



# ConnectMT Grant Compliance Webinars

**PROCUREMENT AND ELIGIBLE EXPENSES**

# OVERVIEW

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- **Procurement**
- **Incur eligible expenses**
- **Submit requests for reimbursement**

ConnectMT Required Reporting



# FEDERAL PROCUREMENT REQUIREMENTS

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- Introduction
- General Procurement
- Competition
- Procurement Methods
- Noncompetitive Procurement Methods
- Contract Cost or Price
- Socioeconomic Contracting
- Domestic Preferences
- Build America, Buy America
- Bonding Requirements
- Contract Provisions
- Review



# INTRODUCTION

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- **The ConnectMT program is funded by FEDERAL FUNDS**
  - American Rescue Plan Act (ARPA) Coronavirus State Fiscal Recovery Funds (CSFRF)
  - ARPA Coronavirus Capital Project Funds (CPF)
- **Montana is known as the “recipient” of the funding and is responsible for disbursing, monitoring, and providing oversight of the grant to the subrecipient.**
- **You (Internet Service Providers) are the “subrecipient” whom the funds are distributed to and used for a specific purpose.**
  - Please be aware that you will be considered a subrecipient and will not have the ability to subaward any part of the funds that you receive from the recipient.
  - As a subrecipient, anyone you engage with to build, will be a contractor.
- **Both Montana and Internet Service Providers are REQUIRED to comply with 2 CFR 200 and terms and conditions outlined by Treasury.**
- **All funding is subject to reporting and potential audit.**



# GENERAL PROCUREMENT

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## Key action items:

- **Develop and follow written procurement policies and procedures**
  - Incorporate Federal and applicable State requirements
- **Develop written standards of conduct for your project employees**
  - Address conflicts of interest related to the award and administration of contracts
  - Outline incident reporting protocols and disciplinary actions that may apply
- **Maintain records sufficient to detail the history of procurement**
- **Maintain oversight to ensure contractors perform in accordance with terms**
- **Avoid use of time and materials type contracts. If required**
  - Establish a ceiling the contractor exceeds at its own risk
  - Assert a high degree of oversight
- **Consider leveraging value engineering**

As a subrecipient of federal funds, you must follow [2 CFR 200.318](#).



# KEY RELEVANT PROVISIONS

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## PROCUREMENT STANDARDS

### Competition – 2 C.F.R. 200.319

All procurement transactions using “full and open competition”

- Must have written selection procedures
- Must clearly identify all bidding requirements

### Restrictions on Competition

1. Requiring unnecessary experience or requirements
2. Excessive bonding requirements
3. Specifying only a brand name product
4. Noncompetitive pricing practices
5. Organizational conflicts of interest
6. Noncompetitive contracts to contracts on retainer
7. Any arbitrary action in the procurement process

