



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MEMORANDUM

TO: School District Business Officials,
School District Procurement Officials

FROM: Steven Strother
Interim Chief Financial Officer,
Finance Director, Office of Finance

Elsie Montgomery
Director, Office of Procurement

DATE: August 4, 2023

RE: Noncompetitive Procurements with Federal Funds

All procurement transactions for the acquisition of goods, property, or services required under a federal award or subaward must be conducted in a manner providing full and open competition following the standards of [2 CFR 200.319 Competition](#) and [§200.320 Methods of procurement to be followed](#).

In accordance with [§200.320](#), subgrantees can only use federal funds for noncompetitive procurements in specific circumstances. The subgrantee's existing exemption list cannot be used as the determination for approval with federal funds. Below are the federal requirements specific to noncompetitive procurements with notes in parentheses as additional guidance.

As outlined in 2 CFR 200.320(c), "There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

- (1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold; ("small dollar threshold;" the subgrantee must abide by their documented procurement policy)

- (2) The item is available only from a single source; (evidence of research to determine if other sources exist must be documented; the subgrantee must abide by their documented procurement policy. For example, if subgrantee's policy requires advertisement prior to awarding a single source, that policy must be followed.)
- (3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation; (evidence of a "public exigency" or emergency; the subgrantee must abide by their documented procurement policy)
- (4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or (evidence is documentation of both request and response from pass-through entity; the subgrantees must seek approval from the applicable South Carolina Department of Education (SCDE) program office)
- (5) After solicitation of a number of sources, competition is determined inadequate." (evidence is documented history of procurement)

Subgrantees that seek authorization for a noncompetitive procurement under a subaward issued by the SCDE as referenced in item (4) must contact the applicable program office.

Items that have been competed on state contract are not subject to additional approval; this is specific to governmental bodies, which include local educational agencies (LEAs, i.e., school districts), other political subdivisions, and state agencies.

Each SCDE program office that manages subawards will have a form that can be completed with approval from the requestor, business official, procurement official, and the applicable program office. This should be approved before obligating funds.

A copy of the template form is attached.



Program Office Name

Request for Noncompetitive Procurement Approval

Complete this form to request a noncompetitive procurement approval. The subgrantee's requestor (i.e., federal program director), business official/fiscal representative, and procurement official must sign this form. This form can be submitted via email to the **program manager**, **[Name]**, at **xxxx@ed.sc.gov**.

The subgrantee's exemptions list cannot be used for goods or services purchased with federal funds. The request for use of a noncompetitive procurement does not guarantee federal compliance nor is it a guarantee that the request will be approved. All procurement activities are subject to monitoring. The subgrantee must submit adequate documentation related to the request and maintain such documentation for recordkeeping and auditing purposes.

SUBGRANTEE NAME:	SCHOOL YEAR: 20__-20__
Subgrantee Contact:	
Email:	Phone Number:
Subaward Name:	Grant Number:

Description of Requested Procurement

Proposed Vendor or Contractor:	
Total Purchase Amount:	
Description of Goods/Services	
Provide a justification for why this procurement is a noncompetitive procurement. Must attach evidence to support this request.	
Requestor's Signature:	Date: / /
Requestor's Name (printed)	Title:
Business Official's Signature:	Date: / /
Business Official's Name (printed)	Title:
Procurement Official's Signature:	Date: / /
Procurement Official's Name (printed)	Title:

SCDE PROGRAM OFFICE USE ONLY

☐ Approved	☐ Denied	☐ Returned for more information
Reviewer's Signature:	Date:	
Notes:		