LA CENTER SCHOOL DISTRICT CHILD NUTRITION PROGRAM

PROCUREMENT PROCEDURES AND CODE OF CONDUCT

The procurement procedures contained on the following pages will be implemented upon board approval from that date forward until amended. All procurements must maximize full and open competition. Source documentation must be available to determine open competition, the reasonableness, the allowability and the allocation of costs.

La Center School District intentionally seeks to prohibit conflicts of interest in all procurement of goods and services. The code of conduct is identified in section G herein.

Cris Yaw, Board Chair

Dave Holmes, Superintendent

Date

12-19-19

Date

La Center School District

PROCUREMENT PROCEDURES

A. The district's plan for procuring items for use in the Child Nutrition Program is as follows. The procurement procedures 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 \$249,999.99 or state agency approved threshold if less (\$74,999.00), formal procurement procedures will be used as required by 2 CFR 200.318-.326 and La Center School District Procurement Code and Regulations. 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:

Formal bid procedures will be applied on the basis of:

Category	Procurement	Evaluation Used	Contract	Contract
	Method		Award Type	Duration/
				Frequency
All perishable and	Formal	Bottom line	Cost-	Annual with 2,
non- perishable foods			reimbursable	one-year optional
and Manual-All			plus fixed fee	renewals
Purpose				
Cleaning Supplies,				
Paper and Plastic				
Supplies				

Formal	bid procedures will be applied on the basis of a:
X	Centralized System
	_ Individual School
	_ Multi-School Systems
	_ State Contract
	_ Combination of above (specify):
Because	e of the potential for purchasing more than \$75,000.00, it will be the responsibility of the
	ervice Supervisor to document the amounts to be purchased so the correct method of ment will be followed.

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

An announcement of an Invitation for Bid (IFB) or a Request for Proposal (RFP) will be placed in the newspaper to publicize the intent of the School Food Authority to purchase needed

items. The advertisement for bids/proposals or legal notice will be run once a week for two weeks.

An advertisement is required for all purchases over the districts small purchase threshold of \$75,000.00. The announcement notice will contain a:

- general description of items to be purchased
- deadline for submission of questions and the date written responses will be provided including addenda to bid specifications, terms and conditions as needed
- date of pre-bid meeting, if provided, and if attendance is a requirement for bid award
- deadline for submission of sealed bids or proposals, and
- address of location where complete specifications and bid forms may be obtained.
- In an IFB or RFP, each vendor will be given an opportunity to bid on the same specifications.
- The developer of written specifications or descriptions for procurements will be prohibited from submitting bids or proposals for such products or services.
- The IFB or RFP will clearly define the purchase conditions. The following list includes requirements, not exclusive, to be addressed in the procurement document:
 - Contract period
 - o SFA is responsible for all contracts awarded (statement)
 - o Date, time, and location of IFB/RFP opening
 - o How vendor is to be informed of bid acceptance or rejection
 - o Delivery schedule
 - Set forth requirements (terms and conditions) which bidder must fulfill in order for bid to be evaluated
 - o Benefits to which the School Food Authority will be entitled if the contractor cannot or will not perform as required
 - Statement assuring positive efforts will be made to involve minority and small business
 - Statement regarding the return of purchase incentives, discounts, rebates, and credits to the School Food Authority's non-profit Child Nutrition account
 - o Contract provisions as required in Appendix II to 2 CFR 200
 - o Contract provisions as required in 7 CFR 210.21(f) for all cost reimbursable contracts
 - Contract provisions as required in 7 CFR 210.16(a)(1-10) and 7 CFR 250.53 for Food Service Management Company contracts
 - Procuring instrument to be used are purchase orders from firm fixed prices after formal bidding
 - Price adjustment clause (tied to a standard index) (Consumer price index, or other as stated in terms and conditions for pricing and price adjustments)
 - Method of evaluation and type of contract to be awarded solicitations using an invitation for bid are awarded to the lowest responsive and responsible bidder; requests for proposal are awarded to the most advantageous bidder/offeror with price as the primary factor among

