

Minidoka County School District #331

**CHILD NUTRITION PROGRAM
PROCUREMENT PLAN**

The **MINIDOKA COUNTY SCHOOL DISTRICT** plan for procuring items for use in the Child Nutrition Program is as follows. The procurement plan provides for free-and-open competition, transparency in transactions, comparability, and documentation of all procurement.

- A. If the amount of purchases is \$50,000 and above or SFA approved threshold if less, **Formal** procurement procedures will be used as required by 2 CFR 200.319 and IC §67-2806 (2).
- B. If the amount of purchases is \$25,000 to \$49,999 **Semi-Formal** procurement procedures will be used as required by IC §67-2806 (1)
- C. If the amount of purchases is \$3501 to \$24,999 **Small Purchase** procurement procedures will be used as required by 2 CFR 200.320 (b)
- D. If the amount of purchases is \$0-\$3500 **Micro Purchase** procurement procedures will be used as required by 2 CFR 200.320 (a) and defined by 2 CFR 200.67

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		TIME FRAME OF BID
FOOD & NON-FOOD SUPPLIES	FORMAL	LINE ITEM/IFP	FIXED PRICE	ANNUAL
FOOD & NON-FOOD SUPPLIES	FORMAL	BOTTOM LINE/IFP	FIXED PRICE	ANNUAL
PRODUCE	FORMAL	RFP	COST + FIXED FEE	ANNUAL
MILK AND DAIRY	FORMAL	BOTTOM LINE	FIXED PRICE	ANNUAL
PIZZA	FORMAL	RFP	FIXED PRICE	ANNUAL
CHEMICALS FOR CLEANING	FORMAL (SMALL PURCHASE)	LINE ITEM/IFP	FIXED PRICE	ANNUAL
HOOD CLEANING	INFORMAL (MICRO PURCHASE)	BOTTOM LINE		ANNUAL
EQUIPMENT	INFORMAL (SMALL PURCHASE OR SEMI FORMAL OR FORMAL)	BOTTOM LINE		AS NEEDED
TECHNOLOGY	INFORMAL (SMALL PURCHASE OR SEMI FORMAL OR FORMAL)	BOTTOM LINE		AS NEEDED/ DISTRICT APPROVED

- 2. Formal bid procedures will be applied on the basis of a Centralized System.

Because of the potential for purchasing more than \$50,000, it will be the responsibility of MINIDOKA COUNTY SCHOOL DISTRICT to document the amounts to be purchased so the correct method of procurement will be followed.

A. When a **FORMAL** procurement method is required, the following **COMPETITIVE SEALED BID or an Invitation for Bid (IFB) or COMPETITIVE NEGOTIATION 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 TIMES NEWS with the intent of MINIDOKA COUNTY SCHOOL DISTRICT to purchase needed items. The advertisement for bids/proposals or legal notice will be run for 2 Weeks

1. An advertisement is required for all purchases over the threshold of 7 CFR 200.319 and IC §67-2806 (2) \$50,000. The announcement advertisement/legal notice will contain a general description of items to be purchased, the deadline for submission of sealed bids or proposals, and the address where the complete specifications and bid forms may be obtained.
2. In an IFB or RFP, each vendor will be given an opportunity to bid on the same specifications.
3. The developer of written specifications or descriptions for procurements will be prohibited from submitting bids or proposals for such products or services.
4. The IFB or RFP will clearly define the purchase conditions. The following, shall be addressed in the procurement document:
 - (1) Contract period
 - (2) School Food Authority (SFA) is responsible for all contracts awarded (statement)
 - (3) Date, time, and location of bid opening
 - (4) How vendor is to be informed of bid acceptance or rejection
 - (5) Delivery schedule
 - (6) Set forth requirements which bidder must fulfill in order for bid to be evaluated
 - (7) Benefits to which the SFA will be entitled if the contractor can not or will not perform as required
 - (8) Statement assuring positive efforts will be made to involve minority and small business
 - (9) Statement regarding the return of purchase incentives to the School Food Authority's non-profit Child Nutrition account
 - (10) Termination provisions and the basis for any settlement for all procurement over \$10,000.00
 - (11) Provision requiring compliance with Executive Order 11246 entitled "Equal Employment Opportunity" as amended by Executive Order 11375 and as supplemented in the Department of Labor regulations required for all contracts over \$10,000.00
 - (12) Procuring instrument to be used are purchase orders from firm fixed prices after formal bidding
 - (13) Escalation/De-escalation clause based on appropriate standard or cost index if applicable
 - (14) Specific bid protest procedures