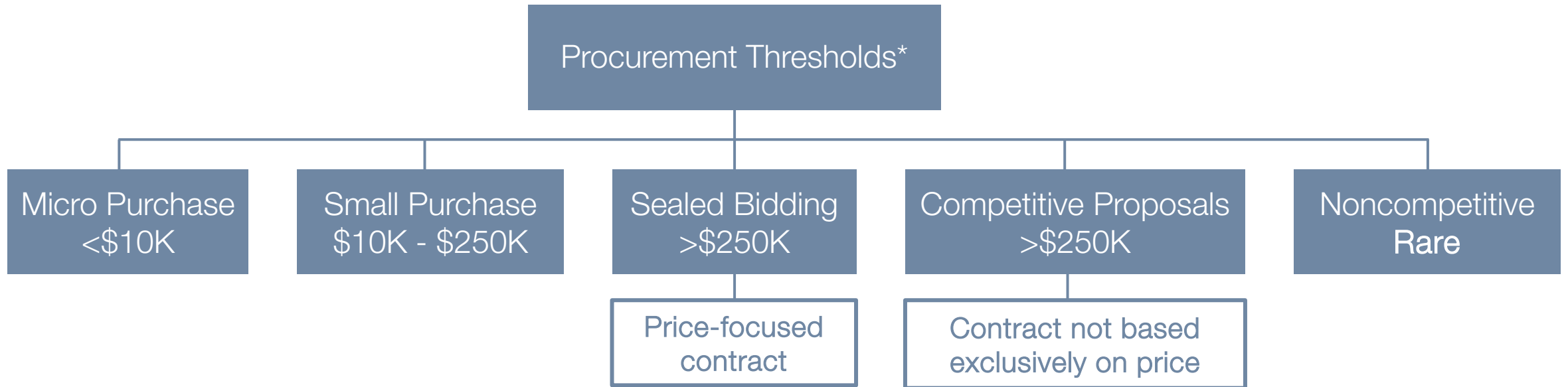


# KEY RELEVANT PROVISIONS

## PROCUREMENT STANDARDS

### Procurement Methods – 2 C.F.R. 200.320

Subrecipients must use one of the following five methods of procurement:



**\*Procurement thresholds effective for all procurements executed on or after March 2021.**



# KEY RELEVANT PROVISIONS

## PROCUREMENT STANDARDS

### Noncompetitive Procurement Methods – 2 C.F.R. 200.320

In limited circumstances it may be necessary to use noncompetitive procurement. To use this method, you must meet one of the following requirements:

1. Good or service does not exceed the micro-purchase threshold
2. Good or service is only available from single source
3. The public exigency or emergency for the good or service will not delay from a competitive solicitation
4. Federal awarding agency or pass-through authorizes a non-competitive procurement
5. After solicitation, competition is determined inadequate

### Exigent Circumstances

- Need to avoid, prevent, or alleviate serious harm or injury, financial or otherwise AND
- Use of competitive procurement proposals would prevent the urgent action

### Emergency Circumstances

- Threat to life, public health or safety, or improved property
- Generally short-lived





# KEY RELEVANT PROVISIONS

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## PROCUREMENT STANDARDS

### Noncompetitive Procurement Methods – 2 C.F.R. 200.320

#### Proper Noncompetitive Procurement Use

- **ISP has publicly solicited proposals, received limited responses and documented other attempts to solicit additional proposals**
- **Severe weather impacts Project area requiring materials to be purchased to protect the Project in the short-term.**

#### Improper Noncompetitive Procurement Use

- **ISP chooses to sole-source in order to purchase a specific brand name vendor even though comparable products are available**
- **ISP determines exigent circumstances exist for the life of the Project due to inaccurate Project Schedule planning**



# KEY RELEVANT PROVISIONS

## PROCUREMENT STANDARDS

### Contract Cost or Price – 2 C.F.R. 200.324

**Subrecipients must perform and document a cost or price analysis in connection with every procurement action above the simplified acquisition threshold, including contract modifications.** The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

Pre-Procurement	During Procurement	
Independent Estimates	Price Analysis	Cost Analysis
<p>Must make independent estimates before receiving bids or proposals as a starting point.</p> <p>Example: Before receiving bids/proposals, use industry pricing benchmarks to understand where reasonable costs may fall for a project, so that during procurement process, an entity can make knowledgeable decisions</p>	<p>Examination and evaluation of total amount of proposed price without evaluating separate cost elements and proposed profit</p> <p>Example:</p> <ul style="list-style-type: none"> <li>• Comparing offers with competitive published price lists, published market prices, or similar indexes</li> <li>• Comparing proposed prices with prices of the same or similar items obtained through market research</li> </ul>	<p>Review and evaluation of separate cost elements or line items (such as labor hours, overhead, materials, etc.) and proposed profit in a proposal to determine a fair and reasonable price for a contract</p> <p>Example:</p> <ul style="list-style-type: none"> <li>• Verification and evaluation of the cost elements that make up the total price</li> <li>• Comparison of costs proposed by contractors</li> </ul>



