

SECTION E - AURA POLICY ON AURA CENTER PROCUREMENTS

A. POLICY STATEMENT

AURA's policy shall be to follow policies and procedures for the procurement of goods and services as required by the applicable Code of Federal Regulations (CFR), Federal Acquisition Regulations (FAR), the Uniform Commercial Code (UCC), and other federal agency terms and conditions including, but not limited to, the NSF Grant Conditions (GC-1), NSF Cooperative Agreement Financial & Administrative Terms and Conditions (CA-FATCs) and other applicable cooperative agreement requirements, NASA Federal Acquisition Regulations (NFARS), applicable foreign law when necessary due to project location, and standard acceptable business practices in the issuance of purchase orders sub-awards and contracts. The purpose of these procurement procedures is to promote the goals of the AURA Centers by: (1) maximizing value received in procurements; (2) ensuring compliance with government conditions; and (3) promoting efficiency in procurements by standardizing processes as much as practicable.

Accordingly, the policies and procedures set forth in the AURA Procurement Guidelines Manual (APGM) are designed to adapt those other policies, procedures, and regulations to the basic requirements of the AURA business environment. Hence, the APGM sets forth ***minimal guidelines*** for all AURA Center procurement personnel in their purchase of supplies and materials. Individual AURA Centers may vary their procedures accordingly to meet the additional terms and conditions of individual federal agency contracts' and agreements' purchasing requirements as long as their actions (1) are more restrictive than those stated in this policy, (2) can be justified and documented, and (3) are not in violation of applicable federal regulations or acceptable business practices. It is AURA's intent to work towards standardization of AURA Center policies and procedures wherever possible including documentation and system software. AURA Centers are encouraged to review their procurement systems, keeping standardization in the forefront.

Each AURA Center will be required to post their procurement manual with procedures electronically on their websites. These should be easily accessible by all staff. Below are the websites for each AURA center specific procedures.

AURA Center policies and procedures should be reviewed and updated, at a minimum, annually or when:

- applicable federal regulations change, are amended to the contract or agreement, and/or are incorporated by reference;
- as procedures internally change due to systematic changes or improvements or to accommodate additional federal regulations or program requirements;
- after agency review or approvals, for example, NSF Business Services Reviews; and
- in response to any AURA-wide policy changes.

B. PROCUREMENT STANDARDS

The standards contained in this section do not relieve AURA Centers or the individual buyers of their contractual responsibilities arising under the existing AURA Agreements or any individual Contract, Grant, Memorandums of Understanding/Agreements or Corporate Bylaws. AURA is the responsible authority, without recourse to the federal agency, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into in support of the current AURA Contracts and Agreements. This includes disputes, claims, and protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of statute are to be referred to such federal, state, or local authorities that may have proper jurisdiction with notification to AURA thereof.

Codes of Conduct: No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by federal funds if a real or apparent conflict of interest exists or would be created. Employees should avoid any conduct, action or circumstance, such as acceptance of a gratuity (a payment or gift to obtain favorable treatment or influence the award of a purchase), kickback (a payment or gift to acknowledge receipt of an order), family and personal relationships, culturally recognized relationships, (for example, compadres, hanai, significant others, domestic partners) outside business or financial interest, etc., that might conflict with the proper performance of their duties. Employees should not solicit or accept, directly or indirectly, any favor, entertainment, loan, or anything of monetary value from anyone who is seeking to maintain or obtain business from AURA. At all times, employees shall conduct themselves in a manner that maintains and reflects the highest level of trust and confidence in the integrity of AURA. ([Refer to specific AURA policies Insert link to procurement integrity and conflict of interest from the AURA policy and the APMG](#))

Individuals acting on behalf of AURA for the purposes of procuring supplies and materials in support of the existing Cooperative Agreements, and Grants and/or Contracts will declare to their Center designated official whenever they are offered a gratuity from an officer, employee, or agent of a vendor with whom AURA does business. Employees of AURA determined to have accepted gifts and/or gratuities will be subject to disciplinary action ranging from a formal warning to termination of employment. [AURA Policies and Procedures Section B - Personnel Policies and Procedures, XXVI. GRATUITIES](#)

Competition: In accordance with provisions in 2 CFR Part 215.43 (OMB A110 - Uniform Administrative requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and other Non-Profit Organizations, and other applicable federal regulations as referenced in individual contracts or cooperative agreements, all procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. AURA procurement staff shall be alert to organizational conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade.

All centers will be in compliance with 2 CFR Part 230: OMB A122 - Cost All AURA Centers will comply with 2 CFR Part 230 "Cost Principles for Non-Profit Organizations." This regulation restricts what types of items AURA is allowed to purchase. All procurements using federal funds must comply with the allowable cost principles contained in 2 CFR Part 230.

Center procedures should ensure objective contractor performance and eliminate unfair competitive advantage; contractors that develop or draft specifications, requirements, statements of work, invitations for bids, and/or requests for proposals shall be excluded from competing for such procurements. Awards shall be made to the bidder or offeror whose bid or offer is most responsive to the solicitation and is most advantageous to the recipient, price, quality, and other factors considered. Solicitations shall clearly set forth all requirements that the bidder or offeror shall fulfill in order for the bid or offer to be evaluated by the recipient. Any and all bids or offers may be rejected when it is in AURA's interest to do so.