**Procurement Procedure Template for Small Child and Adult Care Food Program Sponsors**

***This document is a sample and is not intended to be all-inclusive. The Child Nutrition Program Sponsor is ultimately responsible to ensure that the plan complies with all Federal Regulations, State General Statutes, and Sponsor’s procurement policies.***

Child Nutrition Program Sponsor’s Name

# DOCUMENTED PROCUREMENT PROCEDURES

# CHILD NUTRITION PROGRAMS

[2 CFR 200.318(a)](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D#p-200.318(a)) & [7 CFR 226.22](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-226/subpart-E/section-226.22#p-226.22(c))

This procurement plan contained on the following pages       through       will be implemented on Date, from that date forward until amended. All procurements must adhere to free and open competition. Sponsors must retain all documentation for each procurement per regulations.

Authorized Name

Printed Authorized Name\*

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Authorized Signature\* Date

\*As referenced in CNP Web:

Executive Contact for National School Lunch Program

Authorized Representative for Child and Adult Care Food Program

Authorized Representative for Summer Foods Service Program

**Name of Child Nutrition Program Sponsor**

### PROCUREMENT PLAN

The Name of Child Nutrition Program Sponsor will purchase goods, products, and/or services for use in the Child and Adult Care Food Program in compliance with [2 CFR Part 200.318 through 200.327](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D#subject-group-ECFR45ddd4419ad436d) and [7 CFR Part 226.22](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-226/subpart-E/section-226.22).

The primary purpose of these written procurement procedures is to assure full and open competition, transparency in transactions, comparability, and documentation of all procurement activities. The procurement process practiced by the Program Sponsor must not restrict or eliminate competition. For example description of goods, products, and/or services to be procured should not contain features that unduly restrict competition. Competition helps assure that goods, products, and/or services will be obtained that best meets your organization’s needs.

A new written procurement procedure do not need to be developed every year. However, an annual review of the approved procedures is suggested to assure its relevance to current regulations and policies.

It will be the responsibility of Title of the Person to evaluate the procurement needs and forecast the amounts to be purchased so the correct method of procurement will be followed.

The Title Person will verify no awards, subawards, and contracts with parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in the Federal assistance programs or activities in accordance with [2 CFR 200.214](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-C/section-200.214).

The Title Person will perform a cost or price analysis in connection with every procurement action in excess of the simplified acquisition threshold including contract modifications in accordance with[2 CFR 200.324(a).](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d/section-200.324)

The Title Person will ensure that contracts contain the applicable provisions described in [Appendix II to 2 CFR 200](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/appendix-Appendix%20II%20to%20Part%20200) and [7 CFR 226.22](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-226/subpart-E/section-226.22) in accordance with [2 CFR 200.327](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d#200.327).

Regardless of procurement method, the following factors will be determined regarding the allowability of costs in accordance with [2 CFR 200 Subpart E](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-E?toc=1). ([2 CFR 200.400-2 CFR 200.474](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200#subject-group-ECFRea20080eff2ea53))

* Be necessary and reasonable for proper and efficient administration of the program(s)
* Be allocable to federal awards applicable to the administration of the program(s)
* Be authorized and not prohibited under federal, state, and local laws.

 Child Nutrition Program Sponsor may set a lower simplified acquisition threshold than the Federal or State of Oregon simplified acquisition threshold. The most restrictive (lowest) threshold must be used.

Purchasing will be conducted at the most restrictive procurement threshold:

| Procurement Method | Federal Threshold | State of Oregon Threshold | CNP Sponsor Procurement Threshold (Fill In) |
| --- | --- | --- | --- |
| Micro-Purchasing  |  Less than $10,000- [2 CFR 200.320(a)(1)](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D#p-200.320(a)(1)) | Less than $10,000[ORS 279B.065](https://oregon.public.law/statutes/ors_279b.065) |       |
| Informal Small Purchase/Intermediate Procurement  | Less than $250,000- [2 CFR 200.320(a)(2)](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D#p-200.320(a)(2)) | Less than $150,000- [ORS 279B-070](https://oregon.public.law/statutes/ors_279b.070) |       |
| Capital Equipment | Over $5,000-[2 CFR 200.439](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRed1f39f9b3d4e72#200.439) | Over $5,000 |       |

All staff conducting purchasing will be trained on the procurement standards. Procurement training is available on the State Agency website at: <http://www.oregon.gov/ode/students-and-family/childnutrition/Pages/Procurement.aspx>

Does Name of Child Nutrition Program Sponsor have a lower simplified acquisition threshold?