# KEY RELEVANT PROVISIONS

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## PROCUREMENT STANDARDS

### **Socioeconomic Contracting – 2 C.F.R. 200.321**

**Recipients must take all necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible.**

#### **Affirmative steps:**

1. Placing qualified businesses on solicitation lists
2. Assuring that businesses are solicited whenever they are potential sources.
3. Dividing requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by businesses
4. Establishing delivery schedules which encourage participation by businesses
5. Use services and assistance of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce or Montana Department of Transportation DBE/SBE Directory
6. Require the prime contractor (if subcontractors are anticipated) to take the five previous steps



# KEY RELEVANT PROVISIONS

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## PROCUREMENT STANDARDS

### **Domestic Preferences – 2 C.F.R. 200.322**

**The requirement of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.**

**To the greatest extent practicable under a Federal award, Subrecipients should provide a preference for the purchase, acquisition, or use of goods, products or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products).**



# BUILD AMERICA, BUY AMERICA

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## What is Build America, Buy America?

- Passed as part of the Infrastructure Investment and Jobs Act
- Requires the use of Made in America content
- Applies to federal financial assistance programs for infrastructure whether those programs received funding from the Infrastructure Investment and Jobs Act or not

## Requirements

- All iron and steel items used in covered projects must be produced in the USA
- All manufactured products used in covered projects must be produced in the USA
- All construction materials used in covered projects must be manufactured in the USA

Adhering to Build America, Buy America standards is **REQUIRED** as part of the ConnectMT Program.



# KEY RELEVANT PROVISIONS

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## PROCUREMENT STANDARDS

### Bonding Requirements – 2 C.F.R. 200.326

**Subrecipients must follow certain federal bonding rules when awarding construction or facility improvement contracts and subcontracts exceeding the simplified acquisition threshold.**

Construction or facility improvement projects above \$250,000 require:

- A bid guarantee from each bidder equivalent to 5% of the bid price
- A performance and payment bond on the part of the contractor for 100% of the contract price



Below \$250,000, subrecipients may follow its own bonding requirements, provided the requirements do not restrict competition



# KEY RELEVANT PROVISIONS

## PROCUREMENT STANDARDS

### Contract Provisions – 2 C.F.R. 200.327

Administrative, contractual, or legal remedies	Contracts for more than the Simplified Acquisition Threshold
Termination for Cause and Convenience	Contracts in excess of \$10,000
Davis-Bacon Act	If you are certifying compliance with Davis-Bacon Act, must be included in all construction contracts greater than \$2,000
Copeland “Anti-Kickback”	Construction contracts in excess of \$2,000
Contract Work Hours and Safety Standards Act	Contracts awarded in excess of \$100,000 involving the employment of mechanics or laborers
Clean Air Act and the Federal Water Pollution Control Act	Contracts of amounts in excess of \$150,000
Debarment and Suspension	All contracts and you should retain a copy of the Debarment search performed prior to contract effective date
Equal Employment Opportunity	All contracts
Right to Inventions	All contracts if participating in experimental, developmental, or research work
Byrd Anti-Lobbying Amendment	Contracts awarded in excess of \$100,000 and include separate certification



# REVIEW

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## TOP 10 PROCUREMENT UNDER GRANT MISTAKES

-  Restricting full and open competition
-  Not performing detailed cost/price analysis for procurements over 250k
-  Engaging in a sole-sourcing contract w/o documenting E/E situation
-  Continuing work under a sole-source contract after the urgent need has ended
-  Awarding a “time-and-materials” contract w/o ceiling price and documentation when no other contract type is suitable
-  Not making and documenting efforts to take all “affirmative steps” for socioeconomic contracting
-  Not including the required contract clauses
-  Awarding a “cost-plus-percentage-of-cost” or “percentage-of-construction-cost” contract
-  Awarding a contract to contractors that are suspended or debarred
-  Not documenting all steps of procurement to answer questions that could arise months/years later





# ELIGIBLE EXPENSES

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- Eligible Project Costs
- Approved Project Budget Category
- Ineligible Project Costs
- Federal Cost Principles



# ELIGIBLE PROJECT COSTS

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**Subrecipients may only submit request for reimbursement of eligible project costs.**

