



William Jewell College

Procurement Policy

Date: September 26, 2021

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1.0 **Background**

The College's *Strategic Financial Plan 2025; Funding the Future*, dated October 19, 2020, presents a long-term strategy to grow and diversify revenue while controlling costs and creating efficiencies. Strategic procurement was identified to generate significant cost reduction in purchasing supplies, equipment, and services.

Recognizing that the College did not have a formal Procurement Office, a Procurement Working Group (PWG) was established in April 2021. The PWG charter was to advance the College's mission by seeking opportunities to; reduce costs through strategic sourcing, create efficiencies in the procurement process, leverage existing and modern technologies, and improve customer service for those engaged in procurement activities.

The Procurement Working Group concluded that to meet the goals of strategic procurement that a formal function that coordinates purchases and serves to leverage the College's buying power would be necessary.

2.0 **Administration.**

Effective July 1, 2021, the Director of Central Services assumed additional responsibilities as the Director of Procurement for coordinating procurement processes and procedures. The Vice President of Finance and Operations/CFO provides general oversight regarding procurement policy.

3.0 **Diversity Statement.**

As part of the College's Radical Inclusivity efforts, the Procurement Office will seek opportunities for ongoing business with commercial vendors that represent diversity in our source selection. A diverse supplier is usually defined as a business that is at least 51 percent owned and operated by an individual or group that is part of a traditionally underrepresented or underserved group. This can include minority-owned businesses, such as those owned by women, armed service veterans, or other groups defined by the Small Business Administration. Our benchmark is at least 25 percent of commercial vendor relationships are from diverse groups.

4.0 **Competitive Pricing/Bids.**

Competitive bids are used to either procure the good or service at a reasonable cost and high quality and/or to lock in firm pricing for a certain period. **At least two bids are required on all purchases over \$20,000 and for outside contractor work.** A waiver of the bidding requirement can only be granted by the CFO or the President. The Director of Central Services and Procurement will assist in the bidding process, in coordination with the requesting department or office.

Exceptions to the competitive bidding requirement include the following:

- Emergency situations, such as repairing HVAC or health and safety issues.
- Performing arts that are sole source in nature.

5.0 **Contracts.**

Monetary contracts are agreements that legally bind the College. The CFO or the President are authorized to sign these contracts. Legal review may be sought as necessary. Contractual documents will be kept electronically by the Procurement Office. Renewal of any ongoing contractual agreements, including those for marketing, will be reviewed by the Procurement Director to ensure optimal pricing and quality of goods or services.

The Provost retains signature authority for faculty contracts and agreements related to administrative matters within the academic area including arrangements with schools or affiliations.

Board approval. Contracts exceeding \$250,000 require board approval.

6.0 **Preferred Vendors.**

A preferred vendor is a supplier from which the College receives goods or services in the ordinary course of business. Preferred vendors must demonstrate that they provide a good quality product or service, acceptable pricing (often negotiated), and have the ability to invoice for services rendered and meet delivery deadlines.

Suppliers of goods and services, that are eligible for preferred vendor status, include, but are not limited to office supplies, computer supplies, painting supplies, lab equipment, etc. The College will review these relationships on an ongoing basis to ensure continued quality of productive and/or service.

A preferred vendor relationship is established at the request of faculty or staff by submitting a request to the Director of Procurement. The list of preferred vendors will be published on the Jewell Central and will be periodically reviewed and updated as necessary.

7.0 **The Cardinal Store.**

Located on the first floor of the Curry Hall, the Cardinal Store will be stocked with office supply items that can be purchased with department funds. Based on the initial research of office supply type purchases throughout the College, the concept is to buy and stock in bulk quantity to optimize purchasing power. An online inventory of available items will be updated, along with an ordering option for departments. Departments are encouraged to turn in unused items in their inventory that can be available for use by other departments.

The Cardinal Store also serves as a retail location for small purchases for our students such as snacks, laundry items, etc. Students can use their Cardinal Dollars for these retail purchases. Faculty and staff will also be able to purchase retail items from the Cardinal Store using cash or credit cards. Profits go to the General Fund of the College.

8.0 **Requisition and Expense Authorization (EA) Thresholds.**

Purchases less than \$500. A formal requisition request is not necessary. If the requirements are related to office supply type items, please stop by the Cardinal Store, or visit the inventory website to see if they are readily available.