Mark the appropriate answer. [ ]  Yes List the dollar amount $

 [ ]  No

1. **Micro-Purchase procedures (**[2 CFR 200.320(a)(1](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D#p-200.320(a)(1))**)**. This method applies to the purchase of supplies or services when the aggregate dollar amount does not exceed $10,000. These purchases may be awarded without soliciting competitive quotes if the Sponsor considers the price reasonable in accordance with [2 CFR 200.404](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRea20080eff2ea53/section-200.404). The Sponsor must distribute the micro-purchases equitably among qualified suppliers and document all purchases.
* The Title of Person is responsible for contacting potential vendor/contractor.
* The Title of Person is responsible for documentation of records of the purchase, name of vendor/contractor, price, and the written specifications.
* The Title of Person is responsible for documentation that the actual product was received.
* The Title of Person is responsible for documentation that purchases are distributed equitably among qualified suppliers with reasonable prices.
* The Title of Person is required to sign documentation, confirming a review and the approval of the purchase of the goods, products, and/or services.
* The Title of Person is responsible for documenting and approving all purchase card purchases when using the micro-purchase procurement method.
1. **Federal Small Purchase/State of Oregon Intermediate Procurement procedures (**[2 CFR 200.320(a)(2)](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D#p-200.320(a)(2)), [7 CFR 226.22(i)(1)](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-226/subpart-E/section-226.22#p-226.22(i)(1)), and [ORS 279B.070](https://oregon.public.law/statutes/ors_279b.070))**.** This method applies for purchases of goods, products, and/or services when the aggregate dollar amount is less than $150,000 (State of Oregon simplified acquisition threshold) or the Program Sponsor’s simplified acquisition threshold if lower. Price or rate quotes must be obtained from three (3) or more qualified sources and all purchases must be documented in accordance with [ORS 279B.070](https://oregon.public.law/statutes/ors_279b.070).
* In developing the written specifications in accordance with [2 CFR 200.319(d)](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d#p-200.319(d)), the same information needs to be used for all vendors/contractors. The Sponsor may do its own market research and use prices found online, in catalogs, newspapers, farmer’s markets, or obtain prices from grocery stores.

* Each vendor/contractor will be given an opportunity to provide a price or rate quote on the same written specifications.
* The Title of Person is responsible for contacting potential vendors/contractors when price or rate quotes are needed.
* The price quotes are to remain confidential information until the actual award has been made.
* Quotes are awarded by Title of Person. Quotes will be awarded to the lowest and best quote based upon price, quality, service availability, and/or other specification.
* The Title of Person is responsible for documentation of records to show selection of vendor/contractor, reasons for selection, names of all vendors/contractors contacted, price quotes from each vendor/contractor, and written specifications.
* The Title of Person is responsible for documentation that the actual product specified is received.
* Any time an accepted item is not available, the Title of Person will select the acceptable alternate. Title of Person will document the reason for accepting an alternate and keep the documentation on file.
* When using the Federal small purchase method /Oregon intermediate procurement, the award will always be given to the most responsive and responsible vendor at the lowest price.
* The Title Person will verify in the government wide System for Award Management that the awarded Vendor is not debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities in accordance with [2 CFR 200.214](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-C#200.214)**.**
* The Title of Person is required to sign documentation, confirming a review and the approval of the purchase of the goods, products, and/or services.
* The Title of Person is the Sponsors authorized purchaser.
1. **Noncompetitive Procurement (**[**2 CFR 200.320(c)**](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200#200.320) **and** [**7 CFR 226.22(i)(4)**](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-226/subpart-E/section-226.22#p-226.22(i)(4))**:** 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 (see paragraph (a));

(2) The item is available only from a single source;

(3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;

(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

(5) After solicitation of a number of sources, competition is determined inadequate.

