

Procurement Policy and Procedures for



Introduction

The following Procurement Policy Statement shall govern all purchasing activities that relate to any aspect of the National School Lunch and Breakfast Programs. This statement is meant to provide guidance to our personnel and vendors on acceptable and required procurement practices. Our goal is to fully implement all required and recommended procurement rules, regulations, and policies set forth in 7 CFR 210, 2 CFR 200, and Chapter 5P-2, Florida Administrative Code.

Procurement Policy

This organization incorporates the following elements into the Procurement Policy Statement, as required by 7 CFR 210 and 2 CFR 200.

- A. Buy American. We adhere to 7 CFR 210.21(d) and USDA Policy Memo SP 38-2017 to ensure compliance with the Buy American provision requiring the Sponsor to purchase, to the maximum extent practicable, domestic commodities or products. This Buy American provision supports the mission of the Child Nutrition Programs, which is to serve children nutritious meals and support American agriculture.
 - i. There are two limited exceptions when non-domestic foods may be purchased. These exceptions, as determined by the Sponsor, are:

- a. The food or food product is not produced or manufactured in the United States in sufficient and reasonably available quantities of a satisfactory quality; or
 - b. Competitive bids reveal the cost of a United States food or food product is significantly higher than the non-domestic product.
 - ii. In the event a non-domestic agricultural product is to be provided, the vendor must obtain advanced, written approval to use the product from the Sponsor.
- B. Comparability. We recognize for true competition to take place. We maintain reasonable product specifications to adequately describe the products to be purchased and the volume of planned purchases based upon pre-planned menu cycles.
- C. Competition. We demonstrate our goods and services are procured in an openly competitive manner.
- D. Unnecessary and Duplicative Items. We avoid acquisition of unnecessary or duplicative items. Consideration is given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis is made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- E. Documentation. We maintain all procurement records and any other significant materials to detail the history of all procurement efforts for the current year and the preceding three years. Specifically, we maintain, at a minimum, the following documents:
- Written rationale for the method of procurement;
 - A copy of the original solicitation, including informal requests for quotes;

- Proof of public announcement, if applicable;
 - All questions received from potential vendors;
 - All answers provided to potential vendors;
 - Proof of public posting of questions and answers, if applicable;
 - All quotes, bids, and proposals received from potential vendors;
 - Proof of the public bid opening, if applicable;
 - All quote comparisons, bid tabulations, and proposal evaluations; including all determinations for responsible and responsive vendors and all disqualifications of potential vendors.
 - The basis for vendor selection;
 - Any resulting contracts, including all amendments;
 - All receipts, invoices, and records of payment; and
 - Any claims of vendor noncompliance with a contract.
- F. Code of Conduct. This program is governed by the Sponsor's Code of Conduct, and it applies to all personnel, employees, directors, agents, officers, volunteers, or any person(s) acting in any capacity concerning procurement for the food service program.
- G. Procurement Review Process. This procurement policy and procedure receives an internal program review on an annual basis by a staff person who is not associated with food service procurement process. This review is to be summarized in written form and kept with the other required program documentation.
- H. Contract Administration. Purchases are checked or verified by designated staff to assure that all goods and services are received, and prices verified. All invoices and receipts are signed, dated, and maintained in the documentation file.
- I. Small, Minority, Women owned Business and Labor Surplus. We take steps to

assure that minority businesses, women's business enterprises and labor surplus area firms are used, when possible, as required in 2 CFR 200.321. These steps include:

- Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises; and
- Using the services and assistance, as appropriate, of such organizations as the U.S. Small Business Administration and the Florida Department of Management Services' Office of Supplier Diversity's MyFloridaMarketPlace Certified Vendor Directory.

Duties of Food Service Director, or Authorized Staff

The following includes a list of responsibilities for the Food Service Director or authorized staff member(s); e.g., kitchen manager:

1. To work with staff and students in developing acceptable menus for breakfast and lunch.
2. To keep program menus up to date by testing and using new products and seeking feedback from staff and program participants.
3. To conduct a cost analysis for any goods or services anticipated to determine the total annual expenditure so the correct procurement method will be followed.

4. To compile market orders or requisitions for purchases which accurately reflect the total quantities of required foods to be ordered per (day, week, or month).
5. To place and confirm orders with vendors or make plans to purchase the required items.
6. To follow all applicable federal, state, and local procurement policies or ensure that all applicable federal, state, and local procurement policies are followed when purchasing is conducted by a procurement agent.
7. To work with vendors on a fair and equal basis.
8. To conduct an in-house procurement review once per year to ensure program compliance and to seek guidance or technical assistance when necessary.
9. To submit Capital Expenditure Requests to FDACS prior to any capital expenses being paid and equipment purchases being made when over \$5,000 per unit.

