

OAR 581-051-0570

Procurement Procedures Required

- (1) Sponsors shall procure food service management services in accordance with the requirements of these rules, as well as with 7 CFR Part 3015, 3016, 3019 and other applicable contracting laws. Each sponsor shall also comply with such public contracting rules and regulations as it may have adopted, or if a sponsor has adopted no public contracting rules and regulations as it may have adopted, or if a sponsor has adopted no public contracting rules and regulations, the sponsor shall comply with the Oregon Attorney General's Model Public Contract Rules, OAR 137-030-0000 et seq.
- (2) Sponsors shall conduct procurement for food service management services in a manner as to maximize free and open competition by issuance of Requests for Proposals.
 - (a) The Request for Proposal shall:
 - (i) Specify the scope of work required;
 - (ii) Specify the criteria which will be used to evaluate proposals, and the relative importance of each criterion; **and**
 - (iii) Specify the manner in which proposals will be evaluated.
 - (b) The RFP shall include a contract form which is identical to the document issued by the Department pursuant to [OAR 581-051-0530 \(Responsibilities of the Oregon Department of Education\)](#)(3);
 - (c) The Sponsor shall provide the Department with a copy of the RFP 60 days prior to publication for review.
 - (d) The Sponsor shall solicit proposals from qualified sources to permit reasonable competition, consistent with the nature and requirements of the procurement;

- (e)** The Sponsor shall evaluate the proposals in accordance with the published criteria and shall ensure that it has, or shall else retain, adequate technical expertise to reasonably evaluate the proposals. The Sponsor may avail itself of technical assistance from the Department as authorized in [OAR 581-051-0530 \(Responsibilities of the Oregon Department of Education\)](#)(5);
- (f)** The Sponsor will negotiate price and terms with top-ranked offerors.
- (g)** The Sponsor shall make award to the responsible offeror whose proposal is most advantageous to the District;
- (h)** The Sponsor shall submit the contract with the selected proposer to the Department for review within 10 days after Board or governing body of the District has approved the selected proposer.
- (i)** The sponsor shall submit the final contract to the Department within 10 days after signature;
- (j)** Alternative procurement methods may be approved by the Department.
- (3)** Sponsors shall not:

 - (a)** Place any unreasonable requirement upon proposers that would tend to exclude qualified proposers;
 - (b)** Foster or encourage any collusion between proposers or other noncompetitive practice;
 - (c)** Allow any conflict of interest that is prohibited by Oregon law;
 - (d)** Use a form of RFP or contract that has been provided by an FSMC in preparing the Request for Proposal;
 - (e)** Negotiate with any proposer prior to evaluation of all proposals;
 - (f)** Disclose the contents of any proposal to another proposer until all proposals are opened and made public;
 - (g)** Provide relevant information to only some and not to all proposers.

- (4)** Exception for secondary contract. Any Sponsor may, without Requests for Proposals, enter into an agreement with any other Sponsor which has a valid contract for food service management, for the provision of meals, provided that:
- (a)** The subordinate Sponsor is otherwise qualified as a School Food Authority under 7 CFR;
 - (b)** The subordinate Sponsor entered into a written agreement for delivery of meals;
 - (c)** The proceeds of such meals and reimbursements are kept in segregated accounts under the management of the subordinate Districts; **and**
 - (d)** The subordinate Sponsor fulfills the obligations of a Sponsor under [OAR 581-051-0560 \(Responsibilities of Sponsors\)](#) herein.

Source: Rule 581-051-0570 — *Procurement Procedures Required*, <https://secure.sos.state.or.us/oard/view.action?ruleNumber=581-051-0570>.