

Procurement & Contracting 2 C.F.R. Part 200/Uniform Guidance Conformity

Equalis Group Lead Agency: *Region 10 Education Service Center*

Awarded Contractor: *Network Distribution*

Contract #: *101519-03A*

Published Documentation: [Contract Landing Page](#)

The checklist below identifies applicable Uniform Guidance requirements relating explicitly to the procurement and establishment of Equalis Group's publicly procured, competitively solicited contracts, provides a summary of how the Lead Agency that procured and awarded this contract conformed with those requirements, and references supporting source documents. These supporting documents are publicly available.

Uniform Guidance Procurement Requirement	2 C.F.R. Reference	Equalis Group Lead Agency Contract Conformity	
The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§ 200.317 through 200.327.	§ 200.318 (a)	Yes	Region 10 Education Service Center (Region 10) is a Texas-based Education Service Center established under Texas Education Code (TEC) Section 8.001 (a). Region 10 is defined as a state agency in Texas pursuant to TEC Section 8.008. The Region 10 procurement procedures i) were developed in accordance with Region 10 procurement policies, and ii) conform to applicable Texas state law governing procurement.
The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.	§ 200.318(c)(1)	Yes	The Region 10 procurement policies and solicitation documentation include written standards of conduct covering conflicts of interest and governing the actions of any Region 10 employees and agents engaged in the selection, award, and/or administration of contracts. No employee, officer, or agent may participate in the selection, award, and/or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.
Purchasing through intergovernmental agreements is encouraged for the procurement of common or shared goods and services under a Federal award.	§ 200.318 (e)	Yes	Equalis Group is a public sector purchasing cooperative. Non-federal entities join Equalis Group by completing the Master Intergovernmental Cooperative Purchasing Agreement, thereby entering into an intergovernmental agreement between the public agency and each Equalis Group lead public agency. More information about Region 10 (the lead public agency that competitively solicited this contract) and Equalis Group is located in RFP Section A, Introduction .
Contracts must be awarded to responsible contractors possessing the ability to perform successfully under the terms and conditions of the procurement.	§ 200.318 (h)	Yes	<ol style="list-style-type: none"> 1) The goal of this Region 10 RFP process was to find a technically qualified and responsive contractor(s) to perform the work identified with in the scope in RFP Section Section B (Scope). 2) Appendix C, E, and H (Proposal Submission, Questionnaire And Required Forms) was designed to facilitate the Evaluation Team's evaluation of the technical qualifications and capabilities for each respondent. 3) The award process utilized by the Region 10 for evaluating responses to this RFP is located in RFP Section D, page 12 (Award Process). 4) Region 10 awarded this contract to the most advantageous vendor in accordance with the Region 10 Procurement Procedures and the Award Process as outlined this RFP is located in RFP is located in RFP Section D, page 12 (Award Process).
The non-Federal entity must maintain records sufficient to detail the history of each procurement.	§ 200.318 (i)	Yes	<p>Region 10 retains complete records of each procurement. Solicitation and Master Agreement documentation is published online at the associated contract landing page at www.equalisgroup.org.</p> <ul style="list-style-type: none"> - Rationale for the Method of Procurement: the Region 10 procurement policy is to utilize formal procurement method as defined in 2 C.F.R. § 200.320 because the anticipated spend of Equalis Group members purchasing through any Region 10 solicited contract is likely to exceed the simplified acquisition thresholds referenced in 2 C.F.R. § 200.320. Further, the Region 10 procurement policy is to utilize the request for proposal formal procurement method because cooperative contract awards made available to Equalis Group members cannot include a specific number of products or services that will be purchased and the selection of the successful respondent includes both technical evaluations and cost considerations, providing the necessary flexibility to ensure contractors meet the needs of all public agencies that intend to use the contract. - Selection of Contract Type: the Region 10 procurement policy is to use Fixed-Price Contracts. Fixed-Price Contracts enable Equalis Group members to purchase the exact quantity of products and services each member requires while also ensuring the agency can verify they are receiving the correct contract cost. - Contractor Selection or Rejection: the criteria and methodology for scoring proposals and identifying the lowest responsive and responsible respondent is detailed in RFP is located in RFP Section D, page 12 (Award Process). See the Bid Tabulation for the scoring of each proposal submitted in response to this RFP. - Basis for the Contract Price: RFP Appendix B (Pricing) defines the Region 10 requirements to provide pricing in submitted proposals. Attachment B - Pricing provides a pricing template that respondents can utilize in their proposal and additional required information. Region 10 contracts include pricing that is fully auditable.