Procurement Procedures

Procurement procedures apply to the purchasing of catered meals, equipment, groceries, and services (e.g., pest control). The purchasing procedure to be followed is determined by the anticipated total annual expenditure on items related to the food service program:

- When the annual total for food service program related items is less than \$10,000 (per procurement event or in aggregate purchases), this organization conducts informal Micro-purchases.
- When the annual total for food service program related items is between \$10,000 and \$250,000 (per procurement event or in aggregate purchases), this organization follows the informal Small Purchase Procedure.
- When the annual total for food service program related items is greater than \$250,000 (per procurement event or in aggregate purchases), this organization follows the Formal Procurement Procedures.

Micro-purchases

When conducting micro-purchases, this organization takes the necessary steps to ensure the following:

- A single transaction purchase or the aggregate cost of like purchases is under the micro-purchase threshold;
- Same or similar purchases are spread equitably among all qualified sources; and
- The purchase price is reasonable, and the purchase is allowable.

Small Purchase Procedures

When conducting small purchase procedures, commonly referred to as a Request for Quotes (RFQ), this organization takes the following steps:

- 1) Prepare written specifications;
- 2) Contact a minimum of three potential vendors;
- 3) Obtain quotes from an adequate number of qualified sources based on the same specifications. A non-response or “no quote” will not be considered as a quote. If an adequate number of quotes cannot be obtained, then Sponsor will conduct Formal Procurement Procedures.
- 4) Keep all quotes confidential until vendor selection;
- 5) Document each vendor’s quoted price(s) based on the same specifications;
- 6) Select the most responsive and responsible vendor that provides the lowest quote;
- 7) Inform all vendors, in writing, of the selection made;
- 8) If necessary, based on the specifications, execute a contract between the sponsor and the awarded vendor; and
- 9) Ensure the goods or services received are the same as the specifications requested and at the prices quoted.

Formal Procurement Procedures

When formal procurement procedures, in the form of an Invitation to Bid (ITB) or a Request for Proposal (RFP), are required, this organization takes the following steps:

- 1) Determine if an ITB or an RFP will be conducted;
 - a. An ITB is selected if the needs are clearly defined and understood, b. An RFP is selected for projects that have many technical requirements, or if the methods or specifications aren't readily available;
- 2) Perform a cost or price analysis;
- 3) Develop written specifications as they are available and draft the scope of work, considering:
 - a. Dates, times, and locations for bids or proposals to be submitted;
 - b. Dates and times for public bid openings, if applicable;
 - c. Evaluation criteria, if applicable;
 - d. Dates and times for final award determinations;
 - e. Bid protest procedures, if applicable;
 - f. Contract and renewal periods;
 - g. Delivery expectations, if applicable;
 - h. Termination clauses;
 - i. Records retention requirements, and
 - j. All federally required contract provisions.
- 4) Submit the draft solicitation to FDACS for a pre-issuance review and approval.
- 5) Publicly announce and advertise the ITB or RFP at least 14calendar days prior to the submission deadline;
 - a. Announcements will include the date and time of the submission deadline;
 - b. The location where submissions will be sent;
 - c. If the entire ITB or RFP is not included in the announcement, the Sponsor will include the location where the complete ITB or RFP may be obtained.
- 6) Evaluate the proposals or tabulate the bids and select the most responsible vendor whose

submission is responsive to the solicitation and is most advantageous to the Sponsor with price and other factors considered as represented in the solicitation. All bids or proposals may be rejected in accordance with law, if necessary.

- 7) Submit the proposed contract and all documents related to the procurement to FDACS for review and approval.
- 8) Award the contract to the selected vendor.
- 9) Ensure the goods or services received are the same as the goods or services contracted and at the contracted prices.

Noncompetitive Procurement Procedures

Noncompetitive procurement of goods and services is only be conducted if the circumstances in [2 CFR 200.320\(c\)](#) apply. Noncompetitive agreements will not be used as part of a piggyback agreement.

Single or Sole Source Purchases

If items are available only from a single source, noncompetitive procurement may be used. When noncompetitive procurement procedures are used for single or sole source purchase, this organization takes the following steps:

- 1) Compile documentation of records to fully explain the decision to use the noncompetitive procurement procedures; including previously prepared specifications. The records will be available for audit and review.
- 2) Ensure the records reflect all federal, state, and local requirements for using single or sole source procurement are met; and
- 3) Ensure the goods or services received are the same as the goods or services discussed during noncompetitive negotiations and at the contracted prices, if applicable.