- factors considered
- Method of award announcement and effective date (if intent to award is required by State or local procurement requirements)
- o Specific bid protest procedures including contact information of person and address and the date by which a written protest must be received
- Provision requiring access by duly authorized representatives of the School Food Authority, State Agency, United State Department of Agriculture, or Comptroller General to any books, documents, papers and records of the contractor which are directly pertinent to all negotiated contracts
- o Method of shipment or delivery upon contract award
- Provision requiring contractor to maintain all required records for *three*years after final payment and all other pending matters (audits) are closed
 for all negotiated contracts
- Description of process for enabling vendors to receive or pick up orders upon contract award
- o Provision requiring the contractor to recognize mandatory standards/polices related to energy efficiency contained in the State Energy Plan issued in compliance with the Energy Policy and Conservation Act (PL 94-165)
- o Signed statement of non-collusion
- Signed Debarment/Suspension Certificate or statement included in contract or copy of Excluded Parties List System (EPLS).
- o Provision requiring "Buy American" as outlined in 7 CFR Part 210.21(d); specific instructions for prior approval of all of non-domestic product (s).
- Specifications and estimated quantities of products and services prepared by SFA and provided to potential contractors desiring to submit bids/proposals for the products or services requested.
- 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 Food Service Supervisor and date specified.
- The Food Service Supervisor will be responsible for securing all bids or proposals.
- The Food Service Supervisor will be responsible to ensure all SFA procurements are conducted in compliance with applicable Federal, State, and local procurement regulations.
- The following criteria will be used in awarding contracts as a result of bids/proposals.
 - a. Price
 - b. Availability (Service)
 - c. Quality

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 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.

- 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.
- Food Service 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.
- The Food Service Supervisor reviews the procurement system to ensure compliance with applicable laws.
- The Food Service Supervisor is responsible for documentation when the actual product specified is received.
- Any time an accepted item is not available, the Food Service Supervisor will select the acceptable alternate. The contractor must inform Food Service 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 written approval of the product. The Food Service Supervisor must comply with the Buy American Provision.
- Full documentation as to the reason an accepted item was unavailable, and to the procedure used in determining acceptable alternates, will be available for audit and review. The person responsible for this documentation is Food Service Supervisor.
- The Food Service Supervisor responsible for maintaining all procurement documentation.
- C. If the amount of purchases for items is less than the district's small purchase threshold, the following, **SMALL PURCHASE PROCEDURES, including quotes,** will be used. Quotes from an adequate number of qualified sources will be required. Procurement between \$10,000 and \$40,000 requires at least two quotes. Procurement between \$40,000 and \$75,000 requires at least 3 quotes.
- 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.
- 3. The Food Service 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 Food Service Supervisor. Quotes awarded will be to the lowest and best quote based upon quality, service availability and price. The Food Service 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.
- 6. The Food Service Supervisor will be responsible for documentation that the actual product specified is received.
- 7. Any time an accepted item is not available, the Food Service Supervisor will select the acceptable alternate. Full documentation will be made available as to the selection of the acceptable item.
- 8. Bids will be awarded on the following criteria:
 - a. Price
 - b. Availability (Service)

- c. Quality
- 9. The Food Service Supervisor is required to sign all quote tabulations, signifying a review and approval of the selections.
- **D.** If items are available <u>only</u> 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 Food Service 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 Food Service Supervisor will be responsible for documentation that the actual product or service specified was received.
- 4. The Food Service Supervisor will be responsible for reviewing the procedures to be certain all requirements for using single source or non-competitive proposals are met.

Non-competitive proposals shall be used for one-time purchases of a new food item in order to determine food acceptance by students and for samples for testing purposes. A record of non-competitive negotiation purchase shall be maintained by the Food Service Supervisor. The record of non-competitive purchases shall include, at a minimum, the following:

- item name
- dollar amount
- vendor, and
- reason for non-competitive procurement

A member or representative of the local School Board will approve, in advance, all procurements that result from non-competitive negotiations.

- E. Miscellaneous Provisions:
 - 1. New product evaluation procedures will include:
 - Price check
 - Availability check
 - Quality check
- 2. The School Food Authority agrees that the reviewing official of each transaction will be the Food Service Supervisor.
- 3. Payment will be made to the vendor when the contract has been met and verified and has met the SFA's procedures for payment. (If prompt payment is made, discounts, etc. are accepted.)

- 4. Specifications will be updated as need.
- 5. If product is not as specified, the following procedure will take place:
 - The Food Service Supervisor will contact the vendor for a refund or replacement.