Requisitions for Purchase. Requisitions over \$500 but less than \$2,500 do not require an Expense Authorization but do require a requisition. The purpose of the requisition is to allow the Procurement Office to determine if the item is available in the Cardinal Store inventory or can be obtained through optimal sourcing.

Exceptions: Purchases from the approved vendor list, or through the use of an authorized College purchase card, do not require a requisition form be submitted.

Expense Authorization. An Expense Authorization (EA) is **always required for purchases of goods and services for \$2,500 and above.** Approval is through the Department head, Vice President, and the President.

9.0 **Electronic Authorization Form.**

To streamline the purchasing process, the Requisition/Expense Authorization form was combined into one document. The routing will flow based on the purchase amount. If between \$500 and \$2,499 (unless not required due to the exceptions noted above), the Requisition is coordinated by the Procurement Office. The purpose is to deplete inventory on hand, allow for “Just in Time” delivery when possible, and to eliminate redundant purchases. If not in inventory, seeking the optimal source is desired. Users are encouraged to access collaborative purchasing sites such as Amazon Business or Staples to ensure the best price is obtained.

The Expense Authorization (EA) approval for purchases \$2,500 or above will be routed through the workflow process.

10.0 **Sales Tax.**

In a review of paid invoices, there were numerous instances when sales tax was paid as part of the purchase. The College will not pay sales tax on any goods or services purchased where the College has exemption from payment of those taxes. See attachment A for the tax-exempt status for the state of Missouri.

11.0 **Receiving.**

Goods delivered to the College by suppliers are normally processed through the Central Services function located in the Union Building. Recipients are notified when the goods are received. Shipping of items to a personal residence is strictly prohibited.

12.0 **Sales of goods.**

Items sold to the public may be used to supplement departmental budgets with the appropriate Vice President approval. Otherwise, sale proceeds are returned into the College’s general fund.

13.0 **Office Furniture.**

The College has a large inventory of used furniture including desks, chairs, filing cabinets, etc., that may be accessed at no cost to the department. Submit the requisition request and the Procurement Office will determine availability.

14.0 **Jewell Issued Purchase Cards.**

The Procurement Office will routinely conduct a review of the number of authorized purchase cards to ensure the issuance of the card is necessary to conduct business. Timely monthly processing and review by the card user and approver is required.

15.0 **Official Travel.**

Proper authorization from department head and/or division's vice president must be granted before traveling, including conference attendance. Faculty and staff should exercise good judgment and avoid excessive or unjustifiable spending while on travel status.

Transportation. The most economical mode and direct route shall be used. If an indirect route or uncommon mode is used the traveler will be reimbursed up to the cost of the direct or most economical mode.

Air Travel. Economy/coach class airfare is to be selected, and any upgrades are purchased using personal funds.

Vehicle Use. The College recently secured an updated fleet of vehicles through a lease arrangement. Individuals are encouraged to use these vehicles, rather than a personally owned vehicle, when traveling on official business. Mileage reimbursement will be reduced if the traveler does not take an available fleet vehicle.

For coach/bus travel, the College has an existing contract that should be used before seeking other vendors.

Lodging. Reasonable single room rate lodging shall be used. When attending a conference event, the conference hotel should be used to take advantage of discount opportunities.

Meeting and Conference Fees. The use of a College purchase card is the preferred payment method for conference registration. A check request may be submitted as necessary. If meals are provided as part of the registration fee, additional meals will not be reimbursed.

International Travel. The same guidelines in the travel policy apply to international travel.

CORRECTIVE ACTION PLAN DATED 12/31/2021

FEDERAL GRANTS PROCUREMENT POLICY

POLICY STATEMENT

Federal law imposes particular requirements on the use of federal grants. The procedures outlined in this policy are intended to be consistent with State and local laws and regulations and the standards set forth in 2 C.F.R. § 300.318 through § 200.326. Individual federal grants may contain further requirements that are unique to those grants and are in addition to the requirements of this Policy. It is therefore important for purchasers to work closely with the Procurement Department to ensure compliance with the requirements of each grant.

Responsibility for Purchasing and Purchase Methods.

This policy supplements the College's current procurement practices. Those practices remain in effect but shall be adapted, as necessary, to comply with applicable requirements for any procurement involving the use of federal funds. You should consult with the College's Vice President for Finance and Operations Chief Financial and Operating Officer (CFO/COO) prior to undertaking any procurement that will be supported with federal funds.

Purchases with Federal Funds.

The following procurement methods and procedures apply to any acquisition of goods or services using federal funds under a federal grant award or subaward.

