

MILLARD SCHOOL DISTRICT CHILD NUTRITION PROGRAM PROCUREMENT PROCEDURES

The procurement procedures contained in the following pages will be implemented on July 1, 2020 and will remain in effect until amended. All procurements must maximize full and open competition, transparency in transactions, comparability, and documentation of all procurement activities.

If the amount of purchases is more than the Federal small purchase threshold currently valued at \$50,000, or SFA approved threshold if less, formal procurement procedures will be used as required by 2 CFR 200.318-.326 and Utah State Procurement Code and Regulation 63G-6a. Informal procurement procedures (small purchase) will be required for purchases under the most restrictive small purchase threshold.

The following procedures will be used for all other purchases.

1. Formal bid procedures will be applied on the basis of:

Category	Procurement Method	Evaluation Used	Contract Award Type	Contract Duration/Frequency
All perishable and non-perishable food, Cleaning supplies and Paper and Plastic Supplies	Formal	Bottom line	Fixed price	One year, with option of four 1 year renewals
Bread	Formal	Bottom line	Fixed price	One year, with option of four 1 year renewals
Milk/Dairy Products	Formal	Bottom line	Fixed price	Five years, maintained by State of Utah Purchasing
USDA Foods Processing	Formal	Bottom line	Fixed price	One year, with option of two 1 year renewals
Capital Equipment	Formal	Bottom line	Fixed price	As needed
Office Supplies	Micro purchase	n/a	n/a	n/a
Small wares	Formal	Bottom line	Fixed price	As needed
Emergency	Micro purchase, small purchase procedure	Price reasonable	No contract, equitable distribution, transactions limited to \$5,000	As needed

2. Formal bid procedure will be applied on the basis of a:

- Centralized System
- Individual School
- Multi-School Systems
- State Contract

Because of the potential for purchasing more than \$50,000, it will be the responsibility of the Child Nutrition Program (CNP) Supervisor to document the amounts to be purchased so the correct method of procurement will be followed.

A. FORMAL PROCUREMENTS

When a formal procurement method is required, the following **COMPETITIVE SEALED BID in the form of an Invitation for Bid or COMPETITIVE PROPOSAL in the form of a Request for Proposal** procedures will apply:

1. An announcement of **Invitation for Bid (IFB) or a Request for Proposal (RFP)** will be placed online to publicize the intent of the School Food Authority to purchase needed items. The advertisement for bids/proposals or legal notice will run for 10 days or more depending on the situation.
2. An advertisement is required for all purchases over the District's purchase threshold of \$50,000. The announcement (advertisement or legal notice) will contain a:
 - a. General description of items to be purchased.
 - b. Deadline for submission of questions and the date written responses will be provided including addenda to bid specifications, as well terms and conditions as needed.
 - c. Date of pre-bid meeting, if provided, and if attendance is a requirement for bid award.
 - d. Deadline for submission of sealed bids or proposals.
 - e. Address of location where complete specifications and bid forms may be obtained.
3. In an IFB or RFP, each vendor will be given an opportunity to bid on the same specifications.
4. The developer of written specifications or descriptions for procurements will be prohibited from submitting bids or proposals for such products or services.
5. The IFB or RFP will clearly define the purchase conditions. The following list includes requirements, to be addressed in the procurement document, as applicable:
 - a. Contract period
 - b. School Food Authority (SFA) is responsible for all contracts awards (statement)
 - c. Date, time, and location of IFB/RFP opening

