Presenters

Andrea Cooke – Senior Buyer, UCLA
Andrea has been with UCLA for 11 years during which she worked on various types of transactions, many with a high level of complexity. She has a significant amount of experience with both federally funded and non-federally funded transactions.

Calli Price – Purchasing & Contracts Manager, UCSB
Calli has been with UCSB Procurement for 8 years, and was one of the Procurement Subject Matter Experts in the UC Uniform Guidance Working Group. UCSB has been live with Uniform Guidance since December, 2014.
Agenda

- Federal Funds Breakdown
- How to Determine Funding Source
- Background
- Purpose
- What is Uniform Guidance (UG)
- Why is UG Important?
- UG Procurement Standards
- Appendix II to Part 200 – Contract Provisions for UC
- UC Procurement Compliance Summary
- UC Terms & Conditions of Purchase
- UC Federal Funds Checklist
- UC Source Selection and Price Reasonableness Form (SSPR)
- Debarment and Anti-Lobby Verification Process
- System for Award Management (SAM)
- Debarment and Anti-Lobby Verification Process
- Supplier Cost & Profit Analysis Process
- Resources
- Q & A
Federal Funds Breakdown

Federal Funds

Federal Grants

Federal Cooperative Agreements

Federal Contracts

Uniform Guidance (UG)

Federal Acquisition Regulations (FAR)
(flowdowns depend on type of Goods and/or Services)

- FAR for Commercial Goods and/or Services
- FAR for Non-Commercial Goods and/or Services

Legend
- Types of federal funds
- Types of federal compliance requirements

Refer to FAR 2.101 for details regarding “Commercial” & “Non-Commercial” definitions.
How to Determine Funding Source

- Generally, fund numbers relay this information which is provided on the transaction request/requisition from the department.

- Typically, campuses have access to contract and grant details within their campus to determine the prime sponsor and/or sponsor and type of award.

- Procurement team members should check with management for those details.

Note: In this training, we will focus on transactions funded by federal grants and cooperative agreements which are governed by UG. In Part 2, we will address transactions funded by Federal contracts.
What is Uniform Guidance (UG)?

- Uniform Guidance ("UG") is a set of federal regulations that became effective for Procurement on July 1, 2018.
- It impacts research administration and significantly reforms federal grants to focus resources on improving performance and outcomes.
- UG does not apply to transactions that are funded by a federal contract. We will elaborate on this in Part 2 of this training.
Background of UG

On December 26, 2014, the OMB issued the final guidance on Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, a.k.a. ‘Uniform Guidance.’

Supersedes and streamlines the following eight existing OMB Circulars:

- **A-21 Cost Principles for Educational Institutions**
- **A-87 Cost Principles for State, Local and Indian Tribal Governments**
- **A-122 Cost Principles for Non-Profit Organizations**
- **A-110 Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations**
- **A-102 Grants and Cooperative Agreements With State and Local Governments**
- **A-133 Audits of States, Local Governments and Non-Profit Organizations**
- **A-50 Audit Follow-up**
- **A-89 Catalog of Federal Domestic Assistance**
Purpose of UG

- To deliver on the promise of a 21st-Century government that is more efficient, effective and transparent, the Office of Management and Budget (OMB) is streamlining the Federal government’s guidance on Administrative Requirements, Cost Principles, and Audit Requirements for Federal awards.

- These modifications are a key component of a larger Federal effort to more effectively focus Federal resources on improving performance and outcomes while ensuring the financial integrity of taxpayer dollars in partnership with non-Federal stakeholders.

- This guidance provides a government-wide framework for grants management which will be complemented by additional efforts to strengthen program outcomes through innovative and effective use of grantmaking models, performance metrics, and evaluation.

- This reform of OMB guidance will reduce administrative burden for non-Federal entities receiving Federal awards while reducing the risk of waste, fraud and abuse.
Why is it Important to Understand UG?

- UG specifies procurement standards for entities that receive federal grants and cooperative agreements are required to follow;

- UC, as a recipient of such funds, is expected to document our compliance with those requirements when we execute associated transactions;

- The federal government audits recipients of federal funds to confirm compliance; and

- Failure to comply with UG may result in penalties, including but not limited to, loss of federal funds.

