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*Grant Policies &  
Procedures*

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## **Introduction**

This manual sets forth the policies and procedures used by Foxborough Regional Charter School (FRCS) to administer federal funds. The manual contains the internal controls and grant management standards used by the district to ensure that all federal funds are lawfully expended. It describes in detail the district's financial management system, including cash management procedures, procurement policies; inventory management protocols; procedures for determining the allowability of expenditures; time and effort reporting; record retention; and sub-recipient monitoring responsibilities. New employees of the district, as well as incumbent employees, are expected to review this manual to gain familiarity and understanding of the district's rules and practices.

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## **I. FINANCIAL MANAGEMENT SYSTEM**

FRCS maintains a proper financial management system in order to receive both direct and state administered grants and to expend funds associated with a grant award. Fiscal controls and procedures are in place to ensure that all financial management system requirements are met.

### **A. FINANCIAL MANAGEMENT STANDARDS**

The standards for financial management systems are found at 2 C.F.R. § 200.302. The standards include:

#### **Identification**

FRCS identifies the accounts in Accufund of all federal awards received and expended, by the federal programs awarded. Federal program awards are identified by the CFDA title and number, federal award identification number and year, name of the federal agency, and the US Department of Education passed through MA DESE (Department of Elementary and Secondary Education).

#### **Financial Reporting**

Accurate, current, and complete disclosure of the financial results of each federal award or program are made in accordance with the financial reporting requirements set forth in the Education Department General Administrative Regulations (EDGAR).

#### **Accounting Records**

FRCS maintains records which adequately identify the source and application of funds provided for federally assisted activities. These records contain information pertaining to grant or subgrant awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest and are supported by source documentation.

#### **Internal Controls**

Effective control and accountability are maintained for all funds, real and personal property, and other assets. FRCS adequately safeguards all such property and assures that it is used solely for authorized purposes.

"Internal controls" are tools to help program and financial managers achieve results and safeguard the integrity of their program. Internal controls should be designed to provide reasonable assurance that the following objectives are achieved:

- Effectiveness and efficiency of operations.
- Adequate safeguarding of property.
- Assurance that property and money is spent in accordance with grant program and to further the selected objectives; and
- Compliance with applicable laws and regulations.

**Budget Control**

Actual expenditures or outlays are compared with budgeted amounts for each federal award.

**Cash Management**

FRCS maintains written procedures to implement the cash management requirements found in EDGAR. Please see page 16 for these written cash management procedures.

**Allowable Costs**

The district maintains written procedures for determining allowability of costs in accordance with EDGAR. Please see page 10 for the written allowability procedures.

**B. OVERVIEW OF THE FINANCIAL MANAGEMENT/ACCOUNTING SYSTEM**

FRCS utilizes the AccuFund Accounting system. AccuFund is the primary system for purchasing, tracking fixed assets, and budgeting and accounting. Fixed assets are managed by the Director of Operations and the Director of Finance. The Director of Operations is responsible for the inventory of all hardware and software district wide. Inventory for instructional materials is the responsibility of the respective Director and/or Department Head. Director of Operations is responsible for the inventory of items purchased with grant funds from the time of purchase through their disposal. All inventories are reviewed on a semi-annual basis.

Once a grant award notice (GAN) is received by the district, the grant program administrators (Director of Teaching and Learning and Director of Student Services), the Grants Manager and the Director of Finance meet to review the planned expenditures. The Grants Manager will assign the appropriate account codes. In compliance with 2 C.F.R. 200.302, FRCS tracks the CFDA title and number, federal award identification number and year, name of the federal agency using a grant tracking sheet maintained by the Grants Manager. An example of a grant tracking sheet can be found in Appendix A. The Grants Manager establishes the account codes in AccuFund and enters the budgeted amounts. Once reviewed and approved by the Director of Finance, the budgets are available for use. All grant expenditures are made within the start and end dates of the grant award. Budgeted amounts in AccuFund are aligned with the current grant award notice. If an amendment is approved, AccuFund is updated within five (5) days of receipt of the GAN.

**C. BUDGETING**

**The Planning Phase: Meetings and Discussions**

**Before Receiving the Grant Award Notice (GAN)**

All state and federal grant applications shall be submitted to the Grants Manager and the Director of Finance for review and approval at least two weeks prior to the grant application deadline. Grant applications must be complete and have all narratives, budgets, and any required forms ready for review. Any State and Federal

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grants will need to contain all pertinent details including the CFDA title and number, federal award identification number and year, name of the federal agency and if applicable, name of the pass-through entity.

When FRCS staff find a grant opportunity that they wish to pursue, they shall utilize the appropriate Google Form and forward the following information to the Grants Manager:

1. Purpose of grant.
2. Benefits and pitfalls of the grant for FRCS.
3. Benefits to the students.
4. Identification of grant recipient(s).
5. Timeline for application and approval.
6. Potential amount and length of funds.

The first step in grants planning is to conduct a needs assessment. Program administrators (Director of Teaching and Learning and Director of Student Services) will review school and district level data such as benchmarking scores, MCAS and MAP data, and other district determined measures. Program administrators and the Grants Manager will meet and discuss potential grant funding opportunities with affected principals and other key stakeholders. Prospective grant proposals will be written to align with current FRCS needs and further the goals identified in the district improvement plans.

As part of the grant writing and planning process, program administrators (Director of Teaching and Learning and Director of Student Services) will meet with the Grants Manager and the Director of Finance to review and refine program budgets. Business office staff will provide program administrators with information on staff salaries for the current year and projected salaries for future years. The Business Office will review and provide suggestions on budget amounts for fringe benefits including health insurance, life insurance (if applicable) and FICA. The Director of Finance will also review whether budgeted salaries, stipends and hourly work are pension applicable under the Massachusetts Teachers Retirement System (MTRS) and will ensure that an appropriate amount is budgeted in the federal grant budget line. Review of budgeted funds is particularly important for any program salaries or stipends that are marked MTRS pension applicable as eighty percent of funds budgeted for MTRS are sent directly to MTRS via wire transfer. After a grant is awarded, the amount budgeted and wired to MTRS may only be changed through a budget amendment submitted and approved by DESE of any given grant award year.

Grant funds can supplement the FRCS budget but cannot supplant budgeted funds. Therefore, whenever possible, the grant application should be developed in conjunction with the FRCS annual budget. Finally, grant planning should make use of existing furniture and equipment rather than purchasing new items with grant funds. The Director of Operations is a good resource to locate available furniture and equipment for use.

Pension costs and reporting requirements should be discussed when preparing all federal grant applications. Federally funded grants are required to set aside an additional 9% of the total salary for Massachusetts Teachers' Retirement System (MTRS) eligible employees. Massachusetts General Laws Chapter 35, Section 32A and Chapter 40, Section 5D require that all federal grants received by local governments be charged for pension costs incurred because of the grant. When possible, FRCS does not fund MTRS eligible individuals with federal grant funds.

### *Competitive Grants*

In addition to the grant procedures outlined above, program administrators who are interested in pursuing competitive grants in the amount of \$5,000 or more shall also meet with the Grants Manager to discuss the

grant application. Additional lead time will be needed for this process and should be planned to take a minimum of one month, with larger grants needing up to several months of lead time for district implementation team planning and review. The FRCS implementation team will consist of the Deputy Director, the Director of Finance, the Chief of Staff, the Director of Student Services, and the Grants Manager.

#### *Foundation Grants*

The Grants Manager will present other potential grants to the relevant FRCS staff once a completed Google Form is submitted. These grants typically have different narrative formats, applications, reporting, and tracking requirements. During the initial planning process, the Grants Manager will schedule information gathering sessions to best prepare the application and budget. If funding is secured through a particular foundation grant, then the Grants Manager will be responsible for following through with the reporting and tracking requirements. These will be set prior to grant funding.

#### *Reviewing and Approving the Budget*

Grant program administrators are responsible for determining whether budgeted items are allowable under a specific grant. When a question arises about whether a specific item is allowable under a grant, the grant program administrator, or the Grants Manager, shall consult with a contact person from the funding agency, typically the program officer liaison. Once the grant program administrator determines that all budgeted items are allowable and has met with the Grants Manager and the Director of Finance to refine the budget, the budget and grant narrative are sent to the Executive Director for final review and approval. The Grants Manager will notify the grant program administrator once the application is approved or discuss any questions or concerns with the administrator. Approved grant applications are signed by either the Executive Director or the Deputy Director and submitted electronically to DESE or the appropriate federal department by the Grants Manager. Hard copies of the signature page are mailed by the Grants Manager, if required by the funding agency. A copy of the full grant application is submitted to the Business Office once signed. The application is filed in the Business Office's grant binder for the appropriate fiscal year.

#### **After Receiving the GAN**

After receiving the GAN, the approved budget can be loaded into AccuFund. If the GAN mirrors the grant submission budget, the GAN amounts are loaded into AccuFund without additional discussions. If the GAN amounts vary from the submission (whether increased or decreased), the Grants Manager, Deputy Director and the Director of Finance meet to review the differences and implications for the variance. A revised budget is developed based on the GAN and program objectives. The revised amounts, aligned with the GAN, are then loaded into AccuFund.

#### **Amending the Budget**

FRCS ensures grant amendments are submitted and approved in a timely manner. Grant amendments can be made for financial and/or programmatic purposes. The Grants Manager, Deputy Director, or Program Administrators can create a grant amendment. Grant amendments must be submitted in advance of need; implementation of the amendment is reliant on the amendment approval date.

#### **Budget Control**

FRCS monitors its financial performance by comparing and analyzing actual results with budgeted results. The Director of Finance runs year-to-date budget reports for all grant funds on a monthly basis. The year-to-date budget reports are used to update the grant tracking sheets. A sample of the tracking sheet is in Appendix A. The tracking sheets are updated by the Grants Manager weekly. If significant variances exist, or a trend that may lead to a significant variance is determined by the Business Office, then the Director of Finance is notified. Program Administrators will determine if an amendment is appropriate. Differences greater than 10% require

a budget amendment. Instructions can be found in the DESE grant procedure manual section B “Amendment Process” <https://www.doe.mass.edu/grants/procedure/manual.html#iv-b>

**D. ACCOUNTING RECORDS**

Accounting records are kept in cloud storage. The Business Office is responsible for the maintenance of all purchase orders and related accounting records in conformance with the Municipal Records Retention Schedule. To review this retention schedule in its entirety, visit the web address at: [http://www.sec.state.ma.us/arc/arcpdf/MA\\_Municipal\\_Records\\_Retention\\_Manual.pdf](http://www.sec.state.ma.us/arc/arcpdf/MA_Municipal_Records_Retention_Manual.pdf).

Relevant definitions in this section include the following:

- *An asset:* anything owned by an individual or a business, which has commercial or exchange value. Assets may consist of specific property or claims against others, in contrast to obligations due others.
- *A liability:* a loan, expense, or any other form of claim on the assets of an entity that must be paid or otherwise honored by that entity.
- *Revenue:* the inflows of assets from selling goods and providing services to customers; including the reduction of liabilities from selling goods and providing services to customers.
- *An expense:* the amount of assets or services used during a period.

