section are required to have a notice posted on the District website, in COMMBUYS and in the Central Register unless procured through the use of Blanket Contracts of which the District is eligible to participate. In this case, labor costs on projects of up to \$50,000 may be procured using a Blanket Contract with the solicitation of quotes using a detailed Scope of Services.

In addition, payment bonds in the amount of 50% of the contract price are required for all contracts over \$25,000. OSHA training and Prevailing Wages are also required.

**Purchases of more than \$50,000 (Sealed Bids or Proposals) (For State MGL30B procurement exemptions threshold will be greater than \$250,000)**

*Sealed Bids (Formal Advertising)*: Purchases greater than \$50,000 requires publicly solicited bids. A firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price. If a Request for Proposal is issued, the most advantageous proposal from a responsible and responsive proposer taking into consideration price and no-price proposals. The sealed bid method is the preferred method for procuring construction if the following conditions apply:

- A complete, adequate, and realistic specification or purchase description is available.

- Two or more responsible bidders are willing and able to compete effectively for the business; and
- The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

- Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for state, local, and tribal governments, the invitation for bids must be publicly advertised.
- The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond.
- 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.
- A firm fixed price contract award must 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. Any or all bids may be rejected if there is a sound documented reason.

Advertising is required once in a newspaper of general circulation and posted in the Purchasing Office of the City and Business Office for the schools at least two weeks before bids or proposals are due. If goods or services amount to \$100,000 or more, we advertise in the *Goods and Service Bulletin* maintained by the Massachusetts Secretary of State's Office.

**Construction contracts solicitation where the estimated cost is over \$150,000** must also include a requirement of DCAMM certification for the general contractor and any subcontractors. A payment bond of one hundred percent (100%), a performance bond of one hundred percent (100%) and a DCAMM evaluation for all contractors is also required. Filed sub-bids are required for any trade within the construction contract where the estimated cost will be twenty thousand dollars (\$25,000) or more. For building contracts costing over \$150,000 there is also a mandatory DCAMM evaluation process that must be completed by the District at the end of the contract.

**Procurements estimated to cost \$10 million or more**

In addition to the requirements above, a solicitation where the estimated cost is over \$10 million must also include a prequalification procedure for both general contractors and sub-bidders. This process is required before the actual bidding process can take place; the bidding process is then restricted to only those who have been approved in the prequalification process.

\*COMMBUYS – As a result of the Municipal Modernization Act, the Commonwealth's Operation Services Division (OSD) procures and awards a number of statewide contracts that are available to municipalities for construction projects under \$50,000. Departments who wish to procure an item or services from an OSD contract may request to be identified as a user on COMMBUYS, OSD's purchasing portal. Once approved, the COMMBUYS user will have full access to all COMMBUYS contracts and will have the ability to purchase directly through the COMMBUYS portal.

COMMBUYS users will be expected to read the Contract User Guide for the purchase they are attempting to make, and shall comply with all terms of use for said contract. Remember that not all contractors listed on COMMBUYS are included on a State Contract. All purchases in COMMBUYS will be subject to confirmation by the CPO prior to approval in the Town's accounting system.

Go to [www.commbuys.com](http://www.commbuys.com) to access contract information, training resources, and buyer information

**Competitive Proposals:** The process of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical.
- Proposals must be solicited from an adequate number of qualified sources; and
- Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The District may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

Massachusetts General Law, Chapter 30B has additional requirements regarding Requests for Proposals (RFP). The Chief Procurement Officer, a certified Massachusetts Public Procurement Officer, has authority to conduct procurements. Below are the RFP requirements:

1. The procurement office shall determine in writing that the selection of the most advantageous offer requires comparative judgement of factors in addition to price.
2. Bidders must submit separate price and non-price proposals.
3. Comparative criteria reflect those factors for which Weston would be willing to pay more money and are used to further evaluate the relative merits of all proposals that meet the quality requirements.
4. Quality requirements establish standards of acceptability for the supplies and services you are purchasing.
5. Comparative criteria rating factors include: highly advantageous, advantageous, not advantageous, and unacceptable.

(Information copied from the Massachusetts Inspector General's Office, Chapter 30B training materials).

In addition, all Invitation for Bid (IFB) and Request for Proposal (RFP) require vendors submitting bids to sign and submit a non-collusion and tax compliance forms.

**For construction**, the District will adhere to Chapter 149, Chapter 30 section 39 for non-labor construction materials and Chapter 7 Section 44-58. Refer to charts for process requirements [Procurement Charts, July 2018 \(mass.gov\)](#) and attached links to guides for detail process. [Designing and Construction Public Facilities, September 2021 \(mass.gov\)](#), [The Chapter 30B Manual: Procuring Supplies, Services and Real Property, November 2016 \(mass.gov\)](#)

Federal guidance can be found at [eCFR :: 2 CFR Part 200 Subpart D - Procurement Standards](#) and for conditions that must be attached to contracts as applicable, [eCFR :: Appendix II to Part 200, Title 2 -- Contract Provisions for Non-Federal Entity Contracts Under Federal Awards](#).

***Contract conditions under Uniform Grant Guidance as applicable are as follows:***

**Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards**

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by [41 U.S.C. 1908](#), must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be affected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under [41 CFR Part 60](#), all contracts that meet the definition of “federally assisted construction contract” in [41 CFR Part 60-1.3](#) must include 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.”