F. 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 purchase order. The following emergency procedures shall be followed. All emergency procurements shall be approved by the Food Service Supervisor. At a minimum, the following emergency procurement procedures shall be documented:
 - item name
 - dollar amount
 - · vendor, and
 - reason for emergency
- 2. If it is necessary in the course of a pressing need to make an emergency purchase by means of "piggybacking" on the bid of another district, the following conditions must exist and approved procedures must be followed and appropriately documented as follows:
- The SFA originating the competitive procurement must have a "piggyback provision" in the original solicitation;
- Documentation of the emergency requiring the piggybacking must be maintained;
- Approval from the purchasing SFA's governing board will be obtained and documented;
- Approval from the SFA that originated the competitive procurement will be obtained and documented;
- Approval from the Vendor that was awarded the Contract (original solicitation) will be obtained and documented;
- Approval to piggyback will be obtained and documented from the governing board during a regularly scheduled meeting following the public notice;
- Notification to the Vendor of final approval will be documented and issued;
- A contract with the Vendor will be developed including:

The contractor shall agree to retain all books, records and other documents relative to the contract agreement for three (3) years after final payment, or until audited by SFA, whichever is sooner. The SFA, its authorized agents, and/or State and/or USDA auditors shall have full access to and the right to examine any of said materials during said period.

- 3. The SFA shall agree to retain all books, records and other documents relative to the award of the contract for three (3) years after final payment. Specifically the SFA shall maintain, at a minimum, the following documents:
 - Written rationale for the method of procurement;
 - A copy of the original solicitation;
 - The selection of contract type;

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

G. CODE OF CONDUCT:

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 include:

No employee, officer or agent of the La Center School District 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:

- The employee, officer or agent;
- Any member of the immediate family;
- His or her partner;
- An organization which employs or is about to employ one of the above.

The La Center 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.

Penalties for violation of the standards of code of conduct of the La Center School District School Child Nutrition Program should be:

- Reprimand by Board of Directors;
- Dismissal by Board of Directors;
- Any legal action necessary.

Other state or local procurement requirements that may be required.

La Center School District

Adopted: November 19, 2019

Procurement Terms

Buy American	Defined in section 12(n) of the National School Lunch Act, requires schools to purchase, to the maximum extent practicable, domestic commodities and products. Purchases made in accordance with the Buy American provision must still follow the applicable procurement rules calling for free and open competition.
Code of Conduct (Code of Standards of Conduct)	A set of rules outlining the responsibilities of, or proper practices for, an individual or organization. Grantees and subgrantees maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts.
Competitive Proposals, i.e., a Request for Proposals	A method of procurement using a Request for Proposals (RFP) whereby a technical proposal is solicited that explains how the prospective contractor will meet the objectives of the solicitation and a cost element that identifies the costs to accomplish the technical proposal.
Competitive Sealed Bidding	A formal method of procurement during which sealed bids are publicly solicited, through an Invitation for Bid (IFB), resulting in the award of a fixed price contract to the responsible vendor/bidder whose solicitation is responsive to the IFB, conforms to all the material terms and conditions of the IFB, and is lowest in price.
Cost Index	A price adjustment based on increases or decreases in labor or material cost standards or indexes that are specifically identified in the fixed contract. When using this type of contract, it is important to clearly state that price adjustments should reflect both increases and decreases in the identified index.
Cost Reimbursable Contract	A formal, legally enforceable contract that reimburses the contractor for costs incurred under the contract, but does not provide for any other payment to the contractor, with or without a fixed fee.
Fixed-price	A price that is fixed at the inception of a contract and is guaranteed for a specific period of time. A fixed-price contract may also contain an economic cost adjustment provision tied to a standard index.
Food Service Management Company (FSMC)	A commercial enterprise or a nonprofit organization that is or may be contracted with by the SFA to manage any aspect of the school food service. [7 CFR 210.2] Under the Summer Food Service Program an FSMC means any commercial enterprise or nonprofit organization with which a sponsor may contract for preparing unitized meals, with or without milk, for use in the Program, or for managing a sponsor's food service operations in accordance with the limitations set forth in §225.15. Under the Child and Adult Care Food Program an FSMC means an organization other than a public or private nonprofit school, with which an institution may contract for preparing and, unless otherwise provided for, delivering meals, with or without milk for use in the Program. [7 CFR 226.2].
Group Buying Organizations	Group Purchasing Organizations, Buying Organizations, and Third-Party Vendors. Collectively referred to as GPOs, these often include Child Nutrition Program 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.