If an error is found while reviewing the grant tracking sheet, the individual will notify the Business Office. The potential error will be researched, and if necessary, generate a journal entry with supporting documentation. The Business Office reviews the journal entry for accuracy and enters the information into AccuFund.

The Chart of Accounts for the grant fund organization codes was set up so that an individual could track expenses by fund, fiscal year, award year, and source of funds. Below is an outline detailing the structure of the organization codes for grant funds:

<u>AccuFund Code</u>	<u>Grant Fund</u>	<u>Type of Expense</u>	<u>Fund Code &amp; YR</u>
2 Digits	3 Digits	4 Digits	4 Digits

*Grant Fund:*

This three-digit code designates the account as a grant (610)

*Type of Expense:*

The four-digit code designates where the expenditures are expensed (5141- Stipend, 5515- Supplies and Materials, 5320 – Contracted Services, 5730 - Travel, 5780- Other)

*Fund Code and Year*

The three-digit code designates the fund code of the grantor. The last digit is to reflect current YR (1) or carryover year (2), or if applicable, multiple carryover (3):

- 3051 Title I Grant Funds (first/current year)
- 3172 METCO Grant Funds (second year)
- 2403 Special Education Grant (third year)
- 2621 Early Childhood Special Education (first/current year)



### **E. SPENDING GRANT FUNDS**

As the recipient of federal funds, FRCS is responsible for administering the grant consistent with the grantor's terms and conditions. Federal funds must be administered in a manner consistent with the cost principles contained in EDGAR and 2 CFR Part 200 the Uniform Administrative Requirements, Cost Principles and Audit Requirements for federal awards. The Grants Manager and the Director of Finance are responsible for ensuring compliance with EDGAR and 2 CFR Part 200.

Although each grant may have specific allowable and unallowable costs, FRCS adheres to the federal cost principles when developing and administering the budget. Federal cost principles require costs to be allowable, reasonable, and allocable.

To meet the definition of "allowable," a cost must:

1. Be necessary and reasonable to carry out the grant.
2. Be consistent with the policies and procedures that apply uniformly to federal and non-federally financed expenses.
3. Not be included as part of a match of federal funds.
4. Be adequately documented.

Please refer to the FRCS Financial Policy and Procedure Manual for further guidance on documentation.

To meet the definition of "reasonable," the cost of the good or service does not exceed the amount a prudent person would spend on an item at the time the decision was made to incur the cost. Reasonable is further defined as:

1. Use of sound business practices, adherence to federal, state, and local laws and regulations; and the terms and conditions of the Federal award.
2. Use of market prices in the metro west Boston area for comparing the costs of goods and services.

To meet the definition of "allocable," the cost of the goods or services involved are chargeable or assignable to that Federal award or cost objective in accordance with relative benefits received. Allocable is further defined as:

1. Costs are incurred specifically for the Federal award.
2. Costs can be distributed in proportions that may be approximated using reasonable methods.
3. Costs necessary to the overall operation of the non-Federal entity.

These definitions are copied from the Code of Federal Regulations (CFR).

While developing and reviewing the grant budget, the Director of Finance and the Grants Manager keep in mind the difference between direct costs and indirect costs.

***Direct and Indirect Costs***

*Determining Whether a Cost is Direct or Indirect:* Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy. 2 C.F.R (Code of Federal Regulations). § 200.413(a). Indirect costs are those that have been incurred for a common or joint purpose benefiting more than one cost objective, and not readily assignable to the cost objectives specifically benefitted, without effort disproportionate to the results achieved. 2 C.F.R. § 200.56. Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect costs. 2 C.F.R. § 200.413(a).

Identification with the federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect costs of Federal awards. Typical costs charged directly to a federal award are the compensation of employees who work on that award, their related fringe benefit costs, the costs of materials and other items of expense incurred for the Federal award. 2 C.F.R. § 200.413(b). The salaries of administrative and clerical staff should normally be treated as indirect costs. Direct charging of these costs may be appropriate only if all the following conditions are met:

- Administrative or clerical services are integral to a project or activity.
- Individuals involved can be specifically identified with the project or activity.
- Such costs are explicitly included in the budget or have the prior written approval of the federal awarding agency; and
- The costs are not also recovered as indirect costs. 2 C.F.R. § 200.413(c).

*Indirect Cost Rate:* The Massachusetts Department of Elementary and Secondary Education (MA DESE) determines an unrestricted and restricted indirect cost rate for every district in the Commonwealth. The rates are determined annually based on information submitted in the End of Year report and are the maximum allowable rate for any fiscal year. Under 34 C.F.R. § 75.561 and 34 C.F.R. § 76.561, a state educational agency may approve an indirect cost rate for longer than one year. According to MA DESE, if a district utilizes an indirect cost figure, it must be equal to or less than the currently approved restricted rate. The decision to recover indirect costs using these established rates is a local option.

The MA DESE Grants Procedure Manual provides the following information on calculating the indirect cost allowable for a particular grant. The grant manual, and other important information, can be found at <http://www.doe.mass.edu/grants/procedure/manual.html>. Indirect rates cannot be applied to capital expenditures or to the indirect costs themselves. The following formula is recommended:

1. Total entitlement.
2. Minus capital expenditures (Line 10); and
3. Divided by one plus the restricted rate.

The resulting amount is the amount that can be used for grant activities. When this amount is subtracted from the total entitlement, the result equals the amount allowed for indirect cost.

If indirect costs are recovered, they shall be returned to the general fund of the city or town in accordance with Massachusetts General Laws, Chapter 44, Section 53.

*Applying the Indirect Cost Rate:* Once the District has an approved indirect cost rate, the percentage is multiplied against the actual direct costs (excluding distorting items such as equipment, contracts in excess of

\$25,000, pass-through funds, etc.) incurred under a particular grant to produce the dollar amount of indirect costs allowable to that award. 34 C.F.R. § 75.564; 34 C.F.R. § 76.569. Once the District applies the approved rate, the funds that may be claimed for indirect costs have no federal accountability and may be used as if they were non-federal funds. For Direct Grants, reimbursement of indirect costs is subject to the availability of funds and statutory or administrative restrictions. 34 C.F.R. § 75.564.

Where a federal program has a specific cap on the percentage of administrative costs that may be charged to a grant, that cap must include all direct administrative charges as well as any recovered indirect charges.

#### **Determining Allowability of Costs**

Expenditures are aligned with approved budgeted items. Any changes or variations from the state-approved budget and grant application need prior approval from the state.

When determining how the school will spend the grant funds, the Program Administrators will review the proposed cost to determine whether it is an allowable use of federal grant funds *before* obligating and spending those funds on the proposed good or service. All costs supported by federal education funds meet the standards outlined in EDGAR, 2 CFR Part 3474 and 2 CFR Part 200, which are provided in the bulleted list below. The Program Administrators consider these factors when making an allowability determination.

**Be Necessary and Reasonable for the performance of the federal award.** District staff must consider these elements when determining the reasonableness of a cost. A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices.

When determining reasonableness of a cost, consideration must be given to:

- ❖ Whether the cost is a type generally recognized as ordinary and necessary for the operation of FRCS or the proper and efficient performance of the federal award.
- ❖ The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state, and other laws and regulations; and terms and conditions of the federal award.
- ❖ Market prices for comparable goods or services for the geographic area.
- ❖ Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to FRCS, its employees, its students, the public at large, and the federal government.
- ❖ Whether FRCS significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the federal award's cost. 2 C.F.R. §200.404

While 2 C.F.R. §200.404 does not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. A key aspect in determining whether a cost is necessary is whether the district can demonstrate that the cost addresses an existing need and can prove it. For example, FRCS may deem a language skills software program necessary for a limited English proficiency program.

When determining whether a cost is necessary, consideration may be given to:

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- ❖ Whether the cost is needed for the proper and efficient performance of the grant program.
- ❖ Whether the cost is identified in the approved budget or application.
- ❖ Whether there is an educational benefit associated with the cost.
- ❖ Whether the cost aligns with identified needs based on results and findings from a needs assessment.
- ❖ Whether the cost addresses program goals and objectives and is based on program data.

**Allocable to the federal award.** A cost is allocable to the federal award if the goods or services involved are chargeable or assignable to the federal award in accordance with the relative benefit received. This means that the federal grant program derived a benefit in proportion to the funds charged to the program. 2 C.F.R. §200.405. For example, if 50% of a teacher’s salary is paid with grant funds, then that teacher must spend at least 50% of his or her time on the grant program.

**Consistent with policies and procedures that apply uniformly to both federally financed and other activities of the district.**

**Conform to any limitations or exclusions set forth as cost principles in Part 200 or in the terms and conditions of the federal award.**

**Consistent treatment.** A cost cannot be assigned to a federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been assigned as an indirect cost under another award.

**Adequately documented.** All expenditures must be properly documented.

**Be determined in accordance with general accepted accounting principles (GAAP), unless provided otherwise in Part 200.**

**Not included as a match or cost-share unless the specific federal program authorizes federal costs to be treated as such.** Some federal program statutes require the non-federal entity to contribute a certain amount of non-federal resources to be eligible for the federal program.

**Be the net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to or received by the state relate to the federal award, they shall be credited to the federal award, either as a cost reduction or a cash refund, as appropriate. 2 C.F.R. §200.406.

Purchases for goods and services paid for with grant funds shall be net of all applicable credits. To avoid the earning of “credits” where the benefits are not reimbursable or credited to the federal grant, personal reimbursements are discouraged for purchases made with federal grant funds. The district will take advantage of all prompt pay discounts. All payments from federal grants shall be processed through the accounting system either through the invoice payment process or school credit card.

Part 200’s cost guidelines must be considered when federal grant funds are expended. As provided above, federal rules require state- and District-level requirements and policies regarding expenditures to be followed as well. For example, state and/or District policies relating to travel or equipment may be narrower than the

federal rules, and the stricter State and/or District policies must be followed. Further, certain types of incentives are allowable under federal law, but are not allowable under State law.

**Selected Items of Cost**

Part 200 examines the allowability of 56 specific cost items (commonly referred to as Selected Items of Cost) at 2 C.F.R. §§ 200.420-200.476. These cost items are listed in the chart below along with the citation where it is discussed whether the item is allowable. Please do not assume that an item is allowable because it is specifically listed in the regulation as it may be unallowable despite its inclusion in the selected items of cost section. The expenditure may be unallowable for several reasons, including: the express language of the regulation states the item is unallowable; the terms and conditions of the grant deem the item unallowable; or State/local restrictions dictate that the item is unallowable. The item may also be unallowable because it does not meet one of the cost principles, such as being reasonable because it is considered too expensive. If an item is unallowable for any of these reasons, federal funds cannot be used to purchase it.

District personnel responsible for spending federal grant funds and for determining allowability must be familiar with the Part 200 selected items of cost section. The district must follow these rules when charging these specific expenditures to a federal grant. When applicable, District staff must check costs against the selected items of cost requirements to ensure the cost is allowable. In addition, State, District, and program-specific rules may deem a cost as unallowable and District personnel must follow those non-federal rules as well.

