

RESOLUTION 2024 - 4

A RESOLUTION TO SELF-CERTIFY AUTHORIZING AN INCREASE IN THE FEDERAL MICRO-PURCHASE THRESHOLD

WHEREAS, from time to time, Lewis and Clark County (County) purchases goods and services using federal funding subject to the procurement standards in 2 CFR Part 200, Subpart D; and

WHEREAS, the County's procurement of such goods and services is subject to County Policy 1.1.4 – Purchasing Policy, as amended from time to time by the Board of County Commissioners; and

WHEREAS, the County is a non-Federal entity under the definition set forth in 2 CFR §200.1; and

WHEREAS, pursuant to 2 CFR 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly; and

WHEREAS, pursuant to 2 CFR 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and

WHEREAS, pursuant to 2 CFR § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 CFR § 200.334; and

WHEREAS, pursuant to 2 CFR § 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting documentation of which may include a qualification as a low-risk auditee, in accordance with the criteria in §200.520 for the most recent audit; and

WHEREAS, Montana Code Annotated (MCA) 7-5-2301 provides for local governments to contract for the purchase of any vehicle, road machinery or other machinery, apparatus, appliances, equipment, or materials or supplies or for construction, repair, or maintenance of \$80,000 or less by a county governing body without first publishing a notice calling for bids. Furthermore, MCA 18-8-212 allows for all agencies, including local governments, securing architectural, engineering, and land surveying services for projects for which the fees are estimated not to exceed \$50,000 may contract for those professional services by direct negotiation.

WHEREAS, pursuant to 2 CFR 200.320(a)(1)(iv), the County now desires to adopt higher micro-purchase thresholds than those identified in Federal Acquisition Regulation (FAR) 2.101.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners:

The County adopts the following self-certification authorizing an increase in the micro-purchase threshold as follows:

1. In accordance with 2 CFR § 200.320(a)(1)(iv) and the applicable provisions of Montana law and regulation, the County hereby self-certifies the micro-purchase thresholds, each of which is a “higher threshold consistent with State law” under 2 CFR § 200.320(a)(1)(iv)(C) in an amount of \$25,000 for goods and services and \$50,000 for engineering, architecture, and land surveying services.



2. The self-certification made herein shall be effective as of the date hereof and shall be.
3. applicable for one (1) year at which time it shall be re-certified.
4. In the event that the County receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the County shall comply with the more restrictive threshold when expending such funds.
5. The County shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 CFR § 200.334.
6. This self-certification shall be reflected in County Policy 1.1.4 or related procurement manual(s) to reflect the increased micro-purchase thresholds specified herein, and to take all such actions, individually and collectively, to carry into effect the purpose and intent of the foregoing self-certification.

PASSED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS on this 2nd Day of January 2024.

LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS



Andy Hunthausen, Chair



Attest:



Amy Reeves, Clerk of the Board