(D) Davis-Bacon Act, as amended ([40 U.S.C. 3141-3148](#)). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act ([40 U.S.C. 3141-3144](#), and [3146-3148](#)) as supplemented by Department of Labor regulations ([29 CFR Part 5](#), “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act ([40 U.S.C. 3145](#)), as supplemented by Department of Labor

regulations ([29 CFR Part 3](#), “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act ([40 U.S.C. 3701-3708](#)). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with [40 U.S.C. 3702](#) and [3704](#), as supplemented by Department of Labor regulations ([29 CFR Part 5](#)). 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.

(F) 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 the recipient or subrecipient 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,” the recipient or subrecipient must 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.

(G) Clean Air Act ([42 U.S.C. 7401-7671q.](#)) and the Federal Water Pollution Control Act ([33 U.S.C. 1251-1387](#)), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree 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).

(H) 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 governmentwide 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.

(I) Byrd Anti-Lobbying Amendment ([31 U.S.C. 1352](#)) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by [31 U.S.C. 1352](#). Each tier must also disclose any lobbying with non-Federal funds that takes place in

connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See [§ 200.323](#).

(K) See [§ 200.216](#).

(L) See [§ 200.322](#).

**Contract/Price Analysis:** The District performs a cost or price analysis in connection with every procurement action in excess of \$150,000, including contract modifications. 2 C.F.R. § 200.324(a). A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the Chief Procurement Officer must come to an independent estimate prior to receiving bids or proposals. 2 C.F.R. § 200.324(a).

When performing a cost analysis, Asst may negotiate best pricing as a separate element of the cost. To establish a fair and reasonable profit, consideration is given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work. 2 C.F.R. § 200.324(b).

### **Noncompetitive Proposals (Sole Sourcing) 2 CFR 200.320**

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- The item is available only from a single source.
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
- After solicitation of a number of sources, competition is determined inadequate.
- The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold

Under M.G.L. Chapter 30B, sole source procurements of any supply or service under \$50,000 is allowable when there is only one practicable source for the required supply or service.

All sole source procurements must include a memo that details the basis for determining that there was only one practicable source for the purchase. The memo should be sent to the Business Administrator to be attached to the purchase order. The purchase order will provide the contractor's name, amount of the contract, and a listing of supplies or services procured. The Business Administrator will ensure each sole source contract is appropriate and properly documented. *When procuring with federal funds the district will follow UGG 2 CFR 200.320(c)*

### **Prevailing Wages**

The Massachusetts Prevailing Wage Law, and the Davis-Bacon Act, which is the federal prevailing wage law, applies to building and construction activity on public work construction contracts. These two laws require that workers be paid a minimum hourly rate set according to each government agency's assessment of an average wage rate

or a predominant wage rate in the local area of the contract work.

Mass DOS determines the “Prevailing Wage Rates” for each public construction contract prior to the beginning of that contract’s Bid Process.

U.S. DOL determines its prevailing wage rates for public construction contracts being bid and calls its prevailing wage rate standards “Wage Determinations.” U.S. DOL develops federal Wage Determinations for the entire Commonwealth of Massachusetts in documents which contain wage rate breakdowns by work classification, and by Massachusetts county and/or city.

The Davis-Bacon and Related Acts apply to contractors and subcontractors performing on federally funded or federally assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area.

The Davis-Bacon Act applies to contractors and subcontractors performing work on federal or partial funded contracts. The Davis-Bacon Act prevailing wage provisions apply to the “Related Acts,” under which construction projects are funded through grants, loans, loan guarantees, and insurance.

If the contract is fully or partially federally funded, the General Contractor and subcontractors must comply with both the Massachusetts and the federal Davis Bacon Act prevailing wage rates.

Therefore, municipalities must pay workers at least a minimum of the higher of the Massachusetts or federal wage rates for each work classification. Some work classifications could be paid based on higher federal wage rates while other work classifications could be paid based on higher Massachusetts wage rates, on the same contract.

### C. Purchase Cards

The Weston Public Schools has a single credit card that has been issued by the Town of Weston to the Assistant Superintendent for Finance and Operations. The credit limit is \$25,000. Credit card use is limited to the following:

- Hotel and airline reservations;
- Tax exempt purchases where companies will not accept a purchase order;
- Emergency purchases; and
- Other purchases as approved by the Assistant Superintendent for Finance and Operations.

When use of the credit card is requested, the request is made in writing on a purchase order form. Once the purchase order is approved, the credit card authorization can be completed. All detailed receipts must be retained and attached to the invoice prior to payment. When the invoice is received, the purchase order provides the appropriate account code to be charged. The information is provided to the Town Finance Office and the purchase order is liquidated.

On occasion, a company will issue a purchase card. Currently, the district has purchase cards for Home Depot and Lowes. The list of users is maintained by the Director of Accounting and

Business Services. The list is reviewed annually with the Assistant Superintendent for Finance and Operations. On an annual basis, each card user is issued a letter with the guidelines for use of the card:

- Cards must be used in connection with a pre-approved purchase order;
- Purchases must be for use by Weston Public Schools; personal use will result in the loss of use of the card;
- All orders must be completed by June 1st of each year; and
- Prior to the last day of school, the card must be returned to the business office.

Request for the use and/or addition of a purchase card is at the discretion of the Assistant Superintendent for Finance and Operations in consultation with the Director of Accounting and Business Services.

### Contract Types

There are numerous contract methods allowed at the federal and local levels. Below are contract types that may be used along with contracts that should be avoided.