Note: “Federal Award” in this presentation refers to Federal Grants and Cooperative Agreements

§200.317 Procurement by States

- When procuring property and services under a Federal award, a state must follow the same policies and procedures it uses for procurements from its non-Federal funds.

- The state will comply with § 200.322 Procurement of recovered materials and ensure that every purchase order or other contract includes any clauses required by section § 200.326 Contract provisions.

- All other non-Federal entities (UC is a non-federal entity), including subrecipients of a state, will follow § 200.318 General procurement standards through § 200.326 Contract provisions.
§ 200.318 General Procurement Standards (1/3)

☐ (a) UC must use its own documented procedures which reflect State and local laws, provided they conform with the UG

☐ (b) UC must maintain oversight to ensure suppliers perform in accordance with our terms, conditions, specs

☐ (c) UC must maintain written standards of conduct related to conflict of interest (same as PCC and BUS-43)

☐ (d) Purchases must be necessary, and we must consider economical approaches such as consolidation, breaking out purchases, and/or leasing analysis to get best pricing
§200.318 General Procurement Standards (2/3)

- (e) UC can use our competitively bid systemwide and campuswide agreements; the use of state/local/intergovernmental agreements is encouraged

- (f) UC is encouraged to use Federal excess and surplus property in lieu of purchasing new to reduce costs

- (g) *Construction*

- (h) UC must award contracts only to responsible contractors that can meet our procurement terms and conditions. Consideration in award methodology may be given for:
  - Integrity
  - Compliance with public policy
  - Record of past performance
  - Financial and technical resources
§200.318 General Procurement Standards (3/3)

- (i) UC must maintain documentation to record the history of the procurement, including: rationale for method of procurement, contract selection type, contractor selection/rejection, and basis for contract price.

- (j) UC should avoid Time and Material contracts, but may use them only after determining:
  1. no other contract type is suitable
  2. there is a ceiling price above which supplier has the risk, and
  3. NFE asserts strong oversight that supplier uses efficient methods and cost controls

- (k) UC is responsible for the settlement of all contractual and administrative issues arising out of procurements.
§200.319 Competition (1/3)

- Same as PCC; UC must provide full and open competition and not allow follow-on agreements.

- Must not restrict competition by allowing any of these:
  - Unreasonable requirements
  - Unnecessary supplier experience
  - Excessive bonding
  - Non-competitive pricing practices between firms or affiliated companies
  - Non-competitive contracts to consultants on retainer
  - Organizational conflicts of interest
  - Specifying “brand name” without allowing “or equal”
  - Any arbitrary action in the procurement process

- No geographical preferences except where Federal law allows or mandates it (architectural & engineering services may be exempt, see full text)
§200.319 Competition (2/3)

☐ UC must have written procedure for transactions* (BUS-43, CalUsource). Solicitations must:

➤ Incorporate clear and accurate description of technical requirements...

✓ But, no features that unduly restrict competition
✓ May include qualitative statements
✓ Detailed specs should be avoided
✓ When necessary, include minimum essential characteristics and standards
✓ When necessary, OK to use “brand name or equivalent” But, the specific features of the named brand must be clearly stated

➤ Identify ALL requirements that respondents must fulfill and all other factors that will be used in evaluation
§200.319 Competition (slide 3/3)

- UC must post bids publicly (preferably through Public Bid Site).
- UC must not limit competition to a list of invited suppliers*.
- UC must ensure that all lists of prequalified sources are current and include enough to ensure maximum open and free competition.
- Potential sources must not be prevented from qualifying during the solicitation period.