Invitation for Bids (IFB)	A type of solicitation document used in competitive sealed bidding, where the primary consideration is cost and the expectation is that competitive bids will be received and an acceptance (award) will be made to the responsive and responsible bidder whose bid is lowest in price. An IFB is a formal method of procurement that uses sealed bidding and results in a fixed price contract with or without adjustment factors.
Micro- Purchases	Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$3,000 (or \$2,000 in the case of acquisitions for construction subject to the Davis-Bacon Act). To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable. (CFR 200.320)
Nonprofit School Food Service	All food service operations conducted by the SFA principally for the benefit of schoolchildren, all of the revenue from which is used solely for the operation or improvement of such food services.
Procurement	A multi-step process for obtaining the most responsive goods, products, and/or services at the best possible price in accordance with applicable rules and regulations. The steps in this process are planning, writing specifications, advertising the procurement, awarding the contract, and managing the contract.
Request for Proposal (RFP)	A type of solicitation document used for the formal procurement method of competitive proposals. The RFP identifies the goods and services needed and all significant evaluation factors. The RFP is publicized and is used to solicit proposals from a number of sources.
Sealed Bids, i.e., an Invitation for Bids (IFB)	A formal method of procurement in which bids are publicly solicited, i.e., through an invitation for bids (IFB), resulting in the award of a firm-fixed price contract to the responsible bidder whose bid is responsive to the IFB, conforms to all the material terms and conditions of the invitation for bids, and is lowest in price.
Small Purchase Procedures	Those relatively simple and informal procurement methods for securing services, supplies, or property that may be used when the anticipated acquisition will fall below the small purchase threshold. The small purchase threshold has been changed from \$100,000 to \$150,000. State and local regulations often set lower small purchase thresholds that are more restrictive than the federal level.
Sources:	 Terms and Definitions as found in <i>Procurement for the 21st Century</i>. http://www.nfsmi.org/documentlibraryfiles/PDF/20151009032855.pdf Terms and Definitions as found in <i>Contracting with Food Service Management Companies</i>. https://www.fns.usda.gov/sites/default/files/cn/FSMCguidance-sfa.pdf Terms and Definitions as found in Q&A: Purchasing Goods and Services Using Cooperative Agreements, Agents, and Third-Party Services. https://fns-prod.azureedge.net/sites/default/files/cn/SP05 CACFP03 SFSP02-2017os.pdf

La Center School District Food Service INFORMAL PROCUREMENT LOG AND EVALUATION MATRIX

(Purchases costing between \$1,500 to \$75,000)

Su	pplier Name:									
 Items to be Purchased: Delivery Frequency: Bid will be honored for: (number of day(s)/week(s)/month(s)) (school will state time period) 	Quantity estimated to be purchased	Unit Price	Extended Price (Quantity x Unit Price)	*BS (✓)	Unit Price	Extended Price (Quantity x Unit Price)	*BS (√)	Unit Price	Extended Price (Quantity x Unit Price)	*BS (✓)
1. Product name & specification:										
2. Product name & specification:										
3. Product name & specification:										
4. Product name & specification:										
5. Product name & specification:										
6. Product name & specification:										
	Total:	\$			\$			\$		
*Bidder Selected (BS)										
*Bidder Selected (BS); school can award all items which option they will use for awarding the pure										
Method of contact: Email/Fax/Mail/In persor	n/Phone									
Name of person quoting pricing:										
Date contacted:										
Additional Notes:										
Signature of person completing this form:								Date:		
Name of bidder selected:										
Bidder selected was notified on:			on was in writing	attach (document t	o the procurem	ent log/	evaluation/	matrix)	
Method of notification:	(Email/Fax	/Mail/In p	erson/Phone)							