***Contract Types that may be used include (but are not limited to):***

Lump sum	<ul style="list-style-type: none"> <li>▪ Contract for work within a prescribed boundary with a clearly defined scope and total price</li> </ul>
Unit price	<ul style="list-style-type: none"> <li>▪ Work done on an item-by-item basis, with cost determined per unit (e.g., box, cubic yard, etc.)</li> </ul>
Cost plus fixed fee	<ul style="list-style-type: none"> <li>▪ Total known cost with a defined fixed fee added to the price</li> </ul>
Inter-governmental agreements	<ul style="list-style-type: none"> <li>▪ Subrecipients are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services. Using Statewide contracts, you must comply with the contract guide, abide by the specifications of the statewide contract and federal procurement methods thresholds. The Statewide contract price reflects the highest price an approved vendor may charge. You may still negotiate a price. You must follow the specific contract guide guidance and for contracts that require or recommend solicitation, you must follow the guidance to be in compliance with federal procurement requirements.</li> </ul>

***Contract Types that should be avoided are:***

Piggyback	<ul style="list-style-type: none"> <li>▪ Piggybacks are generally ineligible.</li> <li>▪ However, work done using another sub-recipient’s pre-existing, properly procured contract must meet strict criteria to be eligible. The existing contract must be viable (i.e., the same item must be purchased, price and vendor must be the same, and must include written mutual consent of the original contracting parties) Adopting a pre-existing contract solicited and awarded by another entity is referred to as ‘piggy-backing’. These contracts should be avoided as they may not contain all required clauses, are improper in scope, or are not procured in compliance with the federal procurement standards</li> </ul>
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Time and Materials (T + M)	<ul style="list-style-type: none"> <li>▪ T + M type contract means a contract whose cost to a non-Federal entity is the sum of (1) the actual cost of materials; and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit [2 CFR 200.318(j)(1)].</li> <li>▪ Use T + M type contracts only after determining that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Last option not recommended by the Federal Government</li> </ul>
Cost-plus-percentage-of-costs	<ul style="list-style-type: none"> <li>▪ Strictly prohibited</li> </ul>
Percentage-of-construction-cost	<ul style="list-style-type: none"> <li>▪ Strictly prohibited</li> </ul>

#### D. Full and Open Competition

All procurement transactions must be conducted in a manner providing full and open competition consistent with 2 C.F.R §200.319.

In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

Some of the situations considered to be restrictive of competition include but are not limited to:

- Placing unreasonable requirements on firms in order for them to qualify to do business;
- Requiring unnecessary experience and excessive bonding;
- Noncompetitive pricing practices between firms or between affiliated companies;
- Noncompetitive contracts to consultants that are on retainer contracts;
- Organizational conflicts of interest;
- Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- Any arbitrary action in the procurement process.

The district negotiate profit as a separate element of the price of each contract in which there is no price competition and, in all cases, where cost analysis is performed.

#### **Solicitation Language**

The District must ensure that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and identify all requirements which the offers must fulfill and all other factors to be used in evaluating bids or proposals. 2 C.F.R § 200.319.

Typically, construction projects are complex and require intricate details that can only be provided from an architect or engineer. Often, drawings are necessary to accompany the specifications in order for the contractor to be clear on the work to be performed.

The Department must provide, for both vertical and horizontal construction, a highly detailed description of the construction project. Not only should the scope include the specific materials and standards required, but it should also include the qualifications required of the contractor. Qualification requirements should indicate how many years' experience the contracting firm should have, what types of projects the contractor should have worked on to make them qualified to perform the work, and any certifications or licenses that should be retained either by the firm or individuals performing the work.

For all competitive procurements (quotations, bids, proposals), the **Chief Procurement Officer** and the initiating Department will work cooperatively to prepare the formal solicitation. The following section describes the procedures used by the Procurement Team, and the responsibilities of the initiating Department with respect to preparing, issuing, receiving, awarding, and administering the solicitation and subsequent contract.

It should be noted that all contract management functions are the responsibility of the initiating department(s), including issuing a notice to proceed, receipt and review of certified payroll reports, coordination of change orders, closeout and payment procedures, and subsequent contract evaluations.

### **Receiving and Evaluating Responses**

Unless permission is otherwise granted prior to solicitation, all quotations, bids, and proposals are to be sent to/collected at the address of the Chief Procurement Officer and will be opened in the Procurement Office.

For an IFB, the CPO will receive all bids, and at the time of the bid opening will open, read aloud, and prepare a bid tabulation sheet with the results. The CPO will consider each bidder's responsiveness to the basic requirement. Immediately following CPO review, the Department Head will receive the bids for evaluation.

For an RFP, the CPO is authorized to create an evaluation committee that has the expertise and ability to evaluate, rank, and recommend an award. The CPO will receive all proposals, and at the time of opening will open and prepare a register of proposals. Price proposals will remain unopened at this time. The CPO will then provide the proposals to members of the evaluation committee, including the Department Head. Once the evaluation committee reaches a decision, the CPO will open the price proposals.

The district will document in the contract file the specific methods used in evaluating the procurement and selecting the contractor. The district will use the guidance from the Massachusetts Office of Inspector General in preparing the evaluation methodology.

### **Handling Late Responses**

A late bid or proposal is one that is delivered after the due date and time. If a bid or proposal is late, it must be rejected as non-responsive, and as such will be returned unopened to the person submitting the bid or proposal. Should a bid or proposal be received via USPS/UPS/FedEx or any other courier service, it shall be refused upon attempted delivery. If mailed, it shall be returned unopened. Corrections or modifications to responses are also not accepted beyond the due date and time.