## **Factors impacting eligibility:**

- 1. Cost must be associated with an approved Project Budget category**
- 2. Cost cannot be on the list of ineligible costs identified within the grant agreement**
- 3. Cost cannot be reimbursed by another source (No Duplication of Benefits)**
- 4. Cost must be allowable and reasonable as defined by federal requirements**
- 5. Cost must be procured consistent with federal procurement requirements**
- 6. Cost must be supported in accordance with the ConnectMT Request for Reimbursement procedures**



# APPROVED PROJECT BUDGET

## CATEGORY

- Costs submitted for reimbursement must be mapped to an eligible cost category within the Project Budget
- Funds must be available in the Project Budget line item to receive reimbursement
- When you identify a cost overrun, you must submit a revised budget immediately for the Department's review and approval
- You will be responsible for all cost overruns
- Montana will not increase a Grant Award

PRE-PROJECT DEVELOPMENT	ARPA
<i>Data Gathering</i>	\$ 1,000.00
<i>Feasibility Studies</i>	2,000.00
<i>Engineering Design</i>	3,000.00
<i>Environmental/Historical/Cultural Reviews</i>	4,000.00
<i>Permitting</i>	5,000.00
<i>Railroad Permitting</i>	6,000.00
<i>Underground Permitting</i>	7,000.00
<i>Pole License</i>	8,000.00
<i>Other</i>	9,000.00
<b>TOTAL</b>	<b>\$ 45,000.00</b>
MATERIALS	
<i>Strand</i>	\$ 1,000.00
<i>Fiber</i>	2,000.00
<i>Coax</i>	3,000.00
<i>Antenna</i>	4,000.00
<i>Electronics</i>	5,000.00
<i>OSP (FDH Cabinets/Taps/Splitters/Antennas/ETC)</i>	6,000.00
<i>Contingency</i>	2,100.00
<b>TOTAL</b>	<b>\$ 23,100.00</b>
CONSTRUCTION	
<i>Land Acquisition</i>	\$ 1,000.00
<i>Inhouse Labor</i>	2,000.00
<i>Contractor Labor</i>	3,000.00
<i>Construction Inspection</i>	4,000.00
<i>Construction</i>	5,000.00
<i>Contingency</i>	\$ 2,250.00
<b>TOTAL</b>	<b>\$ 17,250.00</b>
<b>TOTAL PROJECT BUDGET</b>	<b>\$ 85,350.00</b>



# INELIGIBLE PROJECT COSTS

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**The following costs are ineligible and will not be reimbursed under any circumstances:**

- **Costs incurred prior to the Grant Agreement effective date [date signed by all parties]**
- **Costs related to infrastructure outside the Project area**
- **Short-term operating leases**
- **Acquisition of spectrum licenses**
- **Debt costs, including Interest or Principal payments on outstanding debt and fees or issuance costs associated with new debt**
- **Satisfaction of any obligation pursuant to a settlement agreement, judgement, consent decree or judicially confirmed debt restructuring plan in a legal proceeding**
- **To support or oppose collective bargaining**
- **Operating expenses, including grant administrative, indirect, audit and ancillary costs to operationalize the capital assets**

Ineligible costs include costs already reimbursed by another source –  
**NO DUPLICATION OF BENEFITS**



# FEDERAL COST PRINCIPLES

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## Cost Principles – 2 C.F.R. 200.403-404

2 C.F.R. 200.403

Factors affecting allowability of costs

### Costs must meet the following criteria:

- Be necessary and reasonable
- Conform to limitations or exclusions
- Be consistent with policies and procedures
- Be in accordance with GAAP
- Not be included as a cost of any other federally financed program
- Be adequately documented

2 C.F.R. 200.404

Reasonable costs

Cost is reasonable if it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.