* If not using Federal funds, UC may use a list of invited suppliers if it includes enough to ensure adequate competition.
§200.320
Methods of Procurement to be Followed (1/3)
### §200.320 Methods of Procurement to be Followed (2/3)

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Threshold</th>
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<tbody>
<tr>
<td><strong>Micro-Purchase</strong></td>
<td>No competitive quotes are required if management determines price is reasonable. (Threshold includes shipping &amp; handling, tax – Uniform Guidance and FAR requires documentation of all expected charges related to purchase.)</td>
<td>≥ $10,000</td>
</tr>
<tr>
<td><strong>Small Purchase</strong></td>
<td>Purchases <strong>up to</strong> Simplified Acquisition threshold – currently $250k. Formal solicitations must be obtained from an adequate number of sources for purchases equal to, or greater than, $100k, per UC BUS-43.</td>
<td>UG: Up to $250k; BUS-43: ≥ $100k</td>
</tr>
</tbody>
</table>
### §200.320 Methods of Procurement to be Followed (3/3)

<table>
<thead>
<tr>
<th>Title</th>
<th>Description</th>
<th>Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Competitive Proposals</strong></td>
<td>Used for purchases <strong>over</strong> Simplified Acquisition Threshold ($250k). Requires formal solicitation, fixed-price or cost-reimbursement contracts – used when sealed bids are not appropriate. Contract should be awarded to responsible firm whose proposal is most advantageous, with price being one of many factors. Formal solicitations must be obtained from an adequate number of sources for purchases equal to, or greater than $100k per UCOP BUS-43.</td>
<td><strong>UG:</strong> &gt; $250k; <strong>BUS-43:</strong> ≥ $100k; <strong>UC must follow more stringent requirement.</strong></td>
</tr>
<tr>
<td><strong>Non-Competitive Proposals</strong></td>
<td>A.k.a. <strong>sole-source procurement</strong>, this may be appropriate only when specific criteria are met:  1) item is available only from one source  2) public emergency does not allow time for competitive proposal process,  3) Federal awarding agency authorizes, or,  4) after repeated attempts, competition is deemed inadequate.</td>
<td><strong>UG:</strong> &gt; $10k</td>
</tr>
</tbody>
</table>
§200.321 Contracting with Small and Minority Businesses, Women’s Business Enterprises, and Labor Surplus Area Firms

- Must take all necessary affirmative steps to assure such entities are used when possible

- Affirmative steps include (all of the following)
  - Placing such entities on solicitation lists
  - Assuring such entities are solicited whenever they are potential sources
  - Dividing total requirement, when economically feasible, into smaller tasks or quantities to permit maximum participation by such entities
  - Establishing delivery schedules, where requirements permit, which encourage participation by such entities
  - Using such organizations as Small Business Administration and the Minority Business Development Agency
  - Requiring prime contractors to take the same above affirmative steps with respect to any subcontractors
§200.323 Contract Cost and Price (1/2)

- **Must perform a cost or profit analysis** in connection with every procurement action in excess of the Simplified Acquisition Threshold ($250,000.00)

  - Price analysis is covered by RFx or competing quotes **below $99,999.99**

  - Cost Analysis is required for sole sources and RFx that result in only one response
§200.323 Contract Cost and Price (2/2)

- Must negotiate profit as a separate element of price for each contract in which there is no price competition and in all cases where cost analysis is performed.

- Must consider (all of the following):
  - Complexity of the work to be performed
  - Risk borne by the contractor
  - Contractor’s investment
  - Amount of subcontracting
  - Quality of record of past performance
  - Industry profit rates in the geographical area for similar
§200.324 Federal Awarding Agency or Pass-Through Entity Review

- If Federal awarding agency or pass-through entity requests, UC must make available technical specs on proposed procurements, or procurement documents.

- UC may be exempt from pre-procurement review if Federal awarding agency or pass-through entity determines their procurement system complies with UG.

- UC campuses may request our procurement systems be reviewed by the Federal awarding agency or pass-through entity.

- UC campuses may also self-certify their procurement system(s), but this self-certification must not restrict the Federal awarding agency (or pass-through) from surveying our system.

The non-Federal entity's contracts must contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for non-Federal Entity Contracts Under Federal Awards.
Appendix II to Part 200 – Contract Provisions for UC

“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.”