### **Awarding and Executing Contracts**

Once the vendor/contractor has been identified as eligible for a contract, the CPO or designee will draft the contract. In the rare case that the vendor/contractor supplies a contract, the CPO will adapt that contract to the District's format prior to distribution for signatures. There will be five (5) original contracts. The first signature on any contract shall be the vendor/contractor's signature. The CPO will be responsible for corresponding with the vendor/contractor to obtain the appropriate signature. "Notice of Intent to Award" will accompany the contract.

A contract packet will be considered complete when returned from the vendor/contractor with all required documents, which may include insurance certificates, bonds, guarantee, or warranty documents. If any component is missing, the CPO will notify the vendor/contractor.

Upon receiving the Superintendents signature, the contract is considered fully executed and ready for distribution. One fully executed copy is returned to the vendor/contractor, accompanied by a "Notice to Proceed." One contract will be retained by the Procurement Office; one is provided to the Department Head and one is provided to the Town Finance Office.

Once the contract is executed, the CPO will convert the existing Purchase Requisition to a Purchase Order. If there are any changes to the contract amount, the CPO will correct that amount.

### **Deciding Tie Bids**

On the rare occasion of a tie bid, the District must use a tie-breaking method which is fair to all responders. It will be the policy of the CPO to direct the tie bidders to conduct a "second heat" whereas they will be asked to send an additional response with a new bid form on a date and time specific.

## **CHANGE ORDERS, AMENDMENTS AND EXTENSIONS**

- **Supply and Service Contracts**

Chapter 30B allows for an increase in the quantity of a supply or service, as long as the increase does not exceed twenty-five percent (25%) of the total contract price. Unit prices cannot be higher than the original unit prices. A contract amendment must be signed by the original signatories.

Contracts for the purchase of heating oil, gasoline, fuel oil, road sand and salt are not subject to the percentage limit but must meet all other requirements stated above.

- **Construction Contracts**

There is no statutory limit on change orders for construction projects; however, recent case law suggests that change orders should not exceed thirty percent (30%) of the original contract. The contractor suggesting the change order shall supply the Department Head with a written explanation of the need for a change, including a detailed cost breakdown of the proposed change.

It is the responsibility of the Department Head to ensure that the change order is, in fact, necessary for completion of the project and that the additional work proposed was not included in the existing specifications and contract. The Department Head should also determine if the requested change is accurate and has value to the overall project.

## **EMERGENCY PROCUREMENTS**

- **Emergency Procurements Supplies and Services**

The Chief Procurement Officer may approve an emergency procurement when the situation would “endanger the health or safety of the people or property.” In an emergency situation, a procurement must comply with the law to the greatest extent possible while attending to the emergency.

Any Department Head having an emergency procurement must document the situation and submit in writing to the CPO within one business day of the event. The document must contain:

1. The basis for the emergency procurement
2. The name(s) of the vendor/contractors used
3. The dollar amount committed to the emergency
4. List of supplies and/or services procured

- **Emergency Procurements Building Construction**

Prior approval of DCAMM is required on any emergency purchase under the provisions of MGL Chapter 149. The provision states that an emergency is to “preserve the health or safety of persons or property, or to alleviate an imminent security threat.”

Any Department Head having an emergency procurement must document the situation and submit in writing to the CPO immediately in order for a DCAMM waiver to be submitted in a timely manner.

DCAMM approval may waive public notice or bidding requirements for the work necessary. If the nature of the emergency precludes prior approval, the Town may contract for only the work that is absolutely necessary and seek subsequent approval from DCAMM. Although formal bidding may be waived, the Town should solicit more than one source if at all possible, in the time constraint.

Emergency procurements are also subject to the Prevailing Wage Law; therefore, the CPO will apply for prevailing wages as soon as notification of the emergency work is received.

Note: If DCAMM denies the Town’s request, work must stop immediately.

*You may not artificially create an emergency simply by putting off normal maintenance and repair work. If you knew or should have known that a repair was warranted and you had time to correct it using normal bidding procedures, DCAMM will not allow you to justify the use of emergency procedures.*

### **Bid Splitting**

Splitting purchases over several days, weeks, or months is considered “bid-splitting” when the appearance is that this is being done to avoid meeting thresholds which require a more complex procurement. Certain unexpected small expenses sometimes make good business sense and are not problematic. However, to purposely purchase items over time and under the procurement thresholds is illegal.

### **Geographical Preferences Prohibited**

The District must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms given the nature and size of the project to compete for the contract.

### **Avoiding Acquisition of Unnecessary or Duplicative Items**

The District must avoid the acquisition of unnecessary or duplicative items. Additionally, consideration is given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis must be made of leases versus purchase alternatives, and another other appropriate analysis to determine the most economical approach.

These considerations are given as part of the process to determine the allow ability of each purchase made with federal funds.

### **Use of Intergovernmental Agreements-Statewide Contracts**

To foster greater economy and efficiency, the District enters into state and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services. The district will ensure these collaborative purchases were conducted with full competition and are for the specifications and requirements determined by the district. Under MGL Chapter 30B, municipalities may use the Commonwealth of Massachusetts Statewide Contract System. In using the system, the requirements of MGL Chapter 30B are determined to be met per the MA Office of Inspector General. In using this system, the contract must abide by the Statewide contract specifications and the specific Contract Guide for that contract and use the strictest requirements, which will be the UGG 2 CFR 200.320 procurement methods and federal thresholds to determine the steps to be taken. The District will ensure that all intergovernmental agreements were procured in a competitive manner by following the Uniform Grant Guidance (UGG) 2 CFR 200.318-327 Procurement thresholds, procurements from 10,000 to \$250,000 will require at least 2 quotes.