# APPENDIX – ADDITIONAL RESOURCES

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- Federal Funding Key Relevant Provisions



# KEY RELEVANT PROVISIONS

## FEDERAL FUNDING

### 2 C.F.R. 200 Key Relevant Provisions

200.317-327 Procurement Standards	200.328-329 Performance and Financial Monitoring and Reporting
<u>2 C.F.R. 200.317 Procurement by States</u>	<u>2 C.F.R. 200.328 Financial Reporting</u>
<u>2 C.F.R. 200.318 General Procurement Standards</u>	<u>2 C.F.R. 200.329 Monitoring and Reporting Program Performance</u>
<u>2 C.F.R. 200.319 Competition</u>	200.331-333 Subrecipient Monitoring and Management
<u>2 C.F.R. 200.320 Methods of Procurement to be Followed</u>	<u>2 C.F.R. 200.331 Subrecipient and Contractor Determinations</u>
<u>2 C.F.R. 200.321 Socioeconomic Contracting</u>	<u>2 C.F.R. 200.332 Requirements for pass-through entities</u>
<u>2 C.F.R. 200.322 Domestic Preferences</u>	200.402-411 Cost Principles Basic Considerations
<u>2 C.F.R. 200.323 Recovered Materials</u>	<u>2 C.F.R. 200.403 Factors affecting allowability of costs</u>
<u>2 C.F.R. 200.324 Contract Cost and Price</u>	<u>2 C.F.R. 200.404 Reasonable costs</u>
<u>2 C.F.R. 200.325 Review of Procurement</u>	200.501 – Audit Requirements
<u>2 C.F.R. 200.326 Bonding Requirements</u>	<u>2 C.F.R. 200.501</u>
<u>2 C.F.R. 200.327 Contract Provisions</u>	



# REQUIRED BUSINESS REGISTRATIONS

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- Required Business Registrations
- SAM.gov Registration
- Montana Secretary of State Business Registration





# REQUIRED BUSINESS REGISTRATIONS

## 2 C.F.R. 200.214 Suspension and Debarment

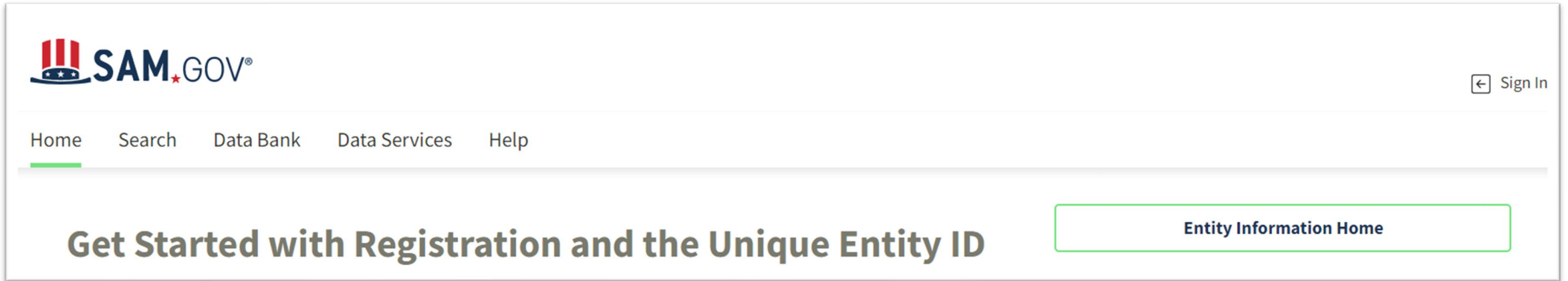
- Subrecipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR part 180
- 2 CFE part 180: restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities

## Secretary of State Business Registration

- Any business intending to transact business in Montana must register with the Secretary of State
- Businesses that are incorporated in another state or country, but which are conducting activity in Montana, must determine whether they are transacting business in Montana in accordance with the laws of Montana.
- Out of state business must obtain a certificate of authority from the Secretary of State to demonstrate they are in good standing in Montana



# SAM.GOV REGISTRATION



The screenshot shows the SAM.GOV website interface. At the top left is the SAM.GOV logo, which includes a stylized American flag icon. To the right of the logo is a "Sign In" button with a left-pointing arrow icon. Below the logo and sign-in button is a horizontal navigation menu with the following items: "Home" (underlined with a green bar), "Search", "Data Bank", "Data Services", and "Help". Below the navigation menu is a large banner area. On the left side of the banner, the text reads "Get Started with Registration and the Unique Entity ID". On the right side of the banner, there is a rectangular button with a green border and the text "Entity Information Home".