A. Procurement Methods.

The type of procurement methods that may be used to purchase goods or services using federal grant funds depends on the value of the procurement at issue. There are two key thresholds that influence the type of procurement method: (i) the micro-purchase threshold (or MPT); and (ii) the simplified acquisition threshold (or SAT). Acquisitions below the MPT can use the most informal methods. Acquisitions above the MPT but at or below the SAT can also be informal but require some competition. Acquisitions above the SAT generally require formal procurement procedures and full and open competition.

1. Micro-purchases (≤ \$10,000).

The micro-purchase threshold for most purchases is \$10,000. Acquisitions of goods and services that have an aggregate dollar amount less than or equal to \$10,000 may be awarded without soliciting competitive price or rate quotations and can be based on prices provided by a vendor.

College personnel involved in a micro-purchase must obtain and preserve appropriate documentation establishing the reasonableness of the proposed price for any micro-purchase. Micro-purchases should also be distributed equitably among qualified suppliers, to the maximum extent practicable.

Although the micro-purchase threshold typically is \$10,000, the threshold may differ depending on the circumstances surrounding an acquisition. The threshold is lower for acquisitions involving construction on federal public buildings (\$2,000), or for services that are subject to a prevailing minimum wage under the Service Contract Act (41 U.S.C. Chapter 67).

2. Small Purchases (between \$10,000 and \$250,000).

Acquisitions above the micro-purchase level but below the simplified acquisition threshold (*i.e.*, above \$10,000 but less than or equal to \$250,000) require more competition and cannot be based on a single quote or proposal. For these purchases, College personnel must obtain written price or rate quotations for the goods or services from at least three qualified sources. The price or rate quotations must be preserved and included with the other procurement records supporting the small purchase to establish the reasonableness of the price paid by the College.

3. Large Purchases (\$250,000+).

Large purchases include any acquisition that is valued at more than the simplified acquisition threshold, which generally is \$250,000. Formal procurement procedures are required for large purchases. Such procedures include publicly advertising the desired goods or services and seeking sealed bids or proposals unless circumstances warrant obtaining the goods or services from a single source. Each of these formal procurement methods is addressed below.

Contact the Procurement Department to conduct a formal bid or proposal process or to determine whether a sole source procurement is warranted. The Procurement Department will work collaboratively to facilitate this process and meet all the federal procurement method requirements under 2 C.F.R. §200.320. Plans for large purchases should be communicated to the Procurement Department *as early as possible* to ensure reasonable time to implement the appropriate formal procurement method.

Like the micro-purchase threshold, the SAT may change depending on the circumstances surrounding an acquisition. Although the SAT typically is \$250,000, the threshold is raised to \$800,000 for an acquisition of goods or services (inside the U.S.) that will be used to respond to certain situations, such as declared national emergencies or major disasters. You should consult the College's CFO/COO if you have reason to believe that any of these circumstances may apply to a proposed large purchase. If it is determined that one of these circumstances applies, the CFO/COO or College personnel shall prepare a memorandum to that effect and include that memorandum with the other procurement records supporting the large purchase.

i. Competitive Negotiation.

Competitive negotiation requires the issuance of a Request for Proposals (RFP) that outlines the goods or services to be purchased. Competitive proposals are used when more than one source is submitting an offer, and either a fixed price or cost-reimbursement contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. When this method is used the following conditions apply:

- Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to the publicized requests for proposals must be considered to the maximum extent practical;
- Proposals must be submitted from an adequate number of sources;
- The College has a written method for conducting technical evaluations of the proposals received and for selecting recipients;
- Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

ii. Competitive bidding.

Sealed bids are publicly solicited requests for bids at a fixed contract price. The contracts are awarded to the bidder whose bid conforms in all material respects to the specified requirements and offers the lowest price. Sealed bids are the preferred method for procuring construction contracts if the following conditions apply:

- A compete, 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 fixed price contract and the selection of the successful bidder can be made principally based on price.

If sealed bids are used, the following requirements apply:

- The invitation for bids shall be publicly advertised;
- Bids must be solicited from an adequate number of known suppliers, providing them sufficient time to respond;

- The invitation for bids must fully describe the items or services sought, so that the bidder may properly respond;
- All bids will be opened at the time and place prescribed in the invitation for bids;
- A firm fixed price contract award will 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; and
- Any or all bids may be rejected if there is a sound, documented reason.

iii. Sole Source (Non-competitive procurement).