COMMBUYS - The Commonwealth’s Operation Services Division (OSD) procures and awards a number of statewide contracts that are available to municipalities. Departments who wish to procure an item or services from an OSD contract may request to be identified as a user on COMMBUYS, OSD’s purchasing portal. Once approved, the COMMBUYS user will have full access to all COMMBUYS contracts and will have the ability to purchase directly through the COMMBUYS portal.

COMMBUYS users will be expected to read the Contract User Guide for the purchase they are attempting to make and shall comply with all terms of use for said contract. Remember that not all contractors listed on COMMBUYS are included on a State Contract. All purchases in COMMBUYS will be subject to confirmation by the CPO prior to approval.

When using COMMBUYS, the District will adhere to all system requirements, all required terms for specific statewide contracts, and to the terms of their respective user agreements for COMMBUY.

Go to [www.commbuys.com](http://www.commbuys.com) to access contract information, training resources, and buyer information.

### **Use of Federal Excess and Surplus Property**

If surplus property became available, the District would consider the use of federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

**Value engineering clauses for construction projects-** “value engineering” identifies and reduces nonessential procurement costs. Value engineering enables contractors to change the plans, designs, and specifications for projects to lower their costs for goods and services and maintain necessary quality levels.

**Responsible contractor’s** the district will only award contracts to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also [2 CFR 200.214 - Suspension and debarment. \(govregs.com\)](#) (MGL c 30b, MGL c 149)

### **Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms under 2 CFR 200.321**

The district will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Take all necessary affirmative steps to assure the use of minority businesses, women- owned business enterprises and labor-surplus area firms. See 2 CFR 200.321(b) for what “affirmative steps” must include. Sub-recipients should maintain a list of such firms and can use the [Supplier Diversity Office \(SDO\) | Mass.gov](#) for assistance in complying.

### **Debarment and Suspension**

The District awards contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

The District may not subcontract with or award subgrants to any person or company who is debarred or suspended. For all contracts over \$25,000 the District verifies that the vendor with whom the District intends to do business with is not excluded or disqualified. 2 C.F.R. Part 200, Appendix II (1) and 2 C.F.R. §§ 180.220 and 180.300.

Weston Public Schools will utilize two methods to determine if a potential vendor has been suspended or disbarred. Prior to approving a requisition for a contracted service in excess of \$25,000 funded by a Federal grant, the Director of Accounting and Business Services will check Sam.gov and will require the vendor to sign an affidavit. A copy of the affidavit is attached in Appendix D.

### **Domestic preferences for procurements** (relates to construction) 2 CFR 200.322

(1) “Produced in the United States” means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) “Manufactured products” means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

### **Maintenance of Procurement Records**

The District must maintain records sufficient to detail the history of all procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred.

Please see page 29 for more information on the District's record policies.

### **Time and Materials Contracts**

The District may use a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract mean a contract whose cost to the District is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the District must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

### **Settlements of Issues Arising Out of Procurements**

The District alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the District of any contractual responsibilities under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

### **Protest Procedures to Resolve Disputes**

The District maintains protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency. Contract disputes arise from a belief the procurement process was not conducted properly. A vendor has three options to seek a remedy:

1. Contact the local jurisdiction.
2. Contact the state agency in charge of enforcing the law (i.e. Inspector General's Office for Chapter 30B contracts); and/or
3. Superior Court.

If a vendor contacts the district with a complaint regarding the procurement or award of contract, the complaint should be forwarded to the Assistant Superintendent for Finance and Operations as

the Districts Procurement Officer. The Assistant Superintendent for Finance and Operations, Director of Accounting and Business Services, and the individual responsible for contract will offer to meet with the vendor. The meeting should seek all information as to the complaint of the vendor. Once the meeting has concluded, and the concerns reviewed, the Assistant Superintendent for Finance and Operations (or designee) will issue a written report to the complainant with a determination.

If there is a potential error in the way the procurement was conducted, or the district seeks advice on correcting the error, the Assistant Superintendent for Finance and Operations will ask the advice of the applicable state agency. If the vendor files a complaint in Superior Court, the district will seek the advice of legal counsel.

#### F. Conflict of Interest Requirements

##### **Standards of Conduct**

In accordance with 2 C.F.R. §200.18(c)(1), the District maintains the following standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of the District may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value. Massachusetts General Law, Chapter 268A, governs the state's conflict of interest law. There are three main provisions of the law:

- Public employees are prohibited from seeking or accepting anything of substantial value for or because of their official acts or any act within their official responsibilities.
- Public employees are prohibited from using or attempting to use their position to obtain for themselves or others unwarranted privileges of substantial value that are not properly available to similarly situated individuals.
- The conflict of interest law will require public employees to disclose to their appointing authority the gift and their relationship to the giver.

The Massachusetts State Ethics Commission interprets the conflict of interest law and publishes advisories. The Ethics Commission interprets substantial value to mean anything with a value of \$50 or more. Gifts less than \$50 that may have an appearance of a conflict of interest should be disclosed. Disclosures should be made in writing and given to their appointing authority.

Massachusetts defines “immediate family” as spouse, parent, brother, sister, child or a spouse of your parent, brother, sister, or child. The financial disclosure law which, like the conflict of interest law, is interpreted and enforced civilly by the State Ethics Commission. Chapter 268B, of the Massachusetts General Law, is the financial disclosure law. This statute requires public officials, political candidates and certain public employees to disclose their and their immediate family member's private business associations and other financial interests on their Statements of

Financial Interests or SFIs. The law covers all elected state and county officials and candidates for these positions as well as all state and county employees who are designated as holding major policymaking positions.

