



## Grantee Procurement Guidance

**Introduction.** The Massachusetts Clean Water Trust (“The Trust”), a state agency established pursuant to M.G.L. c. 29C, § 2, is a public instrumentality tasked with administering the Water Pollution Abatement Revolving Fund, pursuant to M.G.L. c. 29C, § 2L. The School Water Improvement Grant (SWIG) Program was started in February 2020 with the goal of reducing lead in Massachusetts’ schools drinking water to the lowest levels possible.

**Legal Disclaimer.** The material provided in this document is for informational purposes only and should not be construed as legal or business advice. Grantees should rely on this information only as guidance in complying with federal procurement procedures. Please consult a professional with any questions related to any legal, business, or other decisions.

**Purpose.** The purpose of this guidance document is to assist SWIG Grantees receiving federal funds with complying with the federal grant procurement requirements as detailed in the ESWIG grant agreement.

**Procurement Thresholds.** Procurement of goods and services by the grantee is determined by the award dollar amount. The following table provides a list of thresholds, followed by the relevant procurement procedures.

Category	Method	Award Dollar Range
Informal Procurement Methods	Micro-purchase	\$0 - \$10,000
	Small Purchase	\$10,001 - \$250,000*
Formal Procurement Methods	Proposals	>\$250,001*
	Sealed Bids	>\$250,001*
Non-Competitive Methods	Non-Competitive	Not applicable

\* The Federal Simple Acquisition Threshold is detailed in 2 CFR §200.320(a)(2)(ii) as a threshold established by Federal Acquisition Regulations and Federal statutory law and is currently \$250,000, pursuant to 41 U.S.C. § 134. However, if the Grantee falls under M.G.L. c. 30B, then this threshold is lowered to \$50,000.

# Procurement Procedures by Threshold

## Informal Procurement Methods.

For the two informal procurement procedures listed below, the Grantee should consider the following when evaluating quotes from vendors:

- Contractor integrity
- Compliance with state and local codes, laws, and requirements
- Compliance with SWIG
- Record of past performance
- Financial and technical resources
- Grantees are prohibited from using Debarred Contractors
  - Grantees can use the following link to verify contractor status <https://www.dol.gov/agencies/ofccp/debarred-list>

## Micro-Purchase Threshold. (\$10,000 or under)

- Grantees *may* request quotes from a minimum of three (3) vendors.
  - If the grantee chooses not to collect three quotes, then they *must* document in writing why the accepted quote/bid is a reasonable price/rate for the quoted services.
  - Grantees should document vendor requests in writing (i.e. email), or document outreach attempts in a log (see contact log provided by the Trust for details).
  - Grantees should give contractors a minimum of two weeks to respond to requests.
  - Grantees should request and verify references or relevant past work experience.
- Grantees must acquire dated quotes detailing the following:
  - Itemized list of materials, estimated labor, tax and permit fees and any other associated costs,
  - the scope of work,
  - procedures for change orders, and
  - timeline of quoted work
- Grantees *must* retain all records detailed in the Records Retention section.

## Simplified Acquisition Threshold. (Over \$10,000 – \$250,000 or under)

- Grantees *must* request quotes from a minimum of three (3) vendors.
  - Grantees must document vendor requests in writing (i.e. email), or document outreach attempts in a log (see contact log provided by the Trust for details).
  - Grantees must give contractors a minimum of two weeks to respond to requests.
  - Grantees should request and verify references or relevant past work experience.
- If the grantee receives less than three (3) quotes, then they may be permitted to proceed upon approval from the Trust.
  - Grantees will need to send a request in writing detailing the efforts made to contact and receive the required number of quotes.
  - Grantee should use the contact log detailing dates and methods of contact and responses received (including non-responses).
  - The Trust will evaluate the quote to determine whether the pricing is in line with quotes received by other Grantees.

- Grantee must acquire dated quotes detailing the following:
  - Itemized list of materials, estimated labor, tax and permit fees and any other associated costs,
  - the scope of work,
  - procedures for change orders, and
  - timeline of quoted work
- Grantees must retain all records detailed in the Records Retention section.

**Formal Procurement Methods.** (Over \$250,000)

For procurements that exceed \$250,000, the Trust will assist the grantee in completing the procurement process. Grantees should note that their procurement process will need to comply with sealed bid process requirements noted in 2 CFR §200.320(b)(1) or competitive proposal process requirements noted in 2 CFR §200.320(b)(2). The procurement will need to be approved by the Trust before proceeding.

**Noncompetitive Procurement.** Noncompetitive procurement (2 CFR 200.320(c)) can only be awarded if one or more of the following circumstances apply:

1. The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold; 2 CFR 200.320(c)(1)
2. After solicitation of a number of sources, competition is determined inadequate. 2 CFR 200.320(c)(5)

## **Record Retention Requirements**

The Trust requires that all procurement materials be retained for six (6) years after the completion of the grant closeout unless otherwise specified below. The Trust may request copies of these records at any time during this record retention period.

**Informal Procurement Procedure – Documents Include:**

1. Notification or contact for requests for bid/quotes,
2. Quotes or Responses,
3. Contracts, Change orders.
4. Receipts and proof of payment

Files of unsuccessful bids/quotes may be discarded three (3) years after the completion of the grant closeout.

**Formal Procurement Methods – Documents Include:**

1. Notification or contact for requests for bid/quotes,
2. Formal Request for quotes,
3. Management decisions or any records pertaining to formal deliberation of bid selection,
4. Quotes or Responses,
5. Contracts, Change orders.
6. Receipts and proof of payment

Files of unsuccessful bids/quotes may be discarded three (3) after the completion of the grant closeout.