(Reminder: Under UG, UC is considered a “non-Federal entity”)

Contract provisions include:

- Termination for cause and for convenience (including manner by which it will be effected and basis for settlement);
- Equal Employment Opportunity;
- Davis-Bacon Act including Copeland “Anti-Kickback” Act (construction only);
- Contract Work Hours and Safety Standards Act (construction only);
- Rights to Inventions Made Under a Contract or Agreement;
- Clean Air Act & Federal Water Pollution Control Act;
- Debarment & Suspension; and
- Byrd Anti-Lobbying Amendment
UC Procurement Compliance Summary

To address UG compliance requirements, we have revised existing documents and developed systemwide processes and forms.

These include:

- UC Terms and Conditions (*Revisions*)
- UC Federal Funds Checklist (*New*)
- UC Source Selection and Price Reasonableness Form (*Revisions*)
- Debarment and Anti-Lobby Verification Process (*New*)
- Supplier Cost and Profit Process and Form (*New*)
UC Terms and Conditions of Purchase

Article 11 updated to address UG as follows:

- Title changed to “Federal Funds”

- New sub-section C added with the following language:
  “For transactions involving funds on a federal grant or cooperative agreement (federal awards governed by eCFR Title 2, Subtitle A, Chapter II, Part 200) the following provisions apply, as applicable:”

- Followed by language that addresses:
  - Rights to Inventions;
  - Clean Air Act; and
  - Procurement of Recovered Materials.

- Remaining contract provisions required by UG are covered in other articles in the UC Terms & Conditions. Refer to the Federal Funds Checklist for details.

- Existing sub-section D updated with sub-section iv. Byrd Anti-Lobbying.
## UC Terms & Conditions of Purchase Versions

<table>
<thead>
<tr>
<th>Version</th>
<th>Use</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>UC Terms and Conditions of Purchase (UC Ts&amp;Cs)</td>
<td>All purchases per UC requirement</td>
<td><a href="https://www.ucop.edu/procurement-services/policies-forms/index.html">https://www.ucop.edu/procurement-services/policies-forms/index.html</a></td>
</tr>
<tr>
<td>Contract Addendum – UC Required Terms</td>
<td>If unable to use UC Ts&amp;Cs, must use to comply with UC requirement</td>
<td><a href="https://www.ucop.edu/procurement-services/policies-forms/index.html">https://www.ucop.edu/procurement-services/policies-forms/index.html</a></td>
</tr>
<tr>
<td>Annotated UC Terms and Conditions of Purchase</td>
<td>Negotiations with suppliers (provides options for buyers)</td>
<td>UC protected site – to obtain log-in information, contact: <a href="mailto:Bara.Waters@ucop.edu">Bara.Waters@ucop.edu</a></td>
</tr>
</tbody>
</table>
UC Federal Funds Checklist

New document developed as a job aid to guide buyers through Federal compliance requirements for all types of Federal funds

Contains three sections:

- **Section 1** lists the compliance requirements for all federally funded transactions
- **Section 2** lists the [UG](#) compliance requirements which apply to transactions that are funded by a [federal grant](#) or cooperative agreement
- **Section 3** lists the [FAR](#) compliance requirements which apply to transactions that are funded by a [federal contract](#).

Notes:
1. In this session, we will review the first two sections of the form. Section 3 of the form will be discussed in Part 2 of Federal Funds Training.
2. The form is on the UC protected site. Please contact Bara Waters at Bara.Waters@ucop.edu to obtain the log-in information.
Federal Funds Checklist Breakdown – Section 1

<table>
<thead>
<tr>
<th>FILE</th>
<th>N/A</th>
<th>DOCUMENTATION REQUIREMENT</th>
</tr>
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</table>
| ☐ ☐ | ☐ ☐ | Prime/Sponsor Award number – include in P.O. or agreement  
Recommended by Federal Auditors |
| ☐ ☐ | ☐ ☐ | UC Terms and Conditions Purchase  
*If N/A, must use required language in Contract Addendum - UC Required Terms*  
([https://www.ucop.edu/procurement-services/policies-forms/index.html](https://www.ucop.edu/procurement-services/policies-forms/index.html)) |
| ☐ ☐ | ☐ ☐ | Equipment must be purchased 90 days in advance of expiration date unless there is appropriate written approval |
| ☐ ☐ | ☐ ☐ | Source Selection and Price Reasonableness (SSPR) Form  
([https://www.ucop.edu/procurement-services/policies-forms/index.html](https://www.ucop.edu/procurement-services/policies-forms/index.html)) |