A sole source or non-competitive procurement occurs where goods or services are sought from only one qualified source. Such procurements may be used only when one or more of the following circumstances apply:

- There is only one source for the desired item;
- There is a public exigency or emergency for the goods or services that will not allow the delay that would result from publicly advertising a competitive solicitation;
- The College has submitted a written request for, and the federal awarding agency or pass-through entity has expressly authorized, the noncompetitive procurement; or
- Competition is determined inadequate after soliciting a number of sources.

If one or more of the above circumstances applies, the College must document the existence of the applicable circumstance and provide the written justification for the sole source purchase with the contract for review by the College CFO/COO and Procurement Department.

B. Procurement Standards.

1. Full and Open Competition.

All College procurement transactions using federal funds must be conducted in a manner that provides full and open competition consistent with the procurement methods outlined above and 2 C.F.R. § 200.320. The following measures must be taken to encourage full and open competition. If a contractor develops or drafts specifications, requirements, statements of work, invitations for bids, or requests for proposals for any goods or services that the College seeks to procure, that contractor must be excluded from competing for such procurements. Excluding such contractors eliminates any unfair competitive advantage and ensures objective contractor performance.

College personnel involved in procurements should avoid the unnecessary imposition of restrictions that may limit competition. Restrictions that may unnecessarily limit competition include but are not limited to:

- Imposing unreasonable requirements on a firm in order for it to qualify to do business with the College;
- 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 College 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.

The College must ensure that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. 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. But the description must not contain features which unduly restrict competition (when included in a competitive solicitation), and 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. Any specific features of the named brand which must be met by offers must be clearly stated. A solicitation must identify all requirements that offerors must fulfill, as well as any other factors that will be used in evaluating bids or proposals.

2. Minority Business Enterprises / Women Business Enterprises.

College personnel involved in any federal procurement must take all necessary affirmative steps to assure that MBEs and WBEs are used when possible. The affirmative steps taken in each procurement shall be documented and must include the following:

- Placing any qualified small businesses, MBEs, and WBEs on solicitation lists;
- Assuring that any small businesses, MBEs, or WBEs which may be potential sources for the procurement are solicited;
- When economically feasible, dividing the requirements of a procurement into smaller quantities or tasks that will permit maximum MBE and WBE participation;
- When possible, establishing delivery schedules that encourage participation of small businesses, MBEs, and WBEs;
- Where appropriate, consulting with, or using the services of, the Small Business Administration and the Minority Business Development Agency of the Department of Commerce;
- Requiring any prime contractors or subrecipients to take similar affirmative steps to encourage small business, MBE, and WBE participation in the awarding of any subcontracts or subawards.

3 Prohibition on Conflicts of Interest and Gratuities.

No employee, officer, or agent of the College shall participate in the selection, award, or administration of a contract supported by a federal award if a conflict of interest, real or apparent, would be involved. Such a conflict of interest would arise when an employee, officer, or agent of the College, or 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 with the College. The officers, employees, and agents of the College may neither solicit nor accept, directly or indirectly, gifts, gratuities, favors, or anything of monetary value that is: (i) offered or provided because of the officer's, employee's, or agent's official position at the College; (ii) is provided by any person who seeks official action by the College officer, employee, or agent; (iii) is provided by any person who seeks to influence the award of a contract, subcontract, grant award or subaward involving the College.

4. Avoid Acquisition of Unnecessary or Duplicative Items.

The College will avoid the acquisition of unnecessary or duplicative items. Consideration must be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of leases versus purchase alternatives, along with any other appropriate analysis to determine the most economical approach. These considerations are given as part of the process to determine the allowability of each purchase made with federal funds.

5. Use of Intergovernmental Agreements.

To foster greater economy and efficiency, the College encourages entering into state and local intergovernmental agreements or inter-entity agreements, where appropriate, for procurement or use of common or shared goods and services.

6. Use of Federal Excess and Surplus Property.

College personnel must 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.

7. Maintain Records.

The College will maintain records in accordance with its current document retention policies sufficient to detail its history of procurement and the steps taken for each procurement. These records will include but are not limited to: (i) the rationale for the procurement method used; (ii) selection of the contract type; (iii) contractor selection or rejection; and (iv) the basis for the contract price.

8. Time and Materials Contracts.

The College may use a time and materials type contract only (i) after a determination that no other contract is suitable; and (ii) if the contract includes a ceiling price that the contractor exceeds at its own risk. A time and materials type contract is a contract where the cost to the College is the sum of: (a) the actual costs of materials; and (b) direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit. The College must also assert a high degree of oversight in any time and materials contract in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

9. Settlement of Contractual and Administrative Issues.

The College 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.