## [Click here](#) to register on SAM.gov

- You must register for a SAM.gov account. As part of your registration, you will obtain a 12-digit Unique Entity Identifier (UEI). Keep track of this number.
- **Note:** This step can take some time - plan ahead. The website says it takes 10 business days, but it can take up to several weeks. Start early!



# SAM.GOV REGISTRATION

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## Already Registered?

If you are already registered with SAM.gov, confirm your registration status is Active. Revisit the registration annually to maintain good standing.

## Excluded, Suspended or Debarred Status

If your organization status is noted as excluded (also referred to as suspensions or debarments), contact IDHS for guidance. Per 2 CFR 180, your organization may be excluded from receiving federal contracts, certain subcontracts, and certain types of federal financial and non-financial assistance and benefits.

## SAM.gov Registration

The following information will be needed for registration:

- Federal EIN (i.e., TIN, Tax Identification Number)
- Review tax documents from the IRS (specifically the Form 1099) to find exact taxpayer name
- Unique Entity Identifier (UEI) number (assigned during registration process, if needed)
- Legal business name
- Business Address
- Bank routing number, account number, and account type are needed to set up the electronic funds transfer



# SAM.GOV REGISTRATION

## Unique Entity Identifier

Select your purpose for registration as, “Financial Assistance Awards,” and indicate if you are registering a Government Entity.

Validate your Entity by entering the following information:

- Legal Business Name
- Physical Address (no P.O. boxes or virtual offices)
- Date of Incorporation
- State of Incorporation (U.S. entities only)

Your organization name and address will be validated by SAM.gov. If SAM.gov cannot automatically validate your organization, the system may request you provide an official document, such as Certified Articles of Incorporation.

You will also select whether you want your organization to be visible in public search results. For Pre-Qualification, your SAM.gov account must be set to public until after you are registered in the GATA Grantee Portal.

DEPARTMENT OF ADMINISTRATION | CONNECTMT GRANT COMPLIANCE

The screenshot displays a four-step registration process: 1. Get Started, 2. Validate Entity (current step), 3. Get Unique Entity ID, and 4. Register Entity. The 'Validate Entity' section is titled 'Enter Entity Information' and includes instructions: 'All the following information will be used to validate your entity, unless marked as optional.' It contains two input fields: 'Legal Business Name' with a note that it is the name registered with the state filing office, and 'Doing Business As (Optional)' with a note that it is the commonly used other name, such as a franchise or license name. Below these fields, the text 'Physical Address' is partially visible.

Register for Financial Assistance Awards Only

- To apply for grants and loans as described by [2 CFR 200](#).
- Includes getting a Unique Entity ID and entity registration.



If your account is set to private, the system will not be able to sync your accounts.



# SAM.GOV REGISTRATION

## Core Data

After receiving a UEI, you will need to enter the following “Core Data” to finish your SAM.gov registration:

## Business Information



- Organization start date
- Date on which your company’s fiscal year ends
- (Optional) Organization’s division name and number
- (Optional) Organization’s website URL
- Marketing Partner Identification Number (MPIN) (created at registration)
- Physical and mailing address
- Taxpayer Identification Number (TIN) (U.S. entities only)

## IRS Consent

- IRS Consent Form (taxpayer name and address)
- CAGE Code (U.S. entities only) (If you do not have a CAGE code, select “No”)


1 Get Started 2 Get Unique Entity ID 3 Continue Registration 4 Done

**You will be registering the following:**

- ✓ Entity Type: **Business or Organization** 
- ✓ Purpose of Registration: **Financial Assistance Awards** 

A business or organization is any entity that does not qualify as a government entity (state, local, tribal, or foreign).