The selected item of cost addressed in Part 200 includes the following (in alphabetical order):

Item of Cost	<a href="#">Citation of Allowability Rule</a>
Advertising and public relations costs	2 CFR § 200.421
Advisory councils	2 CFR § 200.422
Alcoholic beverages	2 CFR § 200.423
Alumni/ae activities	2 CFR § 200.424
Audit services	2 CFR § 200.425
Bad debts	2 CFR § 200.426
Bonding costs	2 CFR § 200.427
Collection of improper payments	2 CFR § 200.428
Commencement and convocation costs	2 CFR § 200.429
Compensation – personal services	2 CFR § 200.430
Compensation – fringe benefits	2 CFR § 200.431
Conferences	2 CFR § 200.432

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Contingency provisions	2 CFR § 200.433
Contributions and donations	2 CFR § 200.434
Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	2 CFR § 200.435
Depreciation	2 CFR § 200.436
Employee health and welfare costs	2 CFR § 200.437
Entertainment costs	2 CFR § 200.438
Equipment and other capital expenditures	2 CFR § 200.439
Exchange rates	2 CFR § 200.440
Fines, penalties, damages, and other settlements	2 CFR § 200.441
Fund raising and investment management costs	2 CFR § 200.442
Gains and losses on disposition of depreciable assets	2 CFR § 200.443
General costs of government	2 CFR § 200.444
Goods and services for personal use	2 CFR § 200.445
Idle facilities and idle capacity	2 CFR § 200.446
Insurance and indemnification	2 CFR § 200.447
Intellectual property	2 CFR § 200.448
Interest	2 CFR § 200.449
Lobbying	2 CFR § 200.450
Losses on other awards or contracts	2 CFR § 200.451
Maintenance and repair costs	2 CFR § 200.452
Materials and supplies costs, including costs of computing devices	2 CFR § 200.453
Memberships, subscriptions, and professional activity costs	2 CFR § 200.454
Organization costs	2 CFR § 200.455
Participant support costs	2 CFR § 200.456
Plant and security costs	2 CFR § 200.457
Pre-award costs	2 CFR § 200.458

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Professional services costs	2 CFR § 200.459
Proposal costs	2 CFR § 200.460
Publication and printing costs	2 CFR § 200.461
Rearrangement and reconversion costs	2 CFR § 200.462
Recruiting costs	2 CFR § 200.463
Relocation costs of employees	2 CFR § 200.464
Rental costs of real property and equipment	2 CFR § 200.465
Scholarships and student aid costs	2 CFR § 200.466
Selling and marketing costs	2 CFR § 200.467
Specialized service facilities	2 CFR § 200.468
Student activity costs	2 CFR § 200.469
Taxes (including Value Added Tax)	2 CFR § 200.470
Telecommunication costs and video surveillance costs	2 CFR § 200.471
Termination costs	2 CFR § 200.472
Training and education costs	2 CFR § 200.473
Transportation costs	2 CFR § 200.474
Travel costs	2 CFR § 200.475
Trustees	2 CFR § 200.476

Likewise, it is possible for the State and/or District to put additional requirements on a specific item of cost. Under such circumstances, the stricter requirements must be met for a cost to be allowable. Accordingly, employees must consult federal, State and District requirements when spending federal funds. Massachusetts procurement laws are more restrictive than the federal guidelines; therefore, all purchases must follow state procurement laws.

For a cost to be allowable, the expenditure must also be allowable under the applicable program statute (e.g., Title I of the Elementary and Secondary Education Act (ESEA), or the Carl D. Perkins Career and Technical Education Act (Perkins)), along with accompanying program regulations, non-regulatory guidance, and grant award notifications.

The State and/or District rules related to some specific cost items are discussed below:

Technology purchases (hardware, software, and web-based systems) require the prior approval of the Director of Operations. New purchases must be compatible with current operating, storage, and network configurations.

Furniture (including carpet) purchases require the prior approval of the Director of Operations. The following fire requirements must be met:

- *Carpets*: must meet Class II interior finish and comply with National Fire Protection Association (NFPA) 253 and meet the state building code regulations (780 CMR 780). Carpets must meet the “pill test” and meet the Department of Commerce (DOC) FF-1 “pill test” as stated in the Code of Federal Regulations 16 CFR, Part 1630. Permanent labels must be affixed to the carpet ensuring compliance with the above stated fire requirements.
- *Furniture*: All furniture purchases are regulated by 527 CMR 29 (Board of Fire Protection Regulations). Permanent labels must be affixed to the furniture ensuring compliance with the above stated fire requirements.
- *Decorations, Curtains, Draperies, Blinds and Other Window Treatments*: All purchases in this category shall meet the applicable test(s) described in NFPA 701 and regulated by 527 CMR 21 (Board of Fire Protection Regulations).
- *Professional development (workshops, conferences, and consultants)*: requires prior approval by the Director of Curriculum and Professional Learning and Director of Student Services. All professional development must be in line with the planned district-wide professional development.

District employees must be aware of these State and District rules and ensure they are complying with these requirements.

#### **Frequent Types of Costs**

*Travel*: Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of a grant recipient. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the recipient’s non-federally funded activities and in accordance with the recipient’s written travel reimbursement policies. 2 C.F.R §200.475(a).

Costs incurred by employees and officers for travel, including costs of lodging, other subsistence, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the district in its regular operations as the result of its written travel policy. In addition, if these costs are charged directly to the federal award, documentation must be maintained that justifies that (1) participation of the individual is necessary to the federal award; and (2) the costs are reasonable and consistent with the district’s established policy. 2 C.F.R §200.475(b).

#### **Helpful Questions for Determining Whether a Cost is Allowable**

In addition to the cost principles and standards described above, the Director of Finance and the Grants Manager can refer to this section for a useful framework when performing an allowability analysis. In order to determine whether federal funds may be used to purchase a specific cost, it is helpful to ask the following questions:



- Is the proposed cost allowable under the relevant program?
- Is the proposed cost consistent with an approved program plan and budget?
- Is the proposed cost consistent with program specific fiscal rules?  
(For example, the district may be required to use federal funds only to supplement the amount of funds available from nonfederal (and possibly other federal) sources.)
- Is the proposed cost consistent with EDGAR?
- Is the proposed cost consistent with specific conditions imposed on the grant (if applicable)?

As a practical matter, the Director of Finance and the Grants Manager should also consider whether the proposed cost is consistent with the underlying needs of the program. For example, program funds must benefit the appropriate population of students for which they are allocated. This means that, for instance, funds allocated under Title III of the Elementary and Secondary Education Act (ESEA) governing language instruction programs for limited English proficient (LEP) students must only be spent on LEP students and cannot be used to benefit non-LEP students. Further, under most major elementary and secondary education programs, recipients may use federal funds only to supplement the amount of funds available from nonfederal sources for the education of students participating in the program. The recipients cannot use federal funds to supplant nonfederal funds that would otherwise have been used for the expenditure in question.

Also, funds are targeted to address areas of weakness, as necessary. To make this determination, the Business Office will review data when making purchases to ensure that federal funds meet these areas of concern. This should be a collaborative effort of the Grants Manager, the Deputy Director, the Director of Finance, and the Director of Operations who review and approve requisitions, as well as the Accounts Payable Specialist who processes the purchase orders and tracks grant expenditures.

#### **F. FEDERAL CASH MANAGEMENT POLICY/PROCEDURES**

The district will comply with applicable methods and procedures for payment that minimize the time elapsing between the transfer of funds and disbursement by the district, in accordance with the Cash Management Improvement Act at 31 CFR Part 205. Generally, the District receives payment from the Massachusetts Department of Elementary and Secondary Education, the Massachusetts Department of Public Health, and the Massachusetts Department of Early Education and Care on a reimbursement basis. 2 CFR § 200.305. However, if FRCS receives an advance in federal grant funds, the district will remit interest earned on the advanced payment quarterly to the federal agency. The district may retain interest amounts up to \$500 per year for administrative expenses. 2 CFR § 200.305(b) (9).

According to guidance from the U.S. Department of Education (ED), when calculating the interest earned on ED grant funds, regardless of the date of obligation, interest is calculated from the date that the federal funds are drawn down from the G5 system until the date on which those funds are disbursed by the LEA.

Interest would not accrue if the LEA uses nonfederal funds to pay the vendor and/or employees prior to the funds being drawn down from the G5 system, commonly known as a reimbursement.

#### **Payment Methods**

*Reimbursements:* The District will initially charge federal grant expenditures to nonfederal funds. The Director of Finance will request reimbursement for actual expenditures incurred under the federal grants on a monthly basis. By the 20th of each month, the Business Office will update all grant tracking sheets and submit them to the Grants Manager for review. Once reviewed, the Director of Finance will log into the Massachusetts

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Department of Elementary and Secondary Education (MA DESE) grant management system to request funds. Attached to all cash requests is the current AccuFund year-to-date budget report that is the supporting documentation for the grant tracking sheet. All reimbursements are based on actual disbursements, not on obligations. In addition, cash requests do not include the amounts paid by MA DESE to the Massachusetts Teachers' Retirement Board (MTRB).

The Massachusetts Department of Elementary and Secondary Education (MA DESE) will process reimbursement requests in a timely manner. Consistent with state and federal requirements, the district will maintain source documentation supporting the federal expenditures (invoices, time sheets, payroll stubs, etc.) and will make such documentation available for the MA DESE review upon request. Reimbursements of actual expenditures do not require interest calculations.

*Advances:* To the extent the district receives advance payments of federal grant funds, the district will strive to expend the federal funds on allowable expenditures as expeditiously as possible. Specifically, the District attempts to expend all drawn downs of federal funds within 72 hours of receipt.

The district will hold federal advance payments in interest-bearing accounts unless an allowable exception applies. The district will begin to calculate interest earned on cash balances once funds are deposited into the district's account.

Interest will be calculated quarterly, based on the sample calculation methodology below listed. Total federal grant cash balances will be calculated on cash balances per grant and applying the district's actual interest rate. The district will remit interest earned (annually) to the appropriate entity. The district may retain up to \$500 of interest earned per year.

### Sample Calculation Methodology – Federal Interest

Total of all federal daily balances in reporting period (e.g., January 1 – January 31) = \$50,000

#### Step 1: Calculate the Average Daily Balance

1. Divide the total of advances (all federal funds) in reporting period by the number of days in reporting period.
2. Total of all daily balances in the reporting Period = \$50,000.
3. Actual number of days in the reporting period (month) = 31
4. Average daily balance = \$1,612.90

#### Step 2: Calculate the Annual Interest Amount

1. Multiply the average daily balance by the actual interest rate
2. Average daily balance = \$1,621.90
3. Actual interest rate = 1.045%
4. Annual interest amount = \$16.95

#### Step 3: Calculate the Daily Interest Amount

1. Divide interest amount by number of days in year.
2. Annual interest amount = \$16.95
3. Number of days in year = 365
4. Daily interest amount = \$0.0464

#### Step 4: Calculate the Total Federal Interest Due

1. Multiply the daily interest amount by number of days in reporting period
2. Daily interest amount = \$0.0464
3. Number of days in reporting period = 92
4. Total federal interest due = \$1.18

**G. TIMELY OBLIGATION OF FUNDS**

**When Obligations are Made**

Obligations are orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-Federal entity during the same or a future period. 34 C.F.R. § 200.71

The following table illustrates when funds are determined to be obligated under federal regulations:

If the obligation is for:	The obligation is made:
Acquisition of property	On the date which the district makes a binding written commitment to acquire the property
Personal services by an employee of the district	When the services are performed
Personal services by a contractor who is not an employee of the district	On the date which the district makes a binding written commitment to obtain the services
Public utility services	When the District receives the services
Travel	When the travel is taken
Rental of property	When the District uses the property
A pre-agreement cost that was properly approved by the Secretary under the cost principles in 2 CFR part 200, Subpart E- Cost Principles.	On the first day of the project period.