When a noncompetitive procurement is used the CNP Sponsor must:

* Prepared and provided written specification to the vendor/contractor in accordance with [**2 CFR 200.319(d)**](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200#200.319)**.**
* The Title of Person is responsible for the documentation of records to fully explain the decision to use the non‑competitive negotiation. The records will be available for audit and review.
* The Title of Person is responsible for documentation that the actual product or service specified was received.
* The Title of Person is responsible for reviewing the procedures to be certain all requirements for using single source or non‑competitive negotiation are met.
* Non-competitive negotiations shall be used for one-time purchases. A record of non-competitive negotiation purchase shall be maintained by the Child Nutrition Program Sponsor’s Official. The record of non-competitive purchases shall include, at a minimum, the following:
	1. Item name
	2. Dollar amount
	3. Vendor/contractor, and
	4. Reason for non-competitive procurement
1. **Internal Controls and** **Record Keeping** ([7 CFR 226.15(e)](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-226/subpart-E/section-226.15#p-226.15(e)), [2 CFR 200.334](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR4acc10e7e3b676f/section-200.334), and [USDA Policy Memo 16-2006](https://www.fns.usda.gov/cn/record-keeping-requirements)):The Program Sponsor and contractor shall agree to retain all books, records and other documents relative to the contract agreement for three (3) years after final payment. The CNP Sponsor, its authorized agents, State Agency, and/or USDA auditors shall have full access to and the right to examine any of said materials during said period. Specifically, the CNP Sponsor shall maintain, at a minimum, the following documents:
2. Written rationale for the method of procurement;
3. A copy of the original solicitation;
4. The selection of contract type;
5. The bidding and negotiation history and working papers’
6. The basis for contractor selection;
7. Approval from the State agency to support a lack of competition when competitive bids or offers are not obtained;
8. The basis for award cost or price;
9. The terms and conditions of the contract;
10. Any changes to the contract and negotiation history;
11. Billing and payment records’
12. A history of any contractor claims; and
13. A history or any contractor breaches.
14. **Equipment Purchases(**[2 CFR 200.439](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-E/subject-group-ECFRed1f39f9b3d4e72#200.439)**):** If the amount of purchase for equipment is greater than $5,000, the following procedure is used. Equipment means tangible personal property (including information technology systems) having a useful life of more than one (1) year and per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statements purposes, or $5,000. Sponsors may purchase any equipment from the Pre-Approved Capital Equipment List (see list located at: <http://www.oregon.gov/ode/students-and-family/childnutrition/Documents/capital-equipment-fns-pre-approved-list-06162016-final.pdf>) following proper Federal, State, or local procurement procedures, as applicable, without submitting a *Capitol Equipment Purchase Request* to Agency for approval.
* The Title of Person will develop written specifications of required equipment and provide them to vendors.
* Each vendor will be contacted and given an opportunity to provide a price quote on the same specifications. A adequate number of vendors shall be contacted.
* The price quotes will receive appropriate confidentiality before award.
* If using the nonprofit food service account or USDA funding for the purchase, the CNP Sponsor will seek prior approval from the Oregon Department of Education by completing the Capital Expenditure Pre-Approval Request.
* Quotes will be awarded by Title of Person. Quotes awarded will be to the lowest and best quote based upon quality, service availability, price, and or other specification.
* The Title of Person is responsible for documentation of records to show selection of vendor, reasons for selectin, names of all vendors contacted, price quotes from each vendor, and written specifications.
* The Title of Person is responsible for documentation that the actual product specified is received.
* The Title Person is responsible for managing Real Property Title, Use, Disposition Selling, and Transferring in accordance with [2 CFR 200.311](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR8feb98c2e3e5ad2/section-200.311).
* The Title Person is responsible is to ensure at the termination of the award or completion of the project and the unused supplies exceed $5,000 in total aggregate value and not needed for any other Federal award that supplies are retained for use on other activities or be sold. In either case, the Federal Government must be compensated for the amount in accordance with [2 CFR 200.314](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR8feb98c2e3e5ad2/section-200.314).
1. **Standards of Conduct (**[2 CFR 200.318(c)](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d#p-200.318(c)) & [7 CFR 226.22(d)](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-226/subpart-E/section-226.22#p-226.22(d)))**:** The Child Nutrition Program Sponsor must maintain a written code of standards of conduct that includes procedures that governs the performance of its officers, employees, or agents who are engaged in the award and administration of contracts supported by Child Nutrition Program Funds.