- d. How vendor is to be informed of bid acceptance or rejection
 - e. Delivery schedule
 - f. Set forth requirements (terms and conditions) which bidder must fulfill in order for bid to be evaluated
 - g. Benefits to which the SFA will be entitled if the contractor cannot or will not perform as required
 - h. Statement regarding the return of the purchase incentives, discounts, rebates, and credits to the LEA's non-profit Child Nutrition account
 - i. Contract provisions as required in Appendix II to 2 CFR 200
 - j. Procuring instrument to be used are purchase orders from firm fixed prices after formal bidding
 - k. Price adjustment clause (tied to an appropriate) (Consumer price index, or other as stated in terms and conditions for pricing and price adjustments)
 - l. Specific bid protest procedures
 - m. Provision requiring access by duly authorized representatives of the LEA, State Agency, United States Department of Agriculture, or Comptroller General to any books, documents, papers and records of contract which are directly pertinent to all negotiated contracts
 - n. Method of shipment or delivery upon contract award
 - o. Provision requiring contractor to maintain all required records for four years after final payment and all other pending matters (audits) are closed for all negotiated contracts
 - p. Description of process for enabling vendors to receive or pick up orders upon contract award
 - q. Provision requiring the contractor to recognize mandatory standards/policies related to energy efficiency contained in the State Energy Plan issued in compliance with the Energy Policy and Conversation Act (PL94-165)
 - r. Signed statement of non-collusion
 - s. Signed Debarment/Suspension Certificate or statement included in contract or copy of Excluded Parties List System (EPLS)
 - t. Signed Anti-Lobbying form/certification
 - u. Provision requiring "Buy American" as outlined in 7 CFR Part 210.21(d); specific instructions for prior approval of all non-domestic product(s)
 - v. Specifications and estimated quantities of products and services prepared by SFA and provided to potential contractors desiring to submit bids/proposals for the products and/or services requested. When specifying a "brand name" an "equal" product must be allowed to be offered [2 CFR 200.319(6)].
6. If any potential vendor is in doubt as to the true meaning of specifications or purchase conditions, interpretation will be provided in writing to all potential bidders by the CNP Supervisor and date specified.
7. The CNP Supervisor will be responsible for securing all bids or proposals.

8. The CNP Supervisor will be responsible to ensure all SFA procurements are conducted in compliance with applicable Federal, State, and local procurement regulations.
9. The following criteria will be used in awarding contracts as a result of bids/proposals:
 - a. Price
 - b. Qualifications, Expertise, and Strength of References
 - c. Scope of work/specifications
 - d. Taste test (if requested)
 - e. Responsiveness

In awarding a RFP, a set of award criterion in the form of a weighted evaluation sheet will be provided to each bidder in the initial bid document materials. Price alone is not the sole basis for the award, but remains the primary consideration among all factors when awarding a contract. Following evaluation and negotiations a firm fixed price or cost reimbursable contract is awarded.

1. The contracts will be awarded to the responsible bidder/proposer whose bid or proposal is responsive to the invitation and is most advantageous to the SFA, price as the primary and other factors considered. Any and all bids or proposals may be rejected in accordance with law.
2. CNP Supervisor is required to sign on the bid tabulation of competitive sealed bids or the evaluation criterion score sheet of competitive proposals signifying a review and approval of the selections.
3. CNP Supervisor will review the procurement system to ensure compliance with applicable laws.
4. CNP Supervisor is responsible for documentation the actual product specified is received.
5. Any time an accepted item is not available, the CNP Supervisor will select the acceptable alternate. The contractor must inform the CNP Supervisor when a product is not available. In the event a non-domestic agricultural product is to be provided to the SFA, the contractor must obtain, in advance, the approval the product. The Purchasing Manager must comply with the Buy American Provision.
6. Documentation as to the reason an accepted item was unavailable, and to the procedure used in determining acceptable alternated, will be available for audit and review. The person responsible for this documentation is the CNP Supervisor.
7. The CNP Supervisor is responsible for maintaining all procurement documentation.

B. SMALL PURCHASES

If the amount of purchases for items is less than the district's small purchase threshold, the follow, **SMALL PURCHASE PROCEDURES, including quotes**, will be used. Quotes from an adequate number of qualified sources will be required.

1. Written specifications will be prepared and provided to the vendor.
2. Each vendor will be contacted and given an opportunity to provide a price quote on the same specifications. A minimum of two vendors shall be contacted.
3. The CNP Supervisor will be responsible for contacting potential vendors when price quotes are needed.
4. The price quotes will receive appropriate confidentiality before award.
5. Quotes will be awarded by the CNP Supervisor. Quotes awarded will be to the lowest and best quote based upon quality, service availability, and price.
6. The CNP Supervisor will be responsible for documentation of records to show selection of vendor, reasons for selection, names of all vendors contacted, price quotes from each vendor, and written specifications.
7. The CNP Supervisor will be responsible for documentation that the actual product specified is received.
8. Any time an accepted item is not available, the CNP Supervisor will select the acceptable alternate. Full documentation will be made available as to the selection of the acceptable item.
9. Bids will be awarded on the following criteria, which may include:
 - a. Price
 - b. Qualifications, Expertise, and Strength of References
 - c. Scope of work/specifications
 - d. Taste test (if requested)
 - e. Responsiveness
10. The CNP Supervisor is required to sign all quote tabulations, signifying a review and approval of the selections.