34 C.F.R. § 75.707; 34 C.F.R. § 76.707.

**Period of Performance of Federal Funds**

All obligations must occur on or between the beginning and ending dates of the grant project. 2 C.F.R. § 200.309. This time period is known as the period of performance. 2 C.F.R. § 200.77. The period of performance is dictated by statute and will be indicated in the GAN. Further, certain grants have specific requirements for carryover funds that must be adhered to.

*State-Administered Grants:* As a general rule, state-administered federal funds are available for obligation within the year that Congress appropriates the funds for. However, given the unique nature of educational institutions, for many federal education grants, the period of availability is 27 months. Federal education grant funds are typically awarded on July 1 of each year. While the District will always plan to spend all current grant funds within the year the grant was appropriated for, the period of obligation for any grant that is covered by the “Tydings Amendment” is 27 months, extending from July 1 of the fiscal year for which the funds were appropriated through September 30 of the second following fiscal year. This maximum period includes a 15-month period of initial availability, plus a 12-month period for carryover. 34 C.F.R. § 76.709. For example, funds awarded on July 1, 2015, would remain available for obligation through September 30, 2017.

*Direct Grants:* In general, the period of availability for funds authorized under direct grants is identified in the GAN.

For both state-administered and direct grants, regardless of the period of availability, the district must liquidate all obligations incurred under the award not later than 90 days after the end of the funding period unless an extension is authorized. 2 C.F.R. § 200.343(b). Any funds not obligated within the period of availability or liquidated within the appropriate timeframe are said to lapse and must be returned to the awarding agency. 2 C.F.R. § 200.343(d). Consequently, the District closely monitors grant spending throughout the grant cycle.

#### **Carryover**

*State-Administered Grants:* As described above, the Tydings Amendment extends the period of availability for applicable state-administered program funds. Essentially, it permits recipients to “carryover” any funds left over at the end of the initial 15-month period into the next year. These leftover funds are typically referred to as carryover funds and continue to be available for obligation for an additional 12 months. 34 C.F.R. § 76.709. Accordingly, the District may have multiple years of grant funds available under the same program at the same time.

Once a carryover GAN has been received by the Director of Finance, the organization code follows these conventions:

- Fund code remains as “610”,
- Fiscal year is the year the grant was initially authorized.
- Carryover: the grant number will be followed by a “2” meaning Year II
- Fund code is the grant fund code.

For example, if the Special Education I.D.E.A. (Fund 240) grant was authorized in fiscal year 2020, the organization code assigned would be 2401. If the carryover of excess funds was approved by the Massachusetts Department of Elementary and Secondary Education (MA DESE), the new organization code would become 2402 with a budget amount of the GAN for the carryover funds.

The Business Office creates and maintains a grant tracking sheet for the carryover grant for the purposes of tracking and reporting expenses.

*Direct Grants:* Grantees receiving direct grants are not covered by the 12-month Tydings period. However, under 2 C.F.R. § 200.308, direct grantees enjoy unique authority to expand the period of availability of federal funds. The district is authorized to extend a direct grant automatically for one 12-month period. Prior approval is not required in these circumstances; however, in order to obtain this extension, the district must provide written notice to the federal awarding agency at least 10 calendar days before the end of the period of

performance specified in the award. This one-time extension may not be exercised merely for the purpose of using unobligated balances.

Six months before the grant is set to expire, the Deputy Director, the Director of Finance and Grants Manager shall meet to review closing out the grant. If a surplus is anticipated due to unmet program objectives, the Grants Manager will notify the awarding authorities Project Manager and understand the steps, justification and timeline needed to request an extension of the grant. The Grants Manager will then inform the Director of Finance of the following:

1. The grant objectives that were not met and the financial implications.
2. Explanation of why the objectives were not met.
3. Financial and/or personnel impacts on FRCS if an extension is granted.
4. Revised period of performance.
5. Steps, justification, and timeline needed to complete the extension request.

If approved by the Director of Finance, the Grants Manager will complete the steps necessary to seek an extension and provide a report to the Executive Director.

The district will seek prior approval from the federal agency when the extension will not be contrary to federal statute, regulation or grant conditions and:

- The terms and conditions of the Federal award prohibit the extension.
- The extension requires additional Federal funds; or
- The extension involves any change in the approved objectives or scope of the project. 2 C.F.R. § 200.308(d) (2).

## **H. PROGRAM INCOME**

### **Definition**

Program income means gross income earned by a grant recipient that is directly generated by a supported activity or earned as a result of the federal award during the grant's period of performance. 2 C.F.R. § 200.80.

Program income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under federal awards, the sale of commodities or items fabricated under a federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with federal award funds. Interest earned on advances of federal funds is not program income. Except as otherwise provided in federal statutes, regulations, or the terms and conditions of the federal award, program income does not include rebates, credits, discounts, and interest earned on any of them. 2 C.F.R. § 200.80. Additionally, taxes, special assessments, levies, fines, and other such revenues raised by a recipient are not program income unless the revenues are specifically identified in the federal award or federal awarding agency regulations as program income. Finally, proceeds from the sale of real property, equipment, or supplies are not program income. 2 C.F.R. § 200.307.

### **Use of Program Income**

The default method for the use of program income for the district is the deduction method: 2 C.F.R. § 200.307(e). Under the deduction method, program income is deducted from total allowable costs to

determine the net allowable costs. Program income will only be used for current costs unless the district is otherwise directed by the federal awarding agency or pass-through entity. 2 C.F.R. § 200.307(e) (1). The LEA may also request prior approval from the federal awarding agency to use the addition method. Under the addition method, program income may be added to the Federal award by the Federal agency and the non-Federal entity. The program income must then be used for the purposes and under the conditions of the Federal award. 2 C.F.R. § 200.307(e) (2).

While the deduction method is the default method, the district always refers to the GAN prior to determining the appropriate use of program income.

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## II. PROCUREMENT SYSTEM

The district maintains the following purchasing procedures.

### A. RESPONSIBILITY FOR PURCHASING

To generate a Purchase Order a requisition form is electronically sent to the Business Office by the department/school administrative assistant. The Accounts Payable Specialist imports the form into Accufund, and the requisition goes through an electronic approval process

#### *Requisitions under \$5,000*

The first approval level is the Director/Principal of the department/school requesting the purchase. The second approval is from the Director of Finance.

#### *Requisition over \$5,000*

The first approval level is the Director/Principal of the department/school requesting the purchase. The second approval is from the Executive Director, and the third approval is from the Director of Finance.

The approved requisition automatically generates a PO, which is e-mailed to the department's administrative assistant who will place the order. When an order is received, the packing slip is reviewed against the PO. The original packing slip is forwarded to the Business Office.

### B. PURCHASE METHODS

The type of purchase procedures required depends on the cost of the item(s) being purchased. In addition to these rules, sub recipients must also follow both state and local procurement rules. State and local procurement rules are often stricter than federal requirements. Accordingly, this section should be revised to account for the appropriate thresholds and purchasing procedures within each threshold amount in accordance with any state and local procurement rules.

#### **Purchases up to \$3,500 (Micro-Purchases)**

Micro-purchase means a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed \$3,500. The micro-purchase method is used in order to expedite

the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and cost. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold.

To the extent practicable, the district distributes micro-purchases equitably among qualified suppliers. Distribution of micro-purchases can be accomplished in two ways. First, the individual requesting the purchase, who is most knowledgeable about vendors who can provide the goods or services requested, equitably distribute the purchases throughout the life of the grant. Secondly, the Business Office can review the equitable distribution of purchases as part of the monthly grant review. If it appears micro-purchases are not being equitably distributed, the Director of Finance will deny purchase orders until the issue is remedied.

Micro-purchases may be awarded without soliciting competitive quotes if the district considers the price to be reasonable. The district maintains evidence of this reasonableness in the records of all micro-purchases. Please see page 8 for written procedures on how to determine whether a price is reasonable.

FRCS utilizes Accufund for the processing of all purchase orders. Directors and Principals may request access to AccuFund. Access is reviewed by the Executive Director and the Director of Finance. If access is approved, the Executive Director and the Director of Finance discuss the level of security appropriate for the individual. Based on the outcome of this meeting, a security profile is assigned. Once the username and password have been assigned, the Director of Finance schedules training with the individual. Once training is completed, the individual has access to approve/deny requisitions through the following process:

1. Administrative Assistants send a completed electronic requisition form to the Business Office and the Accounts Payable Specialist imports the form into AccuFund.
2. Each requisition must contain the vendor name/number, ship to location, quantity, item description, unit price, freight amount, and account code to be charged.
3. The Director/Principal is notified that a requisition is available to review. If there are no errors, the requisition is approved and converted to a purchase order.
4. AccuFund assigns a PO number to every requisition
5. Upon approval of the purchase order, the Accounts Payable Specialist forwards a copy of the PO to the Administrative Assistant that submitted the requisition to send to the vendor.
6. Once the items are received at the school and checked in, the Administrative Assistant sends the packing slips to the Business Office for payment.
7. The packing slip is then attached to the PO and forwarded to the Director of Finance for payment approval.

**Purchases between \$3,500 and \$9,999 (Sound Business Practices)**

Procurement of supplies and services under \$10,000 are governed by Massachusetts General Law, Chapter 30B. The procurement procedure for purchasing supplies and services under \$10,000 requires sound business practices. This is defined as ensuring the receipts of favorable prices by periodically soliciting price lists or quotes. No formal advertising is required. The contract is awarded to the vendor offering the best price. Software licenses can only be purchased for one year at a time. A written contract is not required. A certificate of liability insurance is required for all contracts listing FRCS as additionally insured. Please contact the Business Office for the insured amounts. A contract cannot exceed three years unless a longer contract is authorized by the Director of Operations

**Purchases between \$10,000 and \$34,999 (Solicit Quotes)**

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Procurement of supplies and services between \$10,000 and \$34,999 are governed by Massachusetts General Law, Chapter 30B. The procurement procedure for purchasing supplies and services between \$10,000 and \$34,999 requires soliciting three written or oral quotes.

