



Offices of Grants Management and Federal Programs Guidance on Procurement & Purchases Using ESSER Funds

When determining the method of procurement, LEAs must follow both state and federal law, whichever is most restrictive. This document is a guide to help direct LEAs with making the best decisions to ensure LEAs are meeting federal and state procurement mandates. All purchases made using federal funds, including ESSER funds, must follow the Uniform Administrative Requirement found in 2 CFR 200.320, Methods of Procurement.

Commodities

Micro purchases for commodities of \$5,000 or less do not require multiple quotes, but the purchase must be deemed reasonable and not exceed the purchase's normal cost.

For commodities that will exceed \$5,000 but are \$50,000 or less (and are not purchased from the State Contract or EPL), two quotes must be obtained for the purchase. Commodities that exceed \$50,000 (and are not purchased from the State Contract or EPL) must utilize the Reverse Auction process.

Services

If you have a service between \$10,001 and \$250,000, two (2) quotes must be obtained. Any service exceeding \$250,000, must utilize a formal sealed bid process.

For more information, please see the [Federal Purchasing Decision Tree](#).

Use of Reverse Auction

LEAs must use the Reverse Auction to comply with House Bill 1109 from the 2017 Regular Session of the Mississippi Legislature. The LEA may petition the Mississippi Public Procurement Review Board (PPRB) for relief from utilizing a reverse auction on a particular procurement. Resources are available on the Mississippi Department of Finance and Administration webpage: <https://www.dfa.ms.gov/dfa-offices/purchasing-travel-and-fleet-management/reverse-auction-and-electronic-bidding-services/>

For assistance with requests for relief, please contact the PPRB at pprb@dfa.ms.gov. For assistance with the reverse auction process, please contact Ross Campbell, at ross.campbell@dfa.ms.gov.

Use of ITS - EPL

LEAs may use the Mississippi Department of Information Technology Services (ITS) Express Products Lists as an exemption to the requirement of Reverse Auction. The has information regarding ITS has the EPL and Cooperative Purchasing Agreements at this site: <https://www.its.ms.gov/Procurement/Pages/EPLs.aspx>

ITS has a Procurement Handbook that is available for use here:

<https://www.its.ms.gov/Procurement/Documents/ISS%20Procurement%20Manual.pdf>

According to the Procurement Handbook, each ITS EPL specifies a maximum spending limit per project. It also provides guidelines for defining a project. ITS provides six (6) suggested factors that may determine the definition of an information technology project. Considering each school's location as a separate project is *not* a factor that should be considered solely. Factor Number 3 indicates that a location of equipment might determine a project if the district can consider a different vendor and/or a different technical solution; these acquisitions could be considered separate projects.

Apple ITS EPL is no longer valid. Therefore, if the required procurement exceeds \$50,000, the school district must follow the reverse auction process and will need to seek relief from this process by submitting a form to the PPRB. For more information, please see the form here: https://www.dfa.ms.gov/media/6227/reverse-auction-exemption-form_interactive_20171212.pdf

For more information regarding the ITS EPL, please contact the ITS Procurement Help Desk at (601) 432-8166 or isshelp@its.ms.gov

Use of ITS – EPL That Exceeds the EPL Limit

LEAs that are utilizing the ITS EPL and have determined that their project will exceed the EPL limit must use the EPL Planned Purchase Procedure. This procedure is limited to equipment or software appearing on a current EPL. The LEA that is given authorization, up to a specified dollar amount, will be able to make identified procurements from the EPL without further ITS involvement. Please see Part 2 Chapter 7: Procurement Types; Rule 207.7: 013-080 Procurement Types: EPL Planned Purchase on page 121 of the ITS Procurement Handbook that is available for use here: <https://www.its.ms.gov/Procurement/Documents/ISS%20Procurement%20Manual.pdf>

For more information regarding the ITS EPL, please contact the ITS Procurement Help Desk at (601)432-8166.

Use of State Contract

LEAs may use State Contracts as an exemption to the requirement of Reverse Auction. The Mississippi Department of Finance and Administration (DFA) Office of Purchasing, Travel, and Fleet Management (OPTFM) establishes State Contract listing and prices for use by school districts. Several types of contracts are available, including Competitive Contracts, Negotiated Contracts, Statewide Agency Contracts, Cooperative Contracts, PSCR Service Contracts. Each type of state contract is established differently. It is best to obtain a 2nd quote when using the state contract to ensure that the purchase is reasonable. Each type of state contract is described on the DFA website here: <https://www.dfa.ms.gov/dfa-offices/purchasing-travel-and-fleet-management/bureau-of-purchasing-and-contracting/contracts/>

For more information regarding state contracts, please contact Ross Campbell at ross.campbell@dfa.ms.gov.

Emergency Procurements

According to 2 CFR 200.320 (f)(2) Procurement by noncompetitive proposals is allowable when the public emergency for the requirement will not permit a delay resulting from the competitive solicitation. The Uniform Grant Guidance does not provide a process for these types of emergencies; therefore, the state law must be followed ([Mississippi Code 31-7-13 - Bid requirements and exceptions; public auctions, \(k\) Governing authority emergency purchase procedure](#)).

Although districts have flexibility with emergency procurements, it is important to remember that when using federal funds, all costs must be deemed reasonable and necessary. From our understanding, auditors will look at these emergency approvals to ensure a true emergency, and the district must have supporting documentation to provide this information. Also, they will review the purchase to ensure that the purchase was indeed reasonable. This means that the LEA must have some type of cost analysis or quote that will show that its selection of the vendor was reasonable in the pricing.