☐ GRANT *(Go to section 2)*  ☐ COOPERATIVE AGREEMENT *(Go to section 2)*  ☐ CONTRACT *(Go to section 3)*
### Federal Funds Checklist Breakdown – Section 2

#### 2. REQUIREMENTS FOR FEDERAL GRANTS AND COOPERATIVE AGREEMENTS IN

<table>
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<th>DOCUMENTATION REQUIREMENT</th>
<th>P.O. $ LIMIT</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>Uniform Guidance 2 CFR 200 Flow Downs</strong> - covered in the following articles in the UC Terms &amp; Conditions. The articles listed below cannot be deleted or edited:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Article 2 Term and Termination</strong>: Termination for cause &amp; convenience by the non-Federal entity, including manner by which it will be affected and the basis for settlement;</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Article 12 Equal Opportunity Affirmative Action</strong>: Equal Employment Opportunity;</td>
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<tr>
<td></td>
<td></td>
<td><strong>Article 11 Federal Funds, C. i, Rights to Inventions</strong>: Rights to Inventions Made Under a Contract or Agreement;</td>
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<tr>
<td></td>
<td></td>
<td><strong>Article 6 Warranties, C. Federal &amp; State Water &amp; Air Pollution Laws</strong>: Clean Air Act  (42 U.S.C. 7401-7671q.) &amp; Federal Water Pollution Control Act (33 U.S.C. 1251-1387);</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td><strong>Article 6 Warranties, G. Debarment &amp; Suspension</strong>: Debarment &amp; Suspension (Executive Orders 12549 &amp;12689); and</td>
<td></td>
</tr>
</tbody>
</table>

- **Debarment Verification**
  - Campus locations to select documentation process from options listed in the “Notes” section at the bottom of page 2.

- **Anti-Lobby Verification**
  - Campus locations to select documentation process from options listed in the “Notes” section at the bottom of page 2.

- **Supplier Cost & Profit Analysis** – required when there is no price competition
  - Check with your procurement department regarding process. Options may include:
    1. Obtain internally at their campus (i.e. department that handles proposal/prime award); or
    2. Use Suppliers Cost & Profit Analysis Form located at (https://www.ucop.edu/procurement-services/policies-forms/index.html)
Section III. PRICE REASONABLENESS, item 2.

- Added checkbox (to indicate if associated documentation is attached);
- Added “cooperative agreement” after “grant” because this item applies to both;
- Deleted “sole source” and replaced it with “no competition” for clarification because it is possible for a sole-sourced transaction to have price comparison(s).

III. PRICE REASONABLENESS (Complete only if Sole Source, Small Business, Professional/Personal Services is checked in Section 1): This section is required by the CA Public Contract Code and FAR provision Subpart 15.4.

1) **How did you determine this is a fair and reasonable price?** Base price reasonableness on comparable/similar quotes or compare the price to historical prices paid for the same or similar items.

2) □ Complete only for Federal grant and cooperative agreement orders ≥ $250,000 for which there is no price competition. Per 2 CFR § 200.323 – requires Supplier profit to be discussed with Supplier and documented. This can be documented with the ‘Supplier Profit form’ (located on UCOP website) or by attaching copies of email communications with Suppliers. Check the box if documentation is attached.

3) □ Complete only for sole-sourced Federal non-commercial contract orders ≥ $750,000: FAR subsection 15.403-4 requires Suppliers to submit certified cost or pricing data. Check the box if the ‘UC Certified Cost or Pricing Data for Federal Contract Purchases’ form (located on UCOP website) is attached.
Section IV. **SOLE SOURCE**

- Added “cooperative agreement” after “grant” to “No Competition” option because this item applies to both
- Added “include documentation” to remind requesting departments that supporting documentation is required for sole source transactions.

**IV. SOLE SOURCE** *(Complete only if Sole Source is checked in Section I):* Check the applicable box from one of the funding sections below. For mixed funding, check Federal side only.