The following conduct will be expected of all persons who are engaged in the awarding and administration of contracts supported by Child Nutrition Program Funds.

* No employee, officer or agent of the Child Nutrition Program Sponsor shall participate in the selection or in the award or administration of a contract supported by program funds if a conflict of interest, real or apparent, would be involved.
* Conflicts of interest arise when one of the following has a financial or other interest in the firm selected for the award:
1. The employee, officer or agent;
2. Any member of the immediate family;
3. His or her partner;
4. An organization which employs or is about to employ one of the above;
5. A less-than-arms-length transaction. This is one party’s ability to control or influence the other party to the transaction. A less-than-arms-length transaction occurs:
	* 1. when a transaction is conducted between related parties, meaning that the integrity of the transaction could be compromised;
		2. When one party to the transaction is able to control or influence the actions of the other party.

Examples could include:

* + - 1. Hiring the CEO’s brother as a janitor.
			2. Purchasing goods or services from a business owned by an officer, employee, or relative of the Sponsor’s entity.
			3. Agreement for computer maintenance between a business and person who are related to the Sponsor’s employees or board members.
* The Child Nutrition Program Sponsor employees, officers oragents must not solicit or accept gratuities, favors, or anything of monetary value from prospective contractors/vendors, potential contractors, or parties of subcontract.
* The Child Nutrition Program Sponsor must set standards when financial interest is not substantial or the gift is an unsolicited item of nominal value and may be acceptable.
* Disciplinary actions to be applied for violation of Child Nutrition Program Sponsor written standard of conduct are: (list appropriate actions for your organization).
1.
2.
3.
4. **Minority, Women Owned and Small Business** ([2 CFR 200.321](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d/section-200.321) & [7 CFR 226.22(f)](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-226/subpart-E/section-226.22#p-226.22(f))**):** A Child Nutrition Program Sponsor must take all necessary affirmative steps to assure that minority business, women business enterprise, and labor surplus area firms are used when possible.

The following affirmative steps must be used in determining if a firm is available:

* Placing qualified small and minority businesses and women’s business enterprises on the solicitation lists;
* Assuring that small and minority businesses and women’s business enterprises are solicited whenever they are potential sources;
* Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women’s business enterprises.
	+ Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

* + Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
	+ Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

A resource available to use is Certification Office for Business Inclusion and Diversity (COBID). This site provides information on Minority/Women Business Enterprise (MWBE), Emerging Small Business (ESB) and Disadvantaged Business Enterprise (DBE).

<https://oregon4biz.diversitysoftware.com/FrontEnd/VendorSearchPublic.asp?XID=6787&TN=oregon4biz>

1. **Purchasing Goods and Services Using Cooperative Agreements, Agents, and Third Party Services (**[**USDA Policy Memo CACFP 03-2017**](https://www.fns.usda.gov/cn/qa-purchasing-goods-and-services-using-cooperative-agreements-agents-and-third-party-services)**):**

Title of Person is responsible when participating in these agreement that the procurement is conducted in accordance with [2 CFR 200.318 through 200.327](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d), [7 CFR 226.22](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-226/subpart-E#226.22), and [USDA Policy Memo CACFP 03-2017.](https://www.fns.usda.gov/cn/qa-purchasing-goods-and-services-using-cooperative-agreements-agents-and-third-party-services)

Title of Person is responsible for ensuring Child Nutrition Program Sponsor has all the procurement documents on file detailing the history of the procurement in accordance with [2 CFR 200.318(i)](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d#p-200.318(i)).