Every municipal employee (with few exceptions) must complete the Ethic Commission's online training program once every two years. New employees must complete the online training program within 30 days of becoming such an employee, and once every two years thereafter.

### **Organizational Conflicts**

Weston Public Schools will comply with Massachusetts General Law, Chapter 268A conflict of interest law and disclosure. Additionally, the district may not be operated for the benefit of an affiliated or unaffiliated organization or an individual in his or her own private capacity or individuals related to any employee of Weston Public Schools or members of its management, unless the private benefit is considered merely incidental. The private benefit preclusion will extend to the following:

- The sale, exchange or leasing of property between the district and an affiliated or unaffiliated organization or a private or related individual.
- Lending money or other extension of credit between an agency and an affiliated or unaffiliated organization or a private or related individual.
- Furnishing of goods, services, or facilities between the district and an affiliated or unaffiliated organization or a private or related individual except for the rental of district facilities as specified in the Weston School Committee policy manual.
- Payment of compensation, unless authorized by the Weston School Committee, by the district to an affiliated or unaffiliated organization or a private or related individual.
- The transfer to, use by or for the benefit of a private or related individual of the income of assets of Weston Public Schools unless specifically voted by the Weston School Committee.
- Thus, Weston Public Schools will be guided by the principle of arms-length standards with all affiliated or unaffiliated organizations or with a private or related individual(s). Related party transactions shall include transactions between a school/district and members of the Weston School Committee, administration, employees, related individuals and affiliated companies. Related individuals within the scope of this definition include spouses, parents, children, spouses of children, grandchildren, siblings, fathers-in-law, mothers-in-law sisters-in-law and brothers-in-law of a school committee member or school district employee.

### **Disciplinary Actions**

All associated entities must comply with the policies and procedures of the district, disciplinary actions will be on an individual basis and based on contract agreements and the Massachusetts State Ethics Commission.

### **Mandatory Disclosure**

Upon discovery of any potential conflict, the District will disclose in writing the potential conflict to the federal awarding agency in accordance with applicable federal awarding agency policy.

## G. Contract Administration

The District maintains the following oversights to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. See the Property Management section on page 42.

The contract manager for the Weston Public Schools varies based on the type of contract. For example, facility related contracts not part of the Facility Management Department's (FMD) oversight, are overseen by the Director of Accounting and Business Services. When a contract does not clearly fall within a department, the Asst Supt will act as the contract manager. The contract manager is responsible for the following:

1. Coordinate communications with the vendor;
2. Evaluate the qualifications of contract personnel for compliance with contract requirements;
3. Determine acceptability of reports and deliverables produced by the contractor;
4. Approve or reject contractor payment requests; and
5. Ensure the contract amendments are in writing and approved by the Asst Supt.

The business office maintains all contract files. 2 CFR 200.318(b), (h)

### **Contract Management**

The Department Head is responsible for monitoring the progress and performance of any contract for which they are the signatory, including reviewing certified payrolls when connected to a Prevailing Wage project.

All amendments, change orders, or extensions should be initiated by the Department Head and will be approved by the CPO or designee

Department Heads are responsible for tracking the expiration dates of their contracts. The Department Head will notify the CPO at least 90 days in advance of a contract expiration in order to facilitate a new contract, if necessary.

Department Heads are responsible for providing a copy of any performance review to the Procurement Office, wherever such a review is required by DCAMM.

Department Heads are also responsible for receiving and reviewing certified payroll reports for all projects that are subject to Prevailing Wage Laws. Department Heads should maintain a file for each project which contains the certified payrolls, which is retained for seven (7) years following the completion date of the project. Note: invoices should not be paid until certified payroll is received from the contractor.

**Federal awarding agency or passthrough agency review:** The district will maintain procurement files for all contracts for review by either the federal awarding agency or DESE.

### III. Property Management Systems

#### A. Property Classifications

Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the District for financial statement purposes, or \$5,000. 2 C.F.R. §200.33. [2 CFR 200.313 - Equipment. \(govregs.com\)](#)

Supplies means all tangible personal property other than those described in Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the District for financial statement purposes or \$5,000, regardless of the length of its useful life. 2 C.F.R. §200.94. [2 CFR 200.314 - Supplies. \(govregs.com\)](#)

Computing devices means machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or “peripherals”) for printing, transmitting and receiving, or storing electronic information. 2 C.F.R. §200.20

Capital assets means tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with GAAP. Capital assets include:

- Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases; and
- Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance). 2 CFR §200.12.

#### B. Inventory Procedure

Inventory will be maintained on all information technology hardware and software; textbooks; and fixed assets. The school/department placing an order will add the appropriate ship to the address. At the time of receipt, the package is inspected to ensure the ordered materials were received in good order and the items mirror the order placed through the purchase order system. Items are inventoried at the time they are unpacked. Inventory records are inputted by a member of the technology staff (hardware and software), director/department head (textbooks) and the business office (fixed assets).

All technology hardware is tagged. The tags state, "Property of the Weston Public Schools" and include an asset number and related barcode. The technology department is responsible for configuring all computers, laptops, and iPads.

#### **Inventory Records**

For each equipment and computing device purchased with federal funds, the following information is maintained by the grant manager in a spreadsheet:

- Date of purchase.
- Purchase order number.
- Serial number or other identification number.
- Source of funding for the property.

- Who holds title?
- Acquisition date and cost of the property.
- Percentage of federal participation in the project costs for the federal award under which the property was acquired.
- Location, use and condition of the property; and
- Any ultimate disposition data including the date of disposal and sale price of the property.