**Federal Funds**
- [ ] One-of-a-kind
- [ ] Emergency
- [ ] Awarding Agency Approval
- [ ] No Competition (Grant and Cooperative Agreement Funds Only)

**Non-Federal Funds**
- [ ] One-of-a-kind/Unique
- [ ] Match existing - list UC PO#

**Detail the unique circumstances and/or specifications** that make this the **only supplier** capable of meeting your requirement and why other suppliers were not selected (i.e. specifications that didn’t meet performance requirements) and include documentation. **NOTE:** Pre-work with the selected supplier to customize the equipment, thereby excluding competition, is not an allowable justification. Price and brand names are not allowable justifications. For Federal funds only, geographical preferences are not an allowable justification.

**Note:** Additional revisions will be addressed in Part 2 of this training.
Debarment & Anti-Lobby Verification Process

Notes:
*Process for Debarment and Anti-Lobby Verification:

A. **SAM:** Debarment - Search supplier’s debarment status in SAM (https://www.sam.gov). If the page states “no exclusions”, print the page and insert it into the P.O. file. If not, use option B. UC Form;

Anti-Lobby - Search supplier in SAM. Go to the “Reps & Certs” page(s) and locate “FAR 52.203.11”. Print that page and insert into the P.O. file. If “FAR 52.203.11” is not listed, use option B. UC Form.

*If supplier is not in SAM, use option B. UC Form.*

B. **UC Form:** Complete the applicable section(s) of the Debarment and Anti-Lobby Certification Form (https://www.ucop.edu/procurement-services/policies-forms/index.html), then send to supplier to complete and sign. Insert a copy of the completed and signed form in the P.O. file.

**Refer to FAR 2.101 for details regarding “Commercial” & “Non-Commercial” definitions.**
System of Award Management (SAM): [https://www.sam.gov](https://www.sam.gov)

SAM is the official record for supplier registration of the U.S. government and is populated by all federal agencies.

**Debarment** - Search supplier’s debarment ("exclusion") status

**Anti-Lobby** - Locate “FAR 52.203.11” on “Reps & Certs” page(s)
System of Award Management (SAM)

Go to website

Click “Search Records”
CAGE Code (Commercial and Government Entity Code) is a unique identifier assigned to suppliers to various government or defense agencies, as well as to government agencies themselves and various organizations. CAGE codes provide a standardized method of identifying a given facility at a specific location.
Details for supplier’s record summary

Click “View Details” to access supplier’s record.
Debarment Verification: If Active Exclusions is “No”, print page or save as pdf. for P.O. file. If “Yes”, advise supplier and requesting department that we are unable to contract with them.
SAM Debarment – Exclusions “Yes” (1/3)

SAM is the official record for supplier registration of the U.S. government and is populated by all federal agencies.

UG specifically states that a contract award must not be made to parties with an exclusion in SAM. A different supplier will need to be used.

*If Sam.gov search results in a “YES” for an active exclusion:*

- That supplier is ineligible to receive federal government contracts or financial assistance.
- We should notify the end user/department and supplier; and
- Immediately deactivate the debarred supplier’s record in our campus eProcurement system.

*When notifying the requesting department and supplier:*

- Refer them to the “Exclusion Details” page in SAM; and
- Suggest that requesting department work with their Awarding Agency to determine if the particular exclusion applies for an exception.
This supplier has an “Active Exclusion”

Click “View Details” for details of exclusion
Exclusion Details page

Specific details about exclusion
SAM - Anti-lobby (1/2)

Anti-lobby Verification:
Step 1 - Click “Reps & Certs” to access list and search for Anti-Lobby FAR 52.203.11
Anti-lobby Verification:
Step 2 – Locate FAR 52.203.11 then print page or save as pdf. for P.O. file. If the FAR provision is not listed, use Option B - UC Form.
SAM – Option B (1/3)

*Use Option B – UC Form when:*

- Supplier is not in SAM;
- Supplier’s record is in SAM but it is not active; and
- FAR 52.203-11 is not listed in supplier’s record, use form, section B (Anti-lobby).
Debarment & Anti-Lobby Verification Process – Option B (2/3)

**UC Form: Debarment and Anti-Lobby Certification Form**

https://www.ucop.edu/procurement-services/policies-forms/index.html

**Debarment** (Supplier’s signature is required in signature block on page 2)

Suppliers must sign this form in the designated location on page 2.