FRCS recommends a written description / terms be provided to all vendors to ensure an 'apples to apples' comparison of prices. No formal advertising is required. The contract is awarded to the responsible and responsive person offering the best price. A responsible vendor is defined as a person who has the capability to perform fully the contract requirements, and the integrity and reliability which assures good faith performance. A responsive bidder is defined as a person who has submitted a bid or proposal which conforms in all respects to the invitation for bids or requests for proposals. A written contract is required. A certificate of liability insurance is required for all contracts listing FRCS as additionally insured. Please contact the Business Office for the insured amounts.

Procurements made under this section are required to have a notice posted on the district website, in COMMBUYS and in the Central Register unless procured through the use of Blanket Contracts of which the district is eligible to participate. In this case, labor costs on projects of up to \$50,000 may be procured using a Blanket Contract with the solicitation of quotes using a detailed Scope of Services.

In addition, payment bonds in the amount of 50% of the contract price are required for all contracts over \$25,000. OSHA training and Prevailing Wages are also required.

### ***Purchases over \$35,000 (Sealed Bids or Proposals)***

*Sealed Bids (Formal Advertising):* For purchases over \$35,000, bids are publicly solicited, and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. If a Request for Proposal is issued, the most advantageous proposal from a responsible and responsive proposer takes into consideration price and no-price proposals. The sealed bid method is the preferred method for procuring construction if the following conditions apply:

- A complete, 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 firm 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:

- Bids must be solicited from an adequate number of known suppliers, providing them with sufficient response time prior to the date set for opening the bids, for state, local, and tribal governments, the invitation for bids must be publicly advertised.
- The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services for the bidder to properly respond.
- All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly.
- A firm fixed price contract award must 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. Any or all bids may be rejected if there is a sound documented reason.

*Bonding Requirements for Construction Contracts:* For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor’s requirements under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

*Bid Splitting:* Splitting purchases over several days, weeks, or months is considered “bid-splitting” when the appearance is that this is being done to avoid meeting thresholds which require a more complex procurement. Certain unexpected small expenses sometimes make good business sense and are not problematic. However, to purposely purchase items over time and under the procurement thresholds is illegal.

Advertising is required once in a newspaper of general circulation and on FRCS web site at least two weeks before bids or proposals are due. If \$100,000 or more, advertise once in the *Goods and Service Bulletin* maintained by the Massachusetts Secretary of State’s Office.

#### **Use of Intergovernmental Agreements-Statewide Contracts**

To foster greater economy and efficiency, the district enters into state and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services. The district will ensure these collaborative purchases were conducted with full competition and are for the specifications and requirements determined by the district. Under MGL Chapter 30B, municipalities may use the Commonwealth of Massachusetts Statewide Contract System. In using the system, the requirements of MGL Chapter 30B are determined to be met per the MA Office of Inspector General. In using this system, the contract must abide by the Statewide contract specifications and the specific Contract Guide for that contract and use the strictest requirements, which will be the UGG 2 CFR 200.320 procurement methods and federal thresholds to determine the steps to be taken. The district will ensure that all intergovernmental agreements were procured in a competitive manner by following the Uniform Grant Guidance (UGG) 2 CFR 200.318-327 Procurement thresholds, procurements from 10,000 to \$250,000 will require at least 2 quotes.

\*COMMBUYS – As a result of the Municipal Modernization Act, the Commonwealth’s Operation Services Division (OSD) procures and awards a number of statewide contracts that are available to municipalities for construction projects under \$50,000. Departments who wish to procure an item or services from an OSD contract may request to be identified as a user on COMMBUYS, OSD’s purchasing portal. Once approved, the

COMMBUYS user will have full access to all COMMBUYS contracts and will have the ability to purchase directly through the COMMBUYS portal.

COMMBUYS users will be expected to read the Contract User Guide for the purchase they are attempting to make and shall comply with all terms of use for said contract. Remember that not all contractors listed on COMMBUYS are included on a State Contract.

Go to [www.commbuys.com](http://www.commbuys.com) to access contract information, training resources, and buyer information.

### **Competitive Proposals**

The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical.
- Proposals must be solicited from an adequate number of qualified sources.
- Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

Massachusetts General Law, Chapter 30B has additional requirements regarding Requests for Proposals (RFP). The Director of Operations, or a certified Massachusetts Public Procurement Officer, is to conduct procurements. Below are the RFP requirements:

1. The procurement office shall determine in writing that the selection of the most advantageous offer requires comparative judgement of factors in addition to price.
2. Bidders must submit separate price and non-price proposals.
3. Comparative criteria reflect those factors for which FRCS would be willing to pay more money and are used to further evaluate the relative merits of all proposals that meet the quality requirements.
4. Quality requirements establish standards of acceptability for the supplies and services you are purchasing.
5. Comparative criteria rating factors include highly advantageous, advantageous, not advantageous, and unacceptable.

In addition, all Invitation for Bid (IFB) and Request for Proposal (RFP) require vendors submitting bids to sign and submit a non-collusion and tax compliance forms.

*Procurement of recovered materials:* A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as

amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

**Contract conditions under Uniform Grant Guidance as applicable are as follows:**

**Appendix II to Part 200 - Contract Provisions for Non-Federal Entity 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 affected 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.

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(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 \$150,000 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.

*Contract/Price Analysis:* The District performs a cost or price analysis in connection with every procurement action in excess of \$150,000, including contract modifications. 2 C.F.R. § 200.323(a). A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the procurement situation; however, the Director of Operations must come to an independent estimate prior to receiving bids or proposals. 2 C.F.R. § 200.323(a).

When performing a cost analysis, the Director of Operations, the Director of Finance, or the Deputy Director negotiates profit as a separate element of the price. To establish a fair and reasonable profit, consideration is 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. 2 C.F.R. § 200.323(b).

**Noncompetitive Proposals (Sole Sourcing)**

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- The item is available only from a single source.
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
- The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the district; or
- After solicitation of several sources, competition is determined inadequate.

Under M.G.L. Chapter 30B, a sole source procurement of any supply or service under \$35,000 is allowable when a reasonable investigation shows that there is only one practicable source for the required supply or service.

Sole source contracts in excess of \$35,000 are only allowable for the following purchases:

- Software maintenance.
- Library books, school textbooks and educational materials.
- Utilities.

All sole source procurements must include a memo that details the basis for determining that there was only one practicable source for the purchase. The memo should be sent to the Director of Finance. The Director of Finance will ensure each sole source contract is appropriate and properly documented.

*Domestic preferences for procurements (relates to construction) 2 CFR 200.322:*

(1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

(2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

**Contract Types**

There are numerous contract methods allowed at the federal and local levels. Below are contract types that may be used along with contracts that should be avoided.

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**Contract Types that may be used include (but are not limited to):**

Lump sum	<ul style="list-style-type: none"> <li>▪ Contract for work within a prescribed boundary with a clearly defined scope and total price</li> </ul>
Unit price	<ul style="list-style-type: none"> <li>▪ Work done on an item-by-item basis, with cost determined per unit (e.g., box, cubic yard, etc.)</li> </ul>
Cost plus fixed fee	<ul style="list-style-type: none"> <li>▪ Total known cost with a defined fixed fee added to the price</li> </ul>
Inter-governmental agreements	<ul style="list-style-type: none"> <li>▪ Subrecipients are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services. Using Statewide contracts, you must comply with the contract guide, abide by the specifications of the statewide contract and federal procurement methods thresholds. The Statewide contract price reflects the highest price an approved vendor may charge. You may still negotiate a price. You must follow the specific contract guide guidance and for contracts that require or recommend solicitation, you must follow the guidance to be in compliance with federal procurement requirements.</li> </ul>

**Contract Types that should be avoided are:**

Piggyback	<ul style="list-style-type: none"> <li>▪ Piggybacks are generally ineligible.</li> <li>▪ However, work done using another sub-recipient’s pre-existing, properly procured contract must meet strict criteria to be eligible. The existing contract must be viable (i.e., the same item must be purchased, price and vendor must be the same, and must include written mutual consent of the original contracting parties) Adopting a pre-existing contract solicited and awarded by another entity is referred to as ‘piggy-backing’. These contracts should be avoided as they may not contain all required clauses, are improper in scope, or are not procured in compliance with the federal procurement standards</li> </ul>
Time and Materials (T + M)	<ul style="list-style-type: none"> <li>▪ T + M type contract means a contract whose cost to a non- Federal entity is the sum of (1) the actual cost of materials; and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit [2 CFR 200.318(j)(1)].</li> <li>▪ Use T + M type contracts only after determining that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Last option not recommended by the Federal Government</li> </ul>
Cost-plus-percentage-of-costs	<ul style="list-style-type: none"> <li>▪ Strictly prohibited</li> </ul>
Percentage-of-construction-cost	<ul style="list-style-type: none"> <li>▪ Strictly prohibited</li> </ul>

**C. PURCHASE CARDS**

FRCS has a single credit card that is used for purchases that cannot be made under the normal purchase order procedure, or for vendors that do not accept purchase orders and the product can be purchased for less

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money. All charges must be supported by invoices or detailed receipts. For example, domain renewals, website hosting, social media fees (outreach – communication to Parents/Families), registration fees for student events/competitions, field trip deposits for those organizations that do not accept purchase orders or Registration, and travel expenses for conferences, often will not accept purchase orders. The school credit card is intended for minimal use and must be pre-approved in advance of its use. To use the school credit card, a faculty or staff member must first attempt to use the usual Purchase Order procedure. If the PO is declined, the faculty or staff member must notify their Principal/Director that they need to purchase the item(s), why the PO procedure cannot be followed and explain the need to use the school credit card.

### Shell Credit Card:

Facilities and Transportation drivers have Shell Credit Cards only for purchases of fuel and which are set up with security codes. Activity van Shell cards are locked in the Business Office safe and signed out when needed.

### Home Depot Credit Card and Store Accounts:

FRCS has a Home Depot credit card and several other store accounts including Koopmans, Sherwin Williams, O'Reilly's, and others. All charges must be supported by invoices or detailed receipts. The school's credit card and store accounts are used for purchases that cannot be made under the normal purchase order procedure, or for vendors that do not accept purchase orders and the product can be purchased for less money.

The schools Facilities credit card and store accounts are intended for minimal use and must be pre-approved in advance of its use for Home Depot or store accounts. To use the credit card, a faculty or staff member must notify the Director of Operations and receive approval for the purchase. Facilities will notify the Facilities Director when they are making the purchase at the store.

## **D. FULL AND OPEN COMPETITION**

All procurement transactions are conducted in a manner providing full and open competition consistent with 2 C.F.R §200.319. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

- Placing unreasonable requirements on firms for them to qualify to do business.
- 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.

EDGAR further requires the following to ensure adequate competition.

**Geographical Preferences Prohibited**

FRCS conducts 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.

**Prequalified Lists**

FRCS ensures that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the District must not preclude potential bidders from qualifying during the solicitation period.

**Solicitation Language**

FRCS ensures that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. 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. 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 to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and identify all requirements which the offerors must fulfil and all other factors to be used in evaluating bids or proposals. 2 C.F.R § 200.319(c).