On an annual basis, the grant manager will review the inventory list and note changes. Changes to the inventory based on property being sold, lost, stolen, or broken will be noted. If the item was stolen, a copy of the police report should be included in the file. The updated inventory spreadsheet should be printed annually and provided to the Bookkeeping office.

#### D. Physical Inventory

A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years. Prior to the start of the school year in odd numbered years, a physical inventory will be conducted. If there is a discrepancy between the previous physical inventory and the current inventory, a report detailing the discrepancies will be provided to the business office.

#### E. Maintenance

##### **Maintenance**

In accordance with 2 C.F.R.313 (d) (4), the District maintains adequate maintenance procedures to ensure that property is kept in good condition. Weston Public Schools does not place restrictions on computer devices for employees. Employees who are issued a device(s) are responsible for maintaining and securing the equipment. When a device is not working properly, the employee will submit a "school dude ticket". A member of the technology staff will work with the employee to identify and repair the computer as quickly as possible. A loaner computer is available for faculty upon request.

##### **Damaged, Lost, or Stolen Items**

The District maintains a control system that ensures adequate safeguards are in place to prevent loss, damage, or theft of the property. Employees issued computer devices are responsible for abiding by our Employee Technology Use Policy that is in our district's Employee Handbook Employees. Staff members are to report missing, damaged or stolen equipment to their supervisor without delay.

##### **Use of Equipment**

Equipment must be used in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the federal award. The District will not encumber the property without prior approval of the federal awarding agency and the pass-through entity.

During the time equipment is used on the project or program for which it was acquired, the equipment will also be made available for use on other projects or programs currently or previously supported by the federal government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by the federal awarding agency that financed the equipment. Second preference is given to programs or projects under federal awards from other federal awarding agencies. Use for non-federally funded programs or projects is also permissible. When no longer needed for the original

program or project, the equipment may be used in other activities supported by the federal awarding agency in the following order of priority: (1) activities under a federal award from the federal awarding agency which funded the original program or project; then (2) activities under federal awards from other federal awarding agencies.

Weston Public Schools does not place restrictions on computer devices for employees, although it is expected that personal use of the device will be minimal. Employees who are issued a device(s) are responsible for maintaining and securing the equipment. When a device is not working properly, the employee will submit a help desk ticket. A member of the technology staff will work with the employee to identify and repair the computer as quickly as possible. A loaner computer is available for faculty upon request.

#### F. Lost or Stolen Items

The District maintains a control system that ensures adequate safeguards are in place to prevent loss, damage, or theft of the property. Employees issued computer devices are responsible for abiding by the Acceptable Use Policy (AUP) signed at the time of hire. The AUP is available in Appendix E. As previously stated, all hardware is inventoried and marked as property of the Weston Public Schools. Employees are required to file a police report when equipment is determined to be missing. A copy of the report must be provided to the Director of Technology within 24 hours of filing the police report. In the next physical inventory, the item is listed as missing with the date of the police report. If the item continues to be missing on the second inventory, the item is removed from the list.

#### G. Use of Equipment

Equipment must be used in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the federal award, and the District will not encumber the property without prior approval of the federal awarding agency and the pass-through entity.

During the time equipment is used on the project or program for which it was acquired, the equipment will also be made available for use on other projects or programs currently or previously supported by the federal government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by the federal awarding agency that financed the equipment. Second preference is given to programs or projects under federal awards from other federal awarding agencies. Use for non-federally funded programs or projects is also permissible.

When no longer needed for the original program or project, the equipment may be used in other activities supported by the federal awarding agency, in the following order of priority: (1) activities under a federal award from the federal awarding agency which funded the original program or project; then (2) activities under federal awards from other federal awarding agencies.

## H. Disposal of Equipment

When it is determined that original or replacement equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, the grant manager will contact the awarding agency (or pass-through for a state-administered grant) for disposition instructions. Generally, disposition of equipment is dependent on its fair market value (FMV) at the time of disposition. If the item has a current FMV of \$5,000 or less, it may be retained, sold, or otherwise disposed of with no further obligation to the federal awarding agency. If the item has a current FMV of more than \$5,000, the federal awarding agency is entitled to the federal share of the current market value or sales proceeds.

If acquiring replacement equipment, the District may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property. Weston School Committee policy requires the school business manager to seek approval from the Committee.

## IV. **Written Compensation Policies**

### A. [Time and Effort 2 CFR 200.430 - Compensation - personal services. \(govregs.com\)](#)

#### **Time and Effort Standards**

All employees who are paid in full or in part with federal funds must keep specific documents to demonstrate the amount of time they spent on grant activities. This includes an employee whose salary is paid with state or local funds but is used to meet a required “match” in a federal program. These documents, known as time and effort records, are maintained in order to charge the costs of personnel compensation to federal grants.

Charges to federal awards for salaries and wages must be based on records that accurately reflect the work performed. These records must:

- Be supported by a system of internal controls which provides reasonable assurance that the charges are accurate, allowable, and properly allocated.
- Be incorporated into official records.
- Reasonably reflect total activity for which the employee is compensated, not exceeding 100% of compensated activities.
- Encompass both federally assisted and all other activities compensated by the District on an integrated basis.
- Comply with the established accounting policies and practices of the District and
- Support the distribution of the employee’s salary or wages among specific activities or costs objectives.

#### **Time and Effort Procedures**

The time and effort after-the-fact certification statement is included on the personnel activity report. The certification must be signed and dated by the employee or supervisor with first-hand

knowledge of the employee's work after the work has been completed on a monthly basis. The report includes:

1. Employer's name.
2. Employee's name and identification number.
3. Federal program account number.
4. Reporting period.
5. 100% of work activities; and
6. Employee's signature.