C. SINGLE SOURCE PROCUREMENTS

If items are available **only** from a single source ***when the award of a contract is not feasible under small purchase, sealed bid, or competitive negotiation, NON-COMPETITIVE PROPOSAL*** procedures will be used:

1. Written specifications will be prepared and provided to the vendor.
2. The CNP Supervisor will be responsible for the documentation of records to fully explain the decision to use the non-competitive proposal. The records will be available for audit and review.
3. The CNP Supervisor will be responsible for documentation that the actual product or service specified was received.
4. The CNP Supervisor will be responsible for reviewing the procedures to be certain all requirements for using single source or non-competitive proposals are met.
5. Non-competitive proposals shall be used for one-time purchases of a new food items in order to determine food acceptance by students and for samples for testing purposes. A record of non-competitive negotiation purchases shall be

maintained by the CNP Supervisor. The record of non-competitive purchases shall include, at a minimum, the following:

- a. Item name
 - b. Dollar amount
 - c. Vendor
 - d. Reason for non-competitive procurement.
6. The CNP Supervisor will approve, in advance, all procurements that result from non-competitive negotiations.

D. MISCELLANEOUS PROVISIONS

1. New product evaluation procedures will include:
 - a. Item meets program nutritional requirements
 - b. Provider is both responsive and responsible
 - c. Price.
2. The CNP Supervisor will be the reviewing official of each transaction.
3. Payment will be made to the vendor when the contract has been met and met the District's procedures for payment. If prompt payment is made, discounts, etc. are accepted.
4. Specifications will be updated as needed.
5. If product is not as specified, the following procedure will take place:
 - a. Reject delivery
 - b. Notify supplier
 - c. Accept substitutes, if approved by CNP Supervisor.

E. EMERGENCY OR "PRESSING NEED" PURCHASES

1. If it is necessary to make a one-time emergency procurement to continue service or obtain goods, the purchase must be authorized using a purchasing order, invoice and/or receipt signed by the CNP Supervisor or Business Administrator. At a minimum, the following emergency procurement procedures shall be documented:
 - a. Item name
 - b. Dollar amount
 - c. Vendor
 - d. Reason for emergency
2. The SFA shall agree to retain all books, records and other documents relative to the award of the contract for four (4) years after final payment. Specifically, the SFA shall maintain, at a minimum, the following documents:
 - a. Written rationale for the method of procurement
 - b. A copy of the original solicitation
 - c. The selection of contract type

- d. The bidding and negotiation history and working papers
- e. The basis for contractor selection
- f. Approval from the State agency to support a lack of competition when competitive bids or offers are not obtained
- g. The basis for award cost or price
- h. The terms and conditions of the contract
- i. Any changes to the contract and negotiation history
- j. Billing and payment records
- k. A history of any contractor claims
- l. A history of any contractor breaches.

F. ETHICS

In accordance with 63G-6a-2400, the following conduct will be expected of all persons who are engaged in the awarding and administration of contracts supported by School Food and Nutrition Program Funds. These written standards of conduct are:

1. No employee, officer or agent of Millard School District shall participate in the section or in the award or administration of a contract supported by program funds if a conflict of interest, real or apparent, would be involved. Conflict of interest arise when one of the following has a financial or other interest in the firm selected for the award:
 - a. The employee, office or agent
 - b. Any member of the immediate family
 - c. His or her partner
 - d. An organization which employs or is about to employ on of the above.
2. Millard School District employees, officers or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.
3. Penalties for violation of the standards of code of conduct of the school CNP should be:
 - a. Reprimand by Board of Education
 - b. Dismissal by Board of Education
 - c. Any legal action necessary.