**E. FEDERAL PROCUREMENT SYSTEM STANDARDS**

**Avoiding Acquisition of Unnecessary or Duplicative Items**

FRCS avoids the acquisition of unnecessary or duplicative items. Additionally, consideration is given to consolidating or breaking out procurements to obtain a more economical purchase. And, where appropriate, an analysis must be made of leases versus purchase alternatives, and another 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. Please see page 10 for written procedures on determining allowability.

**Use of Intergovernmental Agreements**

To foster greater economy and efficiency, the district enters into state and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services.

**Use of Federal Excess and Surplus Property**

FRCS considers 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.



**Debarment and Suspension**

FRCS awards 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.

FRCS may not subcontract with or award subgrants to any person or company who is debarred or suspended. For all contracts over \$25,000 the district verifies that the vendor with whom the district intends to do business with is not excluded or disqualified. 2 C.F.R. Part 200, Appendix II (1) and 2 C.F.R. §§ 180.220 and 180.300.

FRCS will determine if a potential vendor/manufacturer has been suspended or disbarred. Prior to approving a requisition for contracted services in excess of \$25,000 funded by a Federal grant, the Directors of Finance and Operations will check Sam.gov to verify. Additionally, FRCS will require the vendor to sign an affidavit. A copy of the affidavit is attached in Appendix D.

**Maintenance of Procurement Records**

FRCS maintains records sufficient to detail the history of all procurements. These records include but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, the basis for the contract price (including a cost or price analysis), and verification that the contractor is not suspended or debarred.

Please see page 40 for more information on the district's record policies.

**Time and Materials Contracts**

FRCS uses a time and materials type contract only (1) after a determination that no other contract is suitable; and (2) if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the district is the sum of the actual costs of materials, and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the District must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

**Settlements of Issues Arising Out of Procurements**

FRCS 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. These standards do not relieve FRCS of any contractual responsibilities under its contracts. Violations of law will be referred to the local, state, or federal authority having proper jurisdiction.

**Protest Procedures to Resolve Dispute**

FRCS maintains protest procedures to handle and resolve disputes relating to procurements and, in all instances, discloses information regarding the protest to the awarding agency. Contract disputes arise from a belief the procurement process was not conducted properly. A vendor has three options to seek a remedy:

1. Contact the local jurisdiction.
2. Contact the state agency in charge of enforcing the law (i.e., Inspector General's Office for Chapter 30B contracts); and/or Superior Court and the Attorney General's Office

If a vendor contacts the district with a complaint regarding the procurement or award of a contract, the complaint should be forwarded to the Executive Director, Director of Finance, the Director of Operations, and the individual responsible for the contract will offer to meet with the vendor. The meeting should seek to determine all information relevant to the complaint of the vendor. Once the meeting has concluded, and the concerns reviewed, the Executive Director will issue a written report to the complainant with a determination.

If there is a potential error in the way the procurement was conducted, or the district seeks advice on correcting the error, the Director of Operations will ask the advice of the applicable state agency. If the vendor files a complaint in Superior Court, and or as needed the district will seek the advice of legal counsel.

## **F. CONFLICT OF INTEREST REQUIREMENTS**

### **Standards of Conduct**

In accordance with 2 C.F.R. §200.18(c)(1), the district maintains the following standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, 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.

The officers, employees, and agents of the district may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value. Massachusetts General Law, Chapter 268A, governs the state's conflict of interest law. There are three main provisions of the law:

- Public employees are prohibited from seeking or accepting anything of substantial value for or because of their official acts or any act within their official responsibilities.
- Public employees are prohibited from using or attempting to use their position to obtain for themselves or others unwarranted privileges of substantial value that are not properly available to similarly situated individuals.
- The conflict-of-interest law will require public employees to disclose to their appointing authority the gift and their relationship to the giver.

The Massachusetts State Ethics Commission interprets the conflict-of-interest law and publishes advisories. The Ethics Commission interprets substantial value to mean anything with a value of \$50 or more. Gifts less than \$50 that may have an appearance of a conflict of interest should be disclosed. Disclosures should be made in writing and given to their appointing authority.

Massachusetts defines "immediate family" as spouse, parent, brother, sister, child or a spouse of your parent, brother, sister, or child. The financial disclosure law which, like the conflict-of-interest law, is interpreted and enforced civilly by the State Ethics Commission. Chapter 268B, of the Massachusetts General Law, is the financial disclosure law. This statute requires public officials, political candidates, and certain public employees to disclose their and their immediate family member's private business associations and other financial

interests on their Statements of Financial Interests or SFIs. The law covers all elected state and county officials and candidates for these positions as well as all state and county employees who are designated as holding major policymaking positions.

Every municipal employee (with few exceptions) must complete the Ethic Commission's online training program once every two years. New employees must complete the online training program within 30 days of becoming such an employee, and once every two years thereafter.

**Organizational Conflicts**

FRCS will comply with Massachusetts General Law, Chapter 268A conflict of interest law and disclosure. Additionally, the district may not be operated for the benefit of an affiliated or unaffiliated organization or an individual in his or her own private capacity or individuals related to any employee of FRCS or members of its management, unless the private benefit is considered merely incidental. The private benefit preclusion will extend to the following:

- The sale, exchange, or leasing of property between the district and an affiliated or unaffiliated organization or a private or related individual.
- Lending money or other extension of credit between an agency and an affiliated or unaffiliated organization or a private or related individual.
- Furnishing of goods, services, or facilities between the district and an affiliated or unaffiliated organization or a private or related individual except for the rental of district facilities as specified in the FRCS policy manual.
- Payment of compensation, unless authorized by the FRCS, by the district to an affiliated or unaffiliated organization or a private or related individual.
- The transfer to, use by or for the benefit of a private or related individual of the income of assets of FRCS unless specifically voted by the FRCS.
- Thus, FRCS will be guided by the principle of arms-length standards with all affiliated or unaffiliated organizations or with a private or related individual(s). Related party transactions shall include transactions between a school/district and members of the FRCS Board, administration, employees, related individuals, and affiliated companies. Related individuals within the scope of this definition include spouses, parents, children, spouses of children, grandchildren, siblings, fathers-in-law, mothers-in-law sisters-in-law and brothers-in-law of a board member or school district employee.

**Disciplinary Actions**

All associated entities comply with the policies and procedures of the district.

**Mandatory Disclosure**

Upon discovery of any potential conflict, the district will disclose in writing the potential conflict to the federal awarding agency in accordance with applicable federal awarding agency policy.

**G. CONTRACT ADMINISTRATION**

FRCS maintains the following oversights to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. See the Property Management section on page 35.

The contract manager for FRCS varies based on the type of contract. For example, facility-related contracts are overseen by the Director of Operations. When a contract does not clearly fall within a department, the Director of Operations will act as the contract manager. The contract manager is responsible for the following:

1. Coordinate communications with the vendor.
2. Evaluate the qualifications of contract personnel for compliance with contract requirements.
3. Determine acceptability of reports and deliverables produced by the contractor.
4. Approve or reject contractor payment requests; and
5. Ensure the contract amendments are in writing and approved by the Director of Finance

The Business Office maintains all contract files.

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### III. PROPERTY MANAGEMENT SYSTEMS

#### A. PROPERTY CLASSIFICATIONS

Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the district for financial statement purposes, or \$5,000. 2 C.F.R. §200.33.

Supplies means all tangible personal property other than those described in §200.33 Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the district for financial statement purposes or \$5,000, regardless of the length of its useful life. 2 C.F.R. §200.94.

Computing devices means machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or “peripherals”) for printing, transmitting and receiving, or storing electronic information. 2 C.F.R. §200.20.

Capital assets means tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with GAAP. Capital assets include:

- Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease-purchase, exchange, or through capital leases; and
- Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance). 2 C.F.R. §200.12.

#### B. INVENTORY PROCEDURE

Inventory control is maintained on all information technology hardware and software, textbooks, and fixed assets. The school/department placing an order will add the appropriate ship-to-address. At the time of receipt, the package is inspected to ensure the ordered materials were received in good order and the items mirror the order placed through the purchase order system. Items are inventoried at the time they are

unpacked. Inventory records are inputted by a member of the technology staff (hardware and software), director/department head (textbooks) and the business office (fixed assets).

All technology hardware is tagged. The tags state, "Property of FRCS" and include an asset number and related barcode. The technology department is responsible for configuring all computers, laptops, netbooks, and iPads.

### **C. INVENTORY RECORDS**

For each equipment and computing device purchased with federal funds, the following information is maintained by the Director of Operations in a spreadsheet:

- Date of purchase.
- Purchase order number.
- Serial number or other identification number.
- Source of funding for the property.
- Who holds title.
- Acquisition date and cost of the property.
- Percentage of federal participation in the project costs for the federal award under which the property was acquired.
- Location, use and condition of the property; and
- Any ultimate disposition data including the date of disposal and sale price of the property.

On an annual basis, the Director of Operations will review the inventory list and note changes. Changes to the inventory based on property being sold, lost, stolen, or broken will be noted. If the item was stolen, a copy of the police report should be included in the file. The updated inventory spreadsheet should be printed annually and provided to the Executive Director.

### **D. PHYSICAL INVENTORY**

A physical inventory of the property must be taken, and the results reconciled with the property records at least once every two years. Prior to the start of the school year in odd numbered years, a physical inventory will be conducted. If there is a discrepancy between the previous physical inventory and the current inventory, a report detailing the discrepancies will be provided to the Business Office.

### **E. MAINTENANCE**

In accordance with 2 C.F.R.313 (d) (4), FRCS maintains maintenance procedures to ensure that property is kept in good condition. FRCS does not place restrictions on computer devices for employees. Employees who are issued a device(s) are responsible for maintaining and securing the equipment. When a device is not working properly, the employee submits a help desk ticket. A member of the technology staff will work with the employee to identify and repair the computer as quickly as possible. A loaner computer is available for faculty upon request.

## **F. LOST OR STOLEN ITEMS**

FRCS maintains a control system that ensures adequate safeguards are in place to prevent loss, damage, or theft of the property. Employees issued computer devices are responsible for abiding by the Acceptable Use Policy (AUP) signed at the time of hire. As previously stated, all hardware is inventoried and marked as property of the FRCS. Employees are required to file a police report when equipment is determined to be missing. A copy of the report must be provided to the Director of Technology within 24 hours of filing the police report. In the next physical inventory, the item is listed as missing with the date of the police report. If the item continues to be missing from the second inventory, the item is removed from the list.

## **G. USE OF EQUIPMENT**

Equipment must be used in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the federal award, FRCS will not encumber the property without prior approval of the federal awarding agency and the pass-through entity.

During the time that equipment is used on the project or program for which it was acquired, the equipment will also be made available for use on other projects or programs currently or previously supported by the federal government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by the federal awarding agency that financed the equipment. Second preference is given to programs or projects under federal awards from other federal awarding agencies. Use for non-federally funded programs or projects is also permissible.

When no longer needed for the original program or project, the equipment may be used in other activities supported by the federal awarding agency, in the following order of priority: (1) activities under a federal award from the federal awarding agency which funded the original program or project; then (2) activities under federal awards from other federal awarding agencies.