For salaried employees funded through a federal grant, the business office generates a semi-annual personnel activity report. The report includes:

7. Employer's name.
8. Employee's name and identification number.
9. Federal program account number.
10. Employee's position.
11. Reporting period.
12. 100% of work activities; and
13. Employee's and supervisor's signature.

### **Reconciliation and Closeout Procedures**

It is critical for payroll charges to match the actual distribution of time recorded on the monthly certification documents. Budget estimates or other distribution percentages determined before the services are performed do not qualify as support for charges to federal awards but may be used for interim accounting purposes provided that the system for establishing the estimates produces reasonable approximations of the activity actually performed.

The entire Grant reconciliation process is conducted by the Chief Financial Officer in conjunction with the Financial Manager. At the beginning of each grant year, the budget is established and is submitted to the State for approval. This budget tracks each position to be funded by the grants. This sheet is used to track positions being funded. Any variations to this are as the result of the Comparability requirement in the Title I grant. This will create some changes from the initial application submitted to ensure that all schools are comparable across the District for the Weston Public Schools. In addition, for multi-year grants, we close salary accounts over multiple years depending on the funding within the grant.

All necessary adjustments must be made such that the final amount charged to the federal award is accurate, allowable, and properly allocated.

### **Human Resources Policies**

The District School Committee policies ensure that personnel compensation costs are spent in accordance with written policies and procedures. Refer to School Committee policy manual, collective bargaining unit contracts and personnel handbook.

## **Record Keeping**

### **Record Retention**

The District maintains in Munis all records that fully show (1) the amount of funds under the grant or subgrant; (2) how the subgrantee uses those funds; (3) the total cost of each project; (4) the share of the total cost of each project provided from other sources; (5) other records to facilitate an effective audit; and (6) other records to show compliance with federal program requirements. 34 C.F.R. §§ 76.730-.731 and §§ 75.730-.731. The District also maintains records of significant project experiences and results. These records and accounts must be retained and made available for programmatic or financial audit.

The District will retain records for a minimum of five (5) years from the date on which the final Financial Status Report is submitted, unless otherwise notified in writing to extend the retention period by the awarding agency, cognizant agency for audit, oversight agency for audit, or cognizant agency for indirect costs. However, if any litigation, claim, or audit is started before the expiration of the record retention period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. 2 C.F.R. § 200.334.

At the state level, records retention is overseen by the Massachusetts Secretary of State's Office ([www.mass.gov/sec](http://www.mass.gov/sec)). The department head of any office that creates, receives, or stores public records must designate a custodian of records. The custodian of records is the point of contact for all public records requests, ensures record security, and follows proper destruction of records protocol.

Maintaining an inventory of records will allow for the identification of records that may be at the end of the retention period. Prior to the destruction of records, a written request must be made to the Supervisor of Records. Once the written request is approved, each district can choose a method of destruction or recycling. Districts are advised to choose the method of destruction carefully especially if employee or student records are involved. The municipal records retention schedule is available on the website at:

<http://www.sec.state.ma.us/arc/arcpdf/MA Municipal Records Retention Manual.pdf>.

### **Collection and Transmission of Records**

Most records may be maintained in either paper or electronic form, based on the current practices in the district. Electronic storage will provide an easier means to share documents upon request i.e. auditors, records inquires, etc. In either case, care must be taken to ensure the materials chosen to create the record will last through the records retention period. Minutes of governmental bodies must be maintained in a paper format. Proper storage of the records is the responsibility of the district. The municipal records retention schedule provides recommended storage standards.

### **Access to Records**

The District provides the awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives the right of access to any documents, papers, or other records of the District which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the District's personnel for the purpose of interview and discussion related to such documents.

### **Subrecipient Monitoring**

In the event that the District awards sub grants to other entities, it is responsible for monitoring those grant sub recipients to ensure compliance with federal, state, and local laws. Monitoring is the regular and systematic examination of all aspects associated with the administration and

implementation of a program. Each program office that awards a sub grant must have its own monitoring policy. This policy must ensure that any monitoring findings are corrected.

### **VIII. Legal Authorities and Helpful Resources**

The following documents contain relevant grants management requirements. Staff should be familiar with these materials and consult them when making decisions related to the federal grant.

#### **Education Department General Administrative Regulations (EDGAR)**

- <http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>  
Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR Part 200)
- <http://www.ecfr.gov/cgi-bin/text->

#### **2 CFR 200 “Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards”**

- <http://www.ecfr.gov/cgi-bin/text->

#### **Federal program statutes, regulations, and guidance**

- [Offices/Programs by Office – Office of Elementary and Secondary Education](#)
- [603 CMR 10.00: School Finance – Education Laws and Regulations \(mass.edu\)](#)
- Massachusetts Department of Elementary and Secondary Education, Grants Manual: <http://www.doe.mass.edu/grants/procedure/manual.html>
- Massachusetts Department of Early Education and Care Grants: <http://www.mass.gov/edu/birth-grade-12/early-education-and-care/financial-assistance/funding-opportunities/forms-for-grant-recipients/>
- Massachusetts Municipal Records Retention Schedule: [Municipal Records Retention Manual.pdf](#)
- Massachusetts Inspector General’s Office, Chapter 30B Procurement: <http://www.mass.gov/ig/procurement-assistance/>
- [MA Attorney General FAQ’s on Construction](#)
- [Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards | U.S. Department of Education](#)