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The non-federal entity awarding the contract must be responsible for the settlement of all contractual and administrative issues arising out of procuring the contract.	§ 200.318 (k)	Yes	Region 10 is responsible for the settlement of all contractual and administrative issues arising out of procuring the contract. RFP Section D, Page 14 (Protest Of Non-Award) details the process for any potential or actual respondent to protest the award of the contract, or any other matter relating to the process of soliciting proposals, including source evaluation, protests, disputes, and claims.
The procurement of contracts for the acquisition of property or services acquired under a Federal award must be conducted with full and open competition.	§ 200.319 (a)	Yes	Region 10 is a state agency of Texas and follows open and competitive procurement requirements defined in the Texas Government Code. The Region 10 competitive solicitation for this contract was an RFP published online and in newspapers of general circulation across the country. See the Proof of Publication , which includes affidavits verifying publication of the RFP in more than ten newspapers. All specifications and requirements placed in the RFP were developed in a reasonable manner that did not favor any specific respondent. There were no conflicts of interest, arbitrary actions, or any other unreasonable requirements in the RFP or within the evaluation of proposals submitted by respondents.
Formal procurement methods are required when the value of the procurement of property or services acquired under a Federal award exceed the simplified acquisition threshold. Solicitations must be awarded in accordance with the following requirements: - solicitation publicized - all evaluation factors and their relative importance identified - adequate number of qualified offerors solicited - written method for conducting technical evaluations and making selections - contract awarded to the responsible offeror whose proposal is most advantageous	§ 200.320 (b) (2)	Yes	<ul style="list-style-type: none"> - Publicized: the Proof of Publication contains affidavits attesting to the publication of notice of this RFP in more than 14 newspapers across the country. - Evaluation Factors: the award process utilized for evaluating responses to this RFP is located in Section D, page 12 (Award Process). - Adequate Number of Offerors Solicited: Region 10 had 34 organizations download the solicitation documentation and two organizations respond to the RFP. - Written Method for Conducting Evaluations: Section D, page 12 (Award Process) details the Region 10 award process. - Award to Most Advantageous Proposal: Section D, page 12 (Award Process) defines how each respondents proposal will be evaluated. Region 10 awarded this contract to the lowest responsive and responsible respondent in accordance with applicable public sector procurement guidelines and the Region 10 procurement policy.
The awarded contract must include provisions covering the following, as applicable: a) administrative, contractual, or legal remedies for contractor breach of contract b) termination for cause or convenience clause c) Equal Employment Opportunity clause d) Davis-Bacon Act compliance e) Contract Work Hours and Safety Standards Act compliance f) Rights to Inventions Made Under a Contract or Agreement compliance g) Clean Air Act and Federal Water Pollution Control Act compliance h) Debarment and Suspension compliance i) Byrd Anti-Lobbying Amendment compliance j) Solid Waste Disposal Act compliance k) Prohibition on certain telecommunications and video surveillance services or equipment l) Domestic preferences for procurements	§ 200.327 & Appendix II 2 C.F.R. § 200	Yes	The Region 10 RFP requires respondents to affirmatively agree to each provision as required by Uniform Guidance 2 C.F.R. §200.327 & Appendix II 2 C.F.R. § 200 in order to be considered for award. A copy of each form completed by the respondent can be found in the Master Agreement, RFP Appendix H, Additional Required Documents (Form 10 Federal Funds Certification)

Legal Disclaimer

This document is not intended to be a comprehensive summary of all Uniform Guidance requirements, recent developments in the law, treat exhaustively the subjects covered, provide legal advice, or render a legal opinion. Equalis Group and its members are not attorneys and are not responsible for any legal advice. Equalis Group encourages political subdivisions, units of local government, state agencies, and other public agencies to have appropriate legal counsel review 2 C.F.R. Part 200 to determine their eligibility to utilize Equalis Group's competitively solicited contracts for Federal awards.