Apply for grants and loans, as described by 2 CFR 200 [↗](#)

 **What do I need for registration?**  
Download our guide.



# SAM.GOV REGISTRATION

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## Core Data - General Information

- Country of Incorporation
- State of Incorporation (U.S. entities only)
- (Optional) Company Security Clearance
- (Optional) Highest Employee Security Clearance Level
- (If applicable) Institution Type (e.g., foundation, hospital, educational)
- (If applicable) Disadvantaged Business Enterprise (must be certified by a federal agency)
- (If applicable) Native American Organization Type
- Organization Factors (e.g., S corporation, LLC, foreign-owned)
- Organization Structure (e.g., Corporate organization-Not Tax Exempt, Corporate organization-Tax Exempt, Sole Proprietorship)
- Profit Structure (e.g., for-profit, non-profit)
- Socio-economic Categories (e.g., veteran-owned, minority-owned)



# **SAM.GOV REGISTRATION**

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## **Core Data - Financial Information**

- **Accept credit cards as a method of payment (yes or no)**
- **Electronic Funds Transfer (optional for non-U.S. entities)**
- **Account type**
- **Routing number**
- **Account number**
- **Automated Clearing House**
- **U.S. phone number**
- **Remittance Name and Address**



# SAM.GOV REGISTRATION

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## Core Data - Executive Compensation Questions

Answer yes if in the last fiscal year:

- 80% or more of your organization's revenue come from federal sources (contracts, grants, loans, etc.)
- Your total revenue from federal sources exceeded \$25 million
- Does the public have access to information about the compensation of the senior executives in your business or organization? (yes or no)

If yes to the first two questions and no to the third question, then provide names, titles, and total compensation values of your top five executive compensated employees.

## Core Data - Proceedings Questions

If you answer “yes” to each of the below three questions, see page 14 of the SAM.gov Organization Registration Checklist for additional required questions:

- Is your organization responding to a federal procurement opportunity that contains the provision within [FAR 52.209-7](#)?
- Is your organization subject to the clause within [FAR 52.209-9](#) in any current federal contracts?
- Is your organization applying for a federal grant opportunity that contains the award term and condition described in [C.F.R. 200 Appendix XII](#)?





# SAM.GOV REGISTRATION

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Once you have entered the core data, you will have to answer the following:

## **Representations and Certifications include the following information:**

- **Does your organization wish to apply for federal financial assistance project or program or is your organization currently a recipient of funding under a federal financial assistance project or program? (yes or no)**
  - **If yes, the financial assistance representations and certifications will display. You must read and certify your organization attests to the accuracy of the representations and certifications listed. See the [SAM.gov organization Registration Checklist, Appendix I \(page 16 of 18\)](#) to review the financial assistance representations and certifications.**

## **Entry of Points of Contact (POCs):**

**Enter the first and last name, email, phone number, and address (if applicable) for the below Mandatory POCs:**

- **Accounts Receivable POC**
- **Electronic Business POC**
- **Government Business POC**

Note: For POCs, the same person can be listed in multiple roles.



# MT SECRETARY OF STATE REGISTRATION

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## To Register a Business with the Secretary of State's Office

1. Visit the online filing portal at <https://biz.sosmt.gov/>.
2. Sign into the site with username and password. (If new user, simply click the login button to create a new account.)
3. Once signed in, go to the Forms section in the left side menu.
4. Choose the applicable form.
  - Use Domestic forms if business is meant to be a Montana business.
  - Use Foreign forms if business was already formed in another state/country and wants to conduct business in Montana.
5. Fill in the form with all required fields, as designated by red asterisks. Please note scroll down each page of the form to make sure everything required has been completed. If there is a page with missing information, it will be highlighted in red with an “x” on the summary page. Click on the page with the missing information to edit.
6. Submit the form to the Secretary of State's Office for processing with its required fee (payable by credit/debit card or by e-check).
7. It will be reviewed, and once approved, an email notification will be sent with instructions to retrieve approved documents from the portal.





## QUESTIONS?

### CONTACT US

1.844.406.ARPA(2772) or visit [connect.mt.gov](https://connect.mt.gov)

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