Title of Person is responsible for ensuring that adding Child Nutrition Program Sponsor to an existing contract does not create a material change to the original solicitation in accordance with USDA Policy Memo  [02-2016](https://www.fns.usda.gov/cn/questions-and-answers-transition-and-implementation-2-cfr-part-200) and [CACFP 03-2017](https://www.fns.usda.gov/cn/qa-purchasing-goods-and-services-using-cooperative-agreements-agents-and-third-party-services).

The various purchasing agreements have been classified into three groups:

1. **CNP Program operator-only and/or CNP State agency cooperative agreement.** This is an agreement formed solely between CNP Program operators and may include CNP State agency cooperatives formed to increase purchasing power. This agreement is not a method of procurement, rather an agreement to competitively procure goods and services. Such agreements may include a fixed fee to cover overhead or administrative costs as specified in the cooperative agreement.
2. **Agent.** An agent is a person or business authorized to act on a client’s behalf. An agency may be necessary for procuring goods or services when/if the client does not have the necessary technical understanding of the equipment, service, food or other food service supplies to be purchased; or lacks time or expertise to conduct a proper procurement. A procurement agent represents a special fiduciary relationship of trust between itself and its client. In other words, the agent must be contractually required to conduct all competitive procurement methods with its client’s interests solely in mind. An agent’s services in excess of the micro-purchase threshold currently set at $10,000 must be competitively procured in accordance with Federal procurement methods outlined in 2 CFR 200.320.
3. **Third-Party entities.** Third-Party entities include State procurement agency agreements, inter-agency agreements, group purchasing organizations, group buying organizations, and third-party vendors.

i. **State procurement agency agreements:** This is an inter-governmental agreement with the State which may include public, private, and non-profit entities. This procurement service is not part of the CNP State agency as the services are conducted for State facility needs using State procurement standards and the State allows local educational agencies (LEAs), school food authorities (SFAs), and other CNP operators to purchase from the State’s contracted sources. When competitive procurement methods are conducted by the Program operator, this agreement may be one source of prices when using small purchase procedures, sealed bids or competitive proposals, as applicable.

ii. **Inter-agency agreements:** This is an agreement which may include public, private, and non-profit entities formed to procure goods and services together. An example is an educational hub whose purpose is to purchase goods and services for LEAs. When competitive procurement methods are conducted by the Program operator, this agreement may be one source of prices when using small purchase procedures, sealed bids or competitive proposals, as applicable.

iii. **Group Purchasing Organizations, Buying Organizations, and Third-Party Vendors**. Collectively referred to here as GPOs, these often include CNP and non-Program operators such as public and private schools, hospitals, universities, law enforcement, public works, etc. who join a third-party company or service provider. GPOs could be private for-profit or nonprofit entities. A GPO is typically structured in a way that may include a membership fee paid by member users, who are then granted access to the GPO price list of products and services. When competitive procurement methods are conducted by the Program operator, GPO price lists may be one source of prices when using small purchase procedures, sealed bids or competitive proposals, as applicable.

1. **Food Service Management Companies**: Title Person is responsible when contracting with a FSMC to meet the program requirements outlined in [7 CFR 226.21](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-226#226.21) for CACFP. Child Nutrition Program Sponsor will also notify the Oregon Department of Education Child Nutrition Program that they have elected to contract with a FSMC and request the State Agency standard contract documents prior to solicitation in accordance with [7 CFR 226.21(b)](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-226/subpart-E#p-226.21(b)).
2. **Intergovernmental Agency Agreements (**[**2 CFR 200.318(e)**](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200#200.318)**).** The CNP Sponsor is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services with School Food Authorities as outlined in [7 CFR 226.17(b)(7)](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-226/subpart-E/section-226.17#p-226.17(b)(7)), [7 CFR 226.19(b)(8)](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-226/subpart-E/section-226.19#p-226.19(b)(8)), and [7 CFR 226.19a(b)(7)](https://www.ecfr.gov/current/title-7/subtitle-B/chapter-II/subchapter-A/part-226/subpart-E/section-226.19a#p-226.19a(b)(7)).
3. The CNP Sponsor entity alone must be 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 the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a federal concern. Violations of law will be referred to local, State, or Federal authority having proper jurisdiction. ([**2 CFR 200.318**](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200#200.318))

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