Informal Formal Methods

	Micro Purchases	Procurement by Small Purchase Procedures	Sealed Bids (IFB) (formal)	Competitive Proposals (RFP) (formal)	Non-competitive Proposals
Regulations	200. 320(a) 200.67	200.320(b) 200.88	200. 320(c)(1)(i- iii) 200. 320(c)(2)(i-v)	200. 320(d)(1)	200.320(f)(1)
Basic Procedures	Purchases not exceeding \$3,500, may award without soliciting competitive quotations if price is reasonable; equitable distribution	Purchases not exceeding applicable Small Purchase Threshold (Fed=\$150,000, State \$75,000) Minimum two preferably three or more price quotes	Technical specifications Advertise bid Public bid opening Firm fixed price Award to lowest responsive and responsible bidder	Solicitation includes evaluation criteria Award based on score with primary weight on price	Item available only from a single source; public exigency; competition deemed inadequate
SA oversight	Assurance of reasonable and necessary costs; purchases distributed equitably among qualified suppliers; Buy American food; documented	Assurance of competition; Buy American food ; documented	Assurance of advertising, bid opening, resulting in fixed price contract Required provisions7 CFR Part 210 2 CFR Part 200 Appendix II; Buy American food; contract award to lowest responsive and responsible bidder	Assurance of advertising, evaluation/award with price as primary and no unallowable cost provisions, Results in fixed price or cost reimbursable Required contract provisions7 CFR Part 210, 2 CFR Part 200, Appendix II; Buy American food; ensure SFA receives discounts, rebates and credits in cost reimbursable contracts	Assure adherence to 200.320(f)(1)

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School	Year							

SFA Instructions: List name(s), position(s)/title(s) and contact information of those person(s) authorized by the LEA/SFA as procurement agent(s) and who is/are responsible for compliance with local, state and federal program regulations, including Child Nutrition Program requirements.

iocai, state ana jeaerai program regulat	-			- 3				
Name	Position/ Title	Title Information (Ex: con small				Responsibilities nducts micro-purchases, purchase procedures, ps IFB/RFPs, monitoring etc.)		
SFA Instructions: Answer questions belo	W							
What is the Micro-purchase Threshold for		:A?						
What is the small purchase threshold for								
What is the small purchase threshold for	the State, if	applicabl	e?					
Group Purchasing Organizations, Group Organizations and Third Party Entities SFA Instructions: Answer questions below								
Did the SFA pay a membership fee, join at no cost, or otherwise enter into an agreement with a Group Purchasing Effort (CN Cooperative, Agent, or Third-party entity? (NOTE: Answer questions in the General Procurement Procedures tab and obtain copies of solicitations for review using the applicable procurement method tab-small purchase or formal procedures. All findings, if applicable, apply to all SFAs purchasing in this group effort AND the State agency must further determine if each SFA purchases other goods/services outside of the groups contracted sources, i.e., uses micropurchase, small purchase and formal procedures, as applicable. These purchases must also be competitively procured in compliance with the applicable procurement threshold and method.)							TA/Comment	

			nases School Year n vendors valued at \$3,5	00 or below)	
Name of Vendor	Goods/ Services Provided	Total Paid to Vendor	How many purchases were made from this vendor during the school year?	Comments	(FOR STATE AGENCY USE ONLY) Select for Review?

	Small Purc	hase/Info	ormal Cont	racts School Yea	ar							
(Pur	(Purchases from vendors valued at \$75,000 or below, or most restrictive											
	threshold) SFA Instructions: <i>Input information below.</i>											
Name of Vendor	Goods/ Services Provided	Total Paid to Vendor	How many purchases were made from this vendor during the school year?	Did the SFA receive more than one response to request for price/ quotes?	Comments	(FOR STATE AGENCY USE ONLY) Select for Review?						

Documented Procurement Procedures (includes micro-purchases, small purchases, IFBs and RFPs, and FSMC & processing contracts, as applicable) After Procurement Table Vendor Paid List/Summary Report: Total Expenditures by Vendor (nonprofit food service account only) Micro-purchases (Vendors selected for review) **X** **Purchase orders issued **Receipts/Invoices **Small Purchase Procurements (Vendors selected for review) **X** **Valuation of Responses for Award **Varchase orders **Receipts/Invoices **Formal Procurements (Documents for vendors selected) **X** **Sidder/Offeror responses **Valuation of responses for contract award **Secuted contracts **Contract renewal/addendum/amendments, if applicable (since original contract was awarded) **Soutyprice analysis documentation **Valuation of responses for contract award **Secuted contracts **Soutyprice analysis documentation **Valuation of Secution of Secution (Vendors) (Vendors) (Vendors) **Valuation of Secution of Secution (Vendors) (Vendors) (Vendors) (Vendors) **Sidder/Offeror responses (Vendors) (Vendors) (Vendors) (Vendors) (Vendors) **Valuation Documents (Includes specifications, evaluation criteria, contract terms, conditions, etc.) **Sidder/Offeror responses (Vendors) (V	PROCUREMENT REVIEW DOCUMENTATION CHECKLIST School Year	
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