## **H. DISPOSAL OF EQUIPMENT**

When it is determined that original or replacement equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, the Grants Manager will contact the awarding agency (or pass-through for a state-administered grant) for disposition instructions. Generally, disposition of equipment is dependent on its fair market value (FMV) at the time of disposition. If the item has a current FMV of \$5,000 or less, it may be retained, sold, or otherwise disposed of with no further obligation to the federal awarding agency. If the item has a current FMV of more than \$5,000, the federal awarding agency is entitled to the federal share of the current market value or sales proceeds.

If acquiring replacement equipment, FRCS may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property. Please refer to the FRCS Financial Policy and Procedure Manual for further guidance on disposal of surplus property. Surplus property is offered to other schools and town departments. The remaining equipment is offered to other school districts through the Massachusetts Department of Elementary and Secondary Education list serve. The posting is made

and managed by the Director of Operations. Items that remain and have a potential value are auctioned through an online auction site.

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## IV. Written Compensation Policies

### A. TIME AND EFFORT

#### ***Time and Effort Standards***

All employees who are paid in full or in part with federal funds must keep specific documents to demonstrate the amount of time they spent on grant activities. This includes an employee whose salary is paid with state or local funds but is used to meet a required “match” in a federal program. These documents, known as time and effort records, are maintained in order to charge the costs of personnel compensation to federal grants.

Charges to federal awards for salaries and wages must be based on records that accurately reflect the work performed. These records must:

- Be supported by a system of internal controls which provides reasonable assurance that the charges are accurate, allowable, and properly allocated.
- Be incorporated into official records.
- Reasonably reflect total activity for which the employee is compensated, not exceeding 100% of compensated activities.
- Encompass both federally assisted, and all other activities compensated by the district on an integrated basis.
- Comply with the established accounting policies and practices of the district and
- Support the distribution of the employee’s salary or wages among specific activities or cost objectives.

#### ***Time and Effort Procedures***

FRCS prioritizes funding hourly, non-Massachusetts Teachers Retirement System employees, on federal grants. In addition, employees who have a single cost objective (dedicated to a singular purpose) are prioritized to be charged to a federal grant. For example, a 1:1 Special Education Learning Assistant would be an appropriate choice as an employee to charge to the Special Education IDEA federal grant. The district prioritizes hourly employees rather than annual employees. All hourly employees receive a unique timesheet generated for their particular position. The timesheet includes:

1. Employer’s name.
2. Employee’s name and identification number.
3. Federal program account number.
4. Employee’s position.
5. Reporting period; and
6. Employee’s and supervisor’s signature.

The time and effort after-the-fact certification statement is included on the timesheet. The certification must be signed and dated by the employee or supervisor with first-hand knowledge of the employee’s work after the work has been completed.

For salaried employees funded through a federal grant, the Business Office generates a semi-annual personnel activity report. The report includes:

1. Employer's name.
2. Employee's name and identification number.
3. Federal program account number.
4. Employee's position.
5. Reporting period.
6. 100% of work activities; and
7. Employee's and supervisor's signature.

The time and effort after-the-fact certification statement is included on the personnel activity report. The certification must be signed and dated by the employee or supervisor with first-hand knowledge of the employee's work after the work has been completed.

#### **Reconciliation and Closeout Procedures**

It is critical for payroll charges to match the actual distribution of time recorded on the monthly certification documents. Budget estimates or other distribution percentages determined before the services are performed do not qualify as support for charges to federal awards but may be used for interim accounting purposes provided that the system for establishing the estimates produces reasonable approximations of the activity actually performed.

The reconciliation process is conducted by the Director of Finance. At the beginning of each grant year, the business office creates a spreadsheet with the following information:

1. Federal grant name.
2. Federal grant account number.
3. Employee's name.
4. Employee's number.
5. Position Title.
6. Days schools are in session by month.
7. Budgeted number of hours by month; and
8. Variance (number of hours and percent).

On a quarterly basis, the federal grant timesheets are collected and scanned into a folder on the shared directory. The Business Office enters the number of hours worked into the spreadsheet. The completed sheet is provided to the Budget Analyst quarterly.

Annual adjustments will be made only if (1) the quarterly comparisons show the differences between budgeted amounts and actual costs are less than ten percent; and (2) the budget estimates or other distribution percentages are revised at least quarterly, if necessary, to reflect changed circumstances. If not performed annually, quarterly adjustments should be made. All necessary adjustments must be made such that the final amount charged to the federal award is accurate, allowable, and properly allocated.

#### **Employee Exits**

An employee who is separating from service with the FRCS should submit a letter of intent to their Director/Principal. In the letter, the employee shall note the purpose of separation (retirement, resignation, etc.) and the effective date. Advance notification of separation is greatly appreciated to limit negative impacts



on student learning. Although a formal exit interview is not required, it is suggested that each supervisor discuss the reasons for leaving with every employee leaving for purposes other than retirement.

## **B. HUMAN RESOURCES POLICIES**

FRCS Fiscal Policies and Procedures ensure that personnel compensation costs are spent in accordance with written policies and procedures. Unless authorized by the by the grantor, FRCS will not use federal funds for relocation or severance pay.

The allowability of various types of personnel compensation costs is dependent on whether they are spent in accordance with written policies and procedures. For example, the cost of fringe benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as annual leave, sick leave, or holidays, is allowable if, among other criteria, the costs are provided under established written leave policies. Therefore, ensure that FRCS has human resource policies which at least cover (1) how employees are hired (2 CFR §200.430(a)(2)); (2) the extent to which employees may provide professional services outside the District (2 CFR §200.430(c)); (3) the provision of fringe benefits, including leave and insurance, (2 CFR §200.431)); (4) the use of recruiting expenses to attract personnel (2 CFR §200.463(b)); and (5) reimbursement for relocations costs. 2 CFR §200.464.

FRCS employee handbook can be found on the website at:

[https://www.foxboroughrcs.org/apps/pages/index.jsp?uREC\\_ID=1529828&type=d&pREC\\_ID=1663713](https://www.foxboroughrcs.org/apps/pages/index.jsp?uREC_ID=1529828&type=d&pREC_ID=1663713)

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## **V. Record Keeping**

### **A. RECORD RETENTION**

FRCS maintains all records that fully show (1) the amount of funds under the grant or subgrant; (2) how the subgrantee uses those funds; (3) the total cost of each project; (4) the share of the total cost of each project provided from other sources; (5) other records to facilitate an effective audit; and (6) other records to show compliance with federal program requirements. 34 C.F.R. §§ 76.730-.731 and §§ 75.730-.731. FRCS also maintains records of significant project experiences and results. 34 C.F.R. § 75.732. These records and accounts must be retained and made available for programmatic or financial audit.

The U.S. Department of Education is authorized to recover any federal funds misspent within 5 years before the receipt of a program determination letter. 34 C.F.R. § 81.31(c). Consequently, FRCS retain records for a minimum of five (5) years from the date on which the final Financial Status Report is submitted, unless otherwise notified in writing to extend the retention period by the awarding agency, cognizant agency for audit, oversight agency for audit, or cognizant agency for indirect costs. However, if any litigation, claim, or audit is started before the expiration of the record retention period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken. 2 C.F.R. § 200.333.

At the state level, records retention is overseen by the Massachusetts Secretary of State's Office ([www.mass.gov/sec](http://www.mass.gov/sec)). The department head of any office that creates, receives, or stores public records must

designate a custodian of records. The custodian of records is the point of contact for all public records requests; ensures record security and follows proper destruction of records protocol.

Maintaining an inventory of records will allow for the identification of records that may be at the end of the retention period. Prior to the destruction of records, a written request must be made to the Supervisor of Records. Once the written request is approved, FRCS will destroy the records. Retention of Records is available at: [http://www.sec.state.ma.us/arc/arcpdf/MA\\_Municipal\\_Records\\_Retention\\_Manual.pdf](http://www.sec.state.ma.us/arc/arcpdf/MA_Municipal_Records_Retention_Manual.pdf).

## **B. COLLECTION AND TRANSMISSION OF RECORDS**

FRCS records are primarily paper, with some that are in electronic form. Electronic storage is an easier means to share documents upon request i.e., auditors, records inquiries, etc. In either case, care is taken to ensure the materials chosen to create the record will last through the records retention period. Minutes of governmental bodies are maintained in a paper format. The municipal records retention schedule provides recommended storage standards.

## **C. ACCESS TO RECORDS**

The district provides the awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives the right of access to any documents, papers, or other records of the district which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the district's personnel for the purpose of interview and discussion related to such documents.

## **D. PRIVACY**

The Family Educational Rights and Privacy Act (FERPA) affords parents and students who are 18 years of age or older ("eligible students") certain rights with respect to the student's education records. FRCS protects personal information of both students and employees through regular training and updated policies and procedures. On an annual basis, FRCS employees take the annual regulatory training. Each module contains a short introduction, important documentation on the topic, a review quiz, and additional materials. The modules include:

- Civil Rights
- Bullying and Cyberbullying
- Confidentiality of Student Records
- Sexual Harassment or Discrimination
- English Language Learners and SEI Endorsement
- Mandated Report of Suspected Child Abuse
- Restraint Procedures
- Conflict of Interest
- Readiness and Emergency Management

FRCS Acceptable Use Policy addresses the protection of personal information of both students and employees, see Appendix E.

#### **E. SUBRECIPIENT MONITORING**

In the event that the district awards subgrants to other entities, it is responsible for monitoring those grant subrecipients to ensure compliance with federal, state, and local laws. Monitoring is the regular and systematic examination of all aspects associated with the administration and implementation of a program. Each program office that awards a subgrant must have its own monitoring policy. This policy must ensure that any monitoring findings are corrected.

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### **VI. FREQUENTLY ASKED QUESTIONS**

As questions arise, this section will be populated.

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### **VII. LEGAL AUTHORITIES AND HELPFUL RESOURCES**

The following documents contain relevant grants management requirements. Staff should be familiar with these materials and consult them when making decisions related to the federal grant.

Education Department General Administrative Regulations (EDGAR)

- <http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>

Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR Part 200)

- <http://www.ecfr.gov/cgi-bin/text-idx?SID=ccccf77e01c9e6d4b3a377815f411704&node=pt2.1.200&rgn=div5>

USDE's Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (2 CFR Part 3474)

- [http://www.ecfr.gov/cgi-bin/text-idx?SID=ccccf77e01c9e6d4b3a377815f411704&tpl=/ecfrbrowse/Title02/2cfr3474\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?SID=ccccf77e01c9e6d4b3a377815f411704&tpl=/ecfrbrowse/Title02/2cfr3474_main_02.tpl)

Federal program statutes, regulations, and guidance

- <http://www.ed.gov/>

State regulations, rules, and policies

- Massachusetts Department of Elementary and Secondary Education, Grants Manual: <http://www.doe.mass.edu/grants/procedure/manual.html>
- Massachusetts Department of Early Education and Care Grants: <http://www.mass.gov/edu/birth-grade-12/early-education-and-care/financial-assistance/funding-opportunities/forms-for-grant-recipients/>
- Massachusetts Municipal Records Retention Schedule: [http://www.sec.state.ma.us/arc/arcpdf/MA\\_Municipal\\_Records\\_Retention\\_Manual.pdf](http://www.sec.state.ma.us/arc/arcpdf/MA_Municipal_Records_Retention_Manual.pdf)

DRAFT

- Massachusetts Inspector General's' Office, Chapter 30B Procurement:  
<http://www.mass.gov/ig/procurement-assistance/>

FRCS General Information and Forms

- [https://www.foxboroughrcs.org/apps/pages/index.jsp?uREC\\_ID=1529894&type=d&pREC\\_ID=1663776](https://www.foxboroughrcs.org/apps/pages/index.jsp?uREC_ID=1529894&type=d&pREC_ID=1663776)

Organizational Chart

- The current organization chart can be found in Appendix B.