A. Debarment Certification

To be completed by UC Procurement

-Federal grant or cooperative agreement: all purchases
- Federal contract: ≥ $35,000

Suppliers, please complete the following certification and sign the bottom of page 2.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS (FIRST TIER SUBCONTRACTOR)

(a) (1) The Offeror certifies, to the best of its knowledge and belief, that

   (i) The Offeror and/or any of its Principals—

   (A) Are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;

   (B) Have not, within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; and

   (C) Are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in subdivision (a)(1)(B) of this provision.

   (ii) The Offeror has not within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.

   (2) “Principals,” for the purposes of this certification, means officers; directors; owners; partners; and, persons


Procurement completes these sections

Suppliers complete this section and must sign bottom of page 2.
Anti-Lobby (page 2 of form)

(B) Anti-Lobby Certification

To be completed by supplier

☐ Federal grant or cooperative agreement: ≥ $100,000
☐ Federal contract: ≥ $150,000

CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (SEPT 2007)

(a) Definitions. As used in this provision—“Lobbying contact” has the meaning provided at 2 U.S.C. 1602(8). The terms “agency,” “influencing or attempting to influence,” “officer or employee of an agency,” “person,” “reasonable compensation,” and “regularly employed” are defined in the FAR clause of this solicitation entitled “Limitation on Payments to Influence Certain Federal Transactions” (52.203-12).

(b) Prohibition. The prohibition and exceptions contained in the FAR clause of this solicitation entitled “Limitation on Payments to Influence Certain Federal Transactions” (52.203-12) are hereby incorporated by reference in this provision.

(c) Certification. The offeror, by signing its offer, hereby certifies to the best of its knowledge and belief that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on its behalf in connection with the awarding of this contract.

(d) Disclosure. If any registrants under the Lobbying Disclosure Act of 1995 have made a lobbying contact on behalf of the offeror with respect to this contract, the offeror shall complete and submit, with its offer, OMB Standard Form LLL, Disclosure of Lobbying Activities, to provide the name of the registrants. The offeror need not report regularly employed officers or employees of the offeror to whom payments of reasonable compensation were made.

(e) Penalty. Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by 31 U.S.C. 1352. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure required to be filed or amended by this provision, shall be subject to a civil penalty of not less than $10,000, and not more than $100,000, for each such failure.

This certification must be signed by an authorized representative of your organization.

Certified by (Signature): ________________________________
Printed Name: ________________________________
Company Name: ________________________________

Procurement completes this section

Suppliers must sign here whenever this form is used.
Supplier Cost & Profit Analysis Requirement

Required for transactions funded by a federal grant or cooperative agreement $\geq$ $250,000$ for which there is no price competition.

Note: For all other federally funded transactions, price reasonableness is addressed in other ways.

Process: Check with your procurement department for the method/process that will be used by your campus because, based on discussion with Office of Naval Research (ONR) auditors (audits federally funded transactions), there is no required format.

Options may include:

• Obtaining the documentation internally (i.e. from department that handles proposal/prime award, requesting department, etc.); or

• Suppliers Cost & Profit Analysis Form is located at https://www.ucop.edu/procurement-services/policies-forms/index.html
Resources


2. Procurement Standards for UG is specifically located in sections: e-CFR 200.317 to 200.326

3. Council on Financial Assistance Reform (COFAR) website. COFAR website contains background information, FAQs, and links to Uniform Guidance and supplemental materials.


6. Annotated UC Terms & Conditions; Federal Funds Checklist: UC protected site – to obtain log-in information, contact: Bara.Waters@ucop.edu
Q & A

• Questions and feedback are welcome

• After this session, please email questions to:
  – Andrea Cooke: acooke@finance.ucla.edu
  – Calli Price: calli.price@ucsb.edu
  – Laurina Ashby: laurinaashby@berkeley.edu

• This training will be posted in the password-protected area of the UC Procurement Services website.

Thank You!