10. Debarment and Suspension.

The College will award 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.

Under the provisions of 2 C.F.R. § 200.213; 2 C.F.R. Part 200, Appendix II(H); and 2 C.F.R. §§ 180.220 & 180.300, the College may not subcontract with or award subgrants to any person or company who is debarred or suspended. For all contracts over \$10,000, College personnel must verify that the vendor with whom the College intends to do business is not excluded or disqualified. This is accomplished by checking the excluded parties list on www.sam.gov.

11. Domestic Preferences.

Where appropriate and consistent with applicable law, and to the greatest extent practicable under a federal award, College personnel should impose a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this procurement standard must be included in all subawards, including all contracts and purchase orders for work or products under the applicable federal award.

12. Cost and Price Analysis.

College personnel involved in a procurement must perform a cost or price analysis in connection with every procurement action, including contract modifications, that exceeds the SAT. The method and degree of analysis is dependent on the facts surrounding the particular procurement

situation, but as a starting point, College personnel must make independent estimates before receiving bids or proposals.

For each contract in which there is no price competition, or whenever a cost analysis is performed (e.g., a time and materials contract), College personnel involved in the procurement must negotiate profit as a separate element of the price. To establish a fair and reasonable profit, consideration must be 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.

Costs or prices based on estimated costs for contracts under a federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the College under subpart E of 2 C.F.R. Part 200. College personnel may not use the cost plus a percentage of cost and percentage of construction cost method of contracting under any circumstances.

13. Bonding Requirements.

Contracts or subcontracts for construction or facility improvements that exceed the SAT are subject to the following bonding requirements:

- Bid guarantee. Each bidder must provide a "bid guarantee" equal to five percent (5%) of the bid price. The bid guarantee must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument that accompanies the bid. The bid guarantee shall provide assurance that, upon acceptance of the bid, the bidder will perform its obligations under the contract documents within the time specified.
- Performance bond. The contractor selected for award must provide a performance bond equal to one hundred percent (100%) of the contract price to ensure fulfillment of all of the contractor's obligations under the contract.
- Payment bond. The contractor selected for award must provide a payment bond equal to one hundred percent (100%) of the contract price to assure payment as required by law of all persons supplying labor and material for execution of the work required under the contract.

14. 2 C.F.R. Part 200, Appendix II – Contract Provisions for 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 effected 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 \$250,000 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 2 C.F.R. § 200.322 Procurement of recovered materials.

(K) See 2 C.F.R. § 200.216 Prohibition on certain telecommunications and video surveillance services or equipment.

(L) See 2 C.F.R. § 200.322 Domestic preferences for procurements.

Attachment A (Missouri Sales Tax Exemption)

State of Missouri

EXEMPTION FROM MISSOURI SALES AND USE TAX ON PURCHASES

Issued to:

WILLIAM JEWELL COLLEGE
500 COLLEGE HILL
LIBERTY MO 64068

Missouri Tax I.D.
Number: 12624047

Effective Date:
07/11/2002

Your application for sales/use tax exempt status has been approved pursuant to Section 144.030.2(20), RSMO. This letter is issued as documentation of your exempt status.

Purchases by your Organization are not subject to sales or use tax if within the conduct of your Organization's exempt functions and activities. When purchasing with this exemption, furnish all sellers or vendors a copy of this letter. This exemption may not be used by individuals making personal purchases.

A contractor may purchase and pay for construction materials exempt from sales tax when fulfilling a contract with your Organization only if your Organization issues a project exemption certificate and the contractor makes purchases in compliance with the provisions of Section 144.062, RSMO.

Sales by your Organization are subject to all applicable state and local sales taxes. If you engage in the business of selling tangible personal property or taxable services at retail, you must obtain a Missouri Retail Sales Tax License and collect and remit sales tax.

This is a continuing exemption subject to legislative changes and review by the Director of Revenue. If your Organization ceases to qualify as an exempt organization, this exemption will cease to be valid. This exemption is not assignable or transferable. It is an exemption from sales and use taxes only and is not an exemption from real or personal property tax.

Any alteration to this exemption letter renders it invalid.

If you have any questions regarding the use of this letter, please contact the Division of Taxation and Collection, P.O. Box 3300, Jefferson City, MO 65105-3300, Phone 573-751-2836.