**VIII. APPENDICES**

**Appendix A. Sample Grant Tracking Sheet**

**GRANT TITLE**

Grant Info

Fund Use

Notes

FY:			
Agency:			
Fund Code:			
Project Number:			
Funds Expended By:			
FRCIS Contract:			
Department:			
Grant Link:			
Grant Contact:			
Grant Contact Email:			

Grant Allocation			
Budgeted Total:	\$0.00		
Actual Spent:	\$0.00		
Actual Revenue:	\$0.00		
Difference:	\$0.00		
<b>TOTAL REMAINING</b>	<b>\$0.00</b>		

Grant Budget

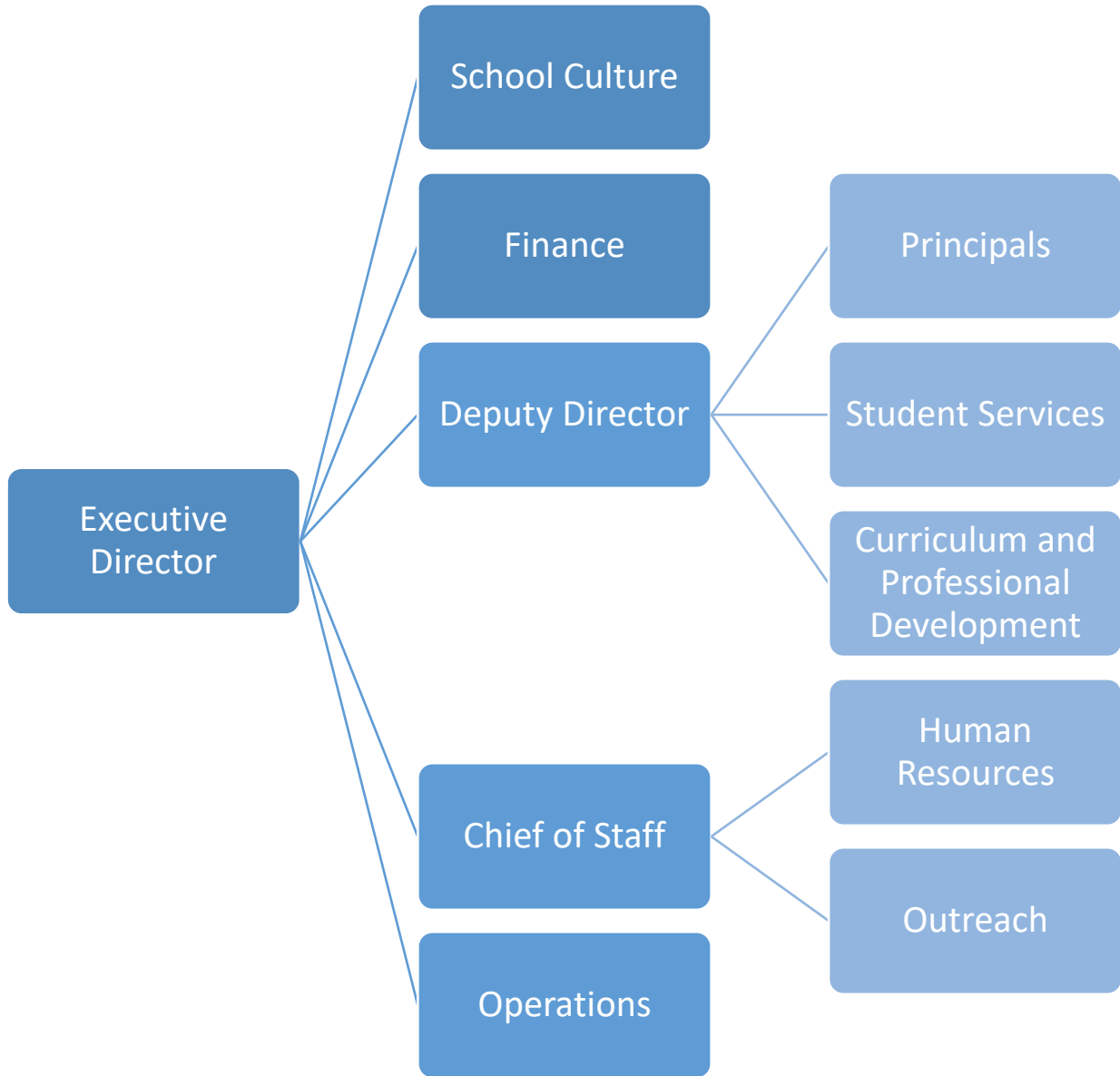
Last Updated:

Line	Category	Account	Label	Description	Total Budgeted	Spent	Balance	Category Total	Category Spent	Category Balance
							\$0.00			
							\$0.00			
							\$0.00			
							\$0.00			
							\$0.00			
							\$0.00			
							\$0.00			
							\$0.00			
							\$0.00			
							\$0.00			
							\$0.00			
							\$0.00			
							\$0.00			
							\$0.00			
							\$0.00			
							\$0.00			
							\$0.00			
							\$0.00			

Amendment Tracking

Date	Description

Appendix B. Organizational Chart



Appendix C. Travel Policy

**FRCS TRAVEL POLICY**

STATEMENT OF PURPOSE

With the establishment of this policy, Foxborough Regional Charter School (FRCS) seeks to simplify the travel process by providing guidelines to follow in order to protect the interests of the employee, members of the Board of Trustees and FRCS. This document serves to clarify the means by which travel should be arranged and parameters that travelers must adhere to. It is company policy to reimburse for ordinary, necessary and reasonable travel expenses when directly connected with or pertaining to the mission of FRCS. All travel must be done in accordance with this policy to qualify for reimbursement.

As FRCS is supported almost entirely by public money, either Federal or State, travelers are expected to exercise prudent business judgment regarding expenses covered by this policy. When submitting expense reports to claim reimbursement, travelers are expected to neither gain nor lose financially.

Specific departments may, at their discretion, impose greater control than required by this policy but never less.

RESPONSIBILITY AND ENFORCEMENT

Foxborough Regional Charter School realizes that business travel can, at times, be costly. With this understanding, an organized and clear process for obtaining approval, making reservations and ultimately submitting expenses is crucial to ensure all expenses are reimbursed in a timely manner. The following statements are understood with regard to the responsibility and enforcement of this policy:

- The traveler is responsible for complying with the travel policy.
- The approver is responsible for accurately reviewing expense reports for compliance.
- The company will reimburse Employees and Board of Trustee members for all reasonable and necessary expenses while traveling on authorized company business.
- The company assumes no obligation to reimburse travelers for expenses that are not in compliance with this policy.
- Submitting expenses that are not in compliance with this policy will result in delayed, partial or forfeited reimbursement.

AUTHORIZATION TO TRAVEL

Travel and the expenses associated with it will only be authorized in circumstances, which are clearly consistent with the mission of FRCS and necessary for the job position of the traveler. All travel must be approved by an authorized approval figure and either the Executive Director or Finance Director prior to booking a trip.

Travel should be requested 30 days prior to the date of the function in order to obtain airfare discounts and lodging in hotels blocked for the seminar, training, or conference.

NON-REIMBURSABLE EXPENSES:

FRCS does not pay additional money for time traveling to or attending conferences. Other expenses not reimbursable include but are not limited to the following:

- Alcohol
- Movies (including in-flight and hotel in-house movies)
- Parking or traffic tickets and fines
- Souvenirs and personal gifts
- Transportation to and from office
- Travel expenses related to personal travel outside of the conference travel requirements

REIMBURSABLE EXPENSES:

Subject to the prior approvals discussed above, the following policy provides for reimbursement of authorized employee and Board of Trustees member expenses incurred on behalf of FRCS.

AIRFARE

Each traveler or their designated travel arranger will be responsible for coordinating his/her travel arrangements.

All airfare will be purchased in coach class at discounted rates if possible. Please note that discounted airfare does not allow change, so the traveler must be able to make a serious commitment to the travel and change or cancel only under extraordinary circumstances. Additional costs incurred for changed travel for other than extraordinary circumstances will not be reimbursed by FRCS.

**LODGING**

HOTEL SELECTION

If overnight travel is not associated with a particular hotel such as with a seminar or conference, the staff member will select good quality, moderately priced hotels for lodging. A single room with a private bath in a moderately priced business class hotel or motel is the standard.

CANCELLING

All rooms will be guaranteed for late arrival. If room cancellation is necessary, the reservation must be cancelled by the required deadline in order to avoid a “no-show” charge. If an employee chooses to cancel directly with the hotel, that employee should request and retain a “cancellation number” as documentation of the transaction. “No-show” charges are not reimbursable except under exceptional circumstances.



Appendix D. Debarment/Suspension Affidavit

**DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION FORM**

The Contractor shall meet the requirements of 49 C.F.R. Part 29, as updated on November 26, 2003. 49 C.F.R. Part 29 implements Executive Order 12549, Debarment and Suspension, Executive Order 12689, Debarment and Suspension, and 31 U.S.C. 6101 note (Section 2455, Public Law 103-355, 108 Stat. 3327). The provisions of Part 29 apply to all contracts and subcontracts at any level expected to equal or exceed \$25,000. This represents a change from prior practice in that the dollar threshold for application of these rules has been lowered from \$100,000 to \$25,000. As such, the Contractor is required to verify that none of its principals (defined at 49 C.F.R. 29.995), affiliates (defined at 49 CFR 29.905) or subcontractors it proposes to contract with to perform the work that is the subject of this solicitation are excluded or disqualified as defined at 49 C.F.R. 29.940 and 29.945. Contractors can do this by (a) checking the Excluded Parties List System, (b) collecting a certification, or (c) adding a clause or condition to the relevant contract or subcontract.

By signing this form, the Contractor certifies as follows:

The certification in this clause is a material representation of fact relied upon by Foxborough Regional Charter School. If it is later determined that the Bidder knowingly rendered an erroneous certification, in addition to remedies available to Foxboro Regional Charter School, the Federal Government may pursue available remedies, including, but not limited to, suspension and/or debarment. The contractor agrees to comply with the requirements of 49 C.F.R. 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The Bidder further agrees to include a provision requiring such compliance in its transactions.

THE CONTACTOR CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET SEQ. ARE APPLICABLE THERETO.

\_\_\_\_\_ Contractor

\_\_\_\_\_ Signature and Title of Authorized Official

\_\_\_\_\_ Date