

## Don's Summary of the Grant Process

Regarding any agreement called "Grant", and the acquisition of partners, vendors, goods or services pursuant to that agreement:

### 1. Grant Application and Acceptance

Does or would the agreement qualify as a Grant by definition under ORS279A.010(k)?

- a. NO: a Public Contracting selection process is required in order to apply for and enter into the agreement, as well as any subsequent acquisition of partners, vendors, goods or services. STOP
- b. YES: Neither the Grant Application nor the Grant itself requires a Public Contracting selection process. -ORS 279A.010(z) GO TO QUESTION 2.

### 2. Subsequent Contracts Pursuant to Awarded Grant

Review the awarded grant's terms & conditions.

Do the grant terms and conditions contain any instructions regarding selection processes? – OR - Does the grant name specific partners, vendors, or brand-name goods as requirements?

- a. NO (to both): When a Grant contains neither selection-process instructions nor named partners, vendors, goods or services, a Public Contracting selection process must be conducted. CONDUCT MESD'S CONTRACT SELECTION PROCESS FOR THE SUBSEQUENT CONTRACTS.
- b. YES (to either): Any partners, vendors, or brand-name goods, whether or not specifically named, must be acquired following either the contracting process specified by the grant or a Public Contracting process, whichever is more restrictive. CONDUCT THE APPROPRIATE SELECTION PROCESS FOR THE SUBSEQUENT CONTRACTS.

	<b>Vendor or Good NAMED BY GRANT</b>	<b>Vendor or Good NOT NAMED BY GRANT</b>
<b>Selection Process SPECIFIED BY GRANT</b>	Follow either the Grant's instructions or MESD's process, whichever is more restrictive, to acquire or contract with the partners, vendors, goods or services named in the Grant.	Follow the Grant's instructions or MESD's process, whichever is more restrictive, to acquire or contract with any partners, vendors, goods or services not specified in the Grant.
<b>Selection Process NOT SPECIFIED BY GRANT</b> <i>(or if the grant says to follow MESD's normal contracting process)</i>	Follow MESD's Sole Source process to acquire or contract with the partners, vendors, goods or services named in the Grant. <i>(If under \$5K, follow MESD's small procurement process.)</i>	Follow MESD's normal selection processes to acquire or contract with any partners, vendors, goods or services not named in the Grant.

COMMON EXAMPLE: A Grant to use Harvard University as a service provider or Ajax as a name brand can be awarded to and accepted by MESD. If no selection processes are specified in the Grant, MESD can use the Grant's requirement for a specific named provider or a single brand name as justification in the conduct of a Sole Source process (public notice + written justification by the Purchasing Agent).

ANOTHER COMMON EXAMPLE: According to many Procurement Professionals, Grants frequently specify that the agency (MESD) use its own processes to select contractors. It is important to review each Grant awarded to ensure that it 1) meets the definition of a Grant, and 2) that we know when and how to apply MESD's contracting processes to subsequent contracts.