Limited to No Competition

When, after public solicitation, competition is determined inadequate, noncompetitive

procurement may be used. When noncompetitive procurement procedures are used for purchases resulting from limited to no market competition, this organization takes the following steps:

- 1) Compile documentation of records to fully explain the decision to use the noncompetitive procurement procedures; including previously prepared specifications, proof of advertisement, solicitations, etc. The records will be available for audit and review.
- 2) Ensure the records reflect all federal, state, and local requirements for using noncompetitive procurement are met;
- 3) Negotiate with and make purchases from, or enter into an agreement with, the vendor that can provide the goods or services needed that reflects the terms of the originally advertised solicitation and any negotiated specifications or clauses;
- 4) Ensure the goods or services received are the same as the goods or services discussed during noncompetitive negotiations and at the contracted price, if applicable.

Public Emergency

Emergency procurement procedures may be used when a public exigency or emergency will not allow for a delay in service that may result from a competitive procurement. When noncompetitive procurement procedures are used for public emergency situations, this organization takes the following steps:

- 1) Verify a public emergency has been declared;
- 2) Compile documentation of records to fully explain the decision to use the emergency procurement procedures. The records will be available for audit and review;
- 3) Resulting contracts will not exceed 12 months in duration and will not be renewable;

- 4) Obtain approval from FDACS prior to entering into an agreement; 5) Ensure the goods or services received are the same as the goods or services discussed during noncompetitive negotiations and at the contracted price, if applicable; and
- 6) When the public exigency or emergency no longer exists, competitive procurement procedures will be reestablished for all purchases and contracts.

Piggybacking

In lieu of requesting a competitive solicitation, Sponsor may make purchases at or below the specified prices from contracts awarded by other Sponsors when the Sponsor that awarded the contract and the Contractor mutually permit purchases by a Sponsor at the same terms, conditions, and prices (or below such prices) awarded in such contract. When the Sponsor intends to piggyback on a contract, the following steps are taken:

- 1) Review the contract currently in place to determine if it meets all required federal, state, and local procurement policies and includes a provision allowing piggybacking. Such a provision must include specific applicable limitations of the extension (e.g., dollar value or the number of additional parties that may be added).
- 2) Obtain written permission to piggyback from all parties of the contract. 3) Submit the original contract, proposed piggyback agreement, and written permission to piggyback from all parties of the contract to FDACS for review and approval at least seven (7) calendar days prior to execution.
- 4) If it is determined that a material change to the original contract is results from the piggyback, Sponsor willconduct a separate procurement.

Nondiscrimination Statement

In accordance with federal civil rights law and U.S. Department of Agriculture

(USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotope, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at:

[https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint Form-0508-0002-508-11-28-17Fax2Mail.pdf](https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint%20Form-0508-0002-508-11-28-17Fax2Mail.pdf), from any USDA office, by calling (866)

632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. mail:

U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW

Washington, D.C. 20250-9410; or

2. fax:

(833) 256-1665 or (202) 690-7442; or

3. **email:**

program.intake@usda.gov

This institution is an equal opportunity provider.

Evaluation Criteria

Proposals received will be reviewed by an evaluation committee comprised of Sponsor staff, program collaborators, parents, and/or children. The evaluation of proposals will be conducted in accordance with the below criteria. Contract award decision will be made based on the Vendor that attains the greatest overall proposal score and whose meals are deemed acceptable based on individual student taste testing and acceptability. Evaluation of proposals will be performed as follows:

a) Price (Maximum 50 points)

The total (50) fifty points will be awarded to the Vendor with the lowest total contract price submitted in Schedule C, column (4). The total contract price will reflect the price per meal based on type. The second lowest proposer will be awarded (49) forty nine points. The third lowest proposer will be awarded (48) forty eight points. The points awarded for price will continue to be reduced by (1) one points for each successive proposer.

b) Company Experience/References (Maximum 25 points)

Vendor shall demonstrate experience in serving vended meals in the area of South Florida. Menus attached need to be for NSLP students and meet the USDA guidelines for students K-12.

Minimum of 3 references in South Florida should be included.

c) Transportation and Delivery (Maximum 25 points)

Vendor is required to deliver meals no more than (3) three hours before the beginning of meal service or provide proper facilities for on-site food storage. Vendor must explain how it plans to deliver in a timely manner to sites and maintain food temperatures given the restrictions previously stated. Details should include;

- i. The number of other locations the Vendor will be serving over the course

of the school year.

- ii. Some description of the capacity of the Vendor will be maintained to ensure successful execution of the contract, without disruption to the other program sites (including the Vendor's other non-children's programs, if applicable)
- iii. A description of the plan for keeping lines of communication open between drivers, the Vendormain office and the Sponsor / Sponsor sites should questions or problems arrive with scheduled deliveries.
- iv. Some indication of the Vendor's historical experience in successfully managing this size and scope.