- (15) 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
 - (16) Method of shipment or delivery upon Contract award
 - (17) Provision requiring contractor to maintain all required records for *three* years after final payment and all other pending matters are closed for all negotiated contracts
 - (18) Description of process for enabling vendors receive or pick up orders upon Contract award
 - (19) Provision requiring the contractor to recognize mandatory standards and polices related to energy efficiency which are contained in the State Energy Plan issued in compliance with the Energy Policy and Conservation Act (PL 94-165)
 - (20) All contracts over \$100, 000.00 will require compliance with the Clean Air Act issued under Section 306, Executive Order 11738
 - (21) Signed Certificate of Lobbying for all contracts over \$100,000
 - (22) Signed statement of non-collusion
 - (23) Signed Debarment/Suspension Certificate or statement included in contract or copy of Excluded Parties List System (EPLS).
 - (24) Provision requiring “Buy American” as outlined in Policy Memorandum 210.21-14; specific instructions for prior approval of any and all of non domestic product.
 - (25) Provision requiring the Contractor to abide with the Idaho Sex Offender Registration Act (sample language is attached with this document).
5. Specifications will be prepared and provided to potential contractors desiring to submit bids or proposals for the products or services requested. Vendors will be selected by the following methods:
 - (1) Pricing
 - (2) Service
 - (3) Quality
 - (4) Geographic Preference
 6. If any potential vendor is in doubt as to the true meaning of specifications or purchase conditions, an interpretation will be provided by, the Minidoka County School District Food Service Supervisor.
 7. The Minidoka County School District will be responsible for securing all bids or proposals.
 8. The Minidoka County School District will be responsible to ensure all SFA procurements are conducted in compliance with applicable Federal regulations, State General Statutes or policies of the local Board of Education.
 9. In awarding a competitive negotiation (RFP), a set of award criterion in the form of a weighted evaluation sheet may 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 when awarding a contract. Following evaluation and negotiations a firm fixed price or cost reimbursable contract is awarded.
 10. 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, and other factors considered. Any and all bids or proposals may be rejected in accordance with law.

11. The Minidoka County School District 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.
 12. The Minidoka County School District will review the procurement system to check ensure compliance with applicable laws.
 13. The Minidoka County School District will be responsible for documentation that the actual product specified is received.
 14. Any time an accepted item is not available, the Minidoka County School District will select the acceptable alternate. The contractor must inform Minidoka County School District 30 days prior to a product that 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.
 15. 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 Minidoka County School District Food Service Supervisor.
 16. Minidoka County School District Food Service Supervisor and/or the Business Manager will be responsible for maintaining all documentation of the procurement process.
- B.** If the amount of purchases for items is less than the district's formal purchase threshold, the following, **SEMI-FORMAL PURCHASE PROCEDURES IC §67-2806 (1)** shall be followed. Issue written requests for bids describing goods or services desired to at least three vendors. Allow at least three (3) days for written response (unless an emergency exists) and one (1) day for objections.
1. Written Specifications will be prepared and provided to the each vendor.
 2. Each vendor will be contacted and given an opportunity to provide a price quote on the same specifications. A minimum of three (3) vendors shall be contacted, but if there are not that many vendors in the area, then two (2) will suffice.
 3. Minidoka County School District 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 awarded will be to the lowest and best quote based upon quality, service availability, and price.
 6. Minidoka County School District 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**.
 7. Minidoka County School District Food Service Supervisor will be responsible for documentation that the actual product specified is received.

8. Any time an accepted item is not available, the Minidoka County School District 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:
 - a. Pricing
 - b. Service
 - c. Quality
 - d. Geographic Preference
 10. Minidoka County School District Food Service Supervisor is required to sign all quote tabulations, signifying a review and approval of the selections.
- C.** If the amount of purchases for items is less than the district's than the semi-formal purchase threshold, the following, **SMALL PURCHASE PROCEDURES 2 CFR 200.320 (b) Procurement by small purchase procedures including quotes**, will be used.
1. Quotes from an adequate number of qualified sources will be required.
 2. Quotes awarded will be to the lowest and best quote based upon quality, service availability, and price.
 3. If small purchase procedures are used, **verbal** price or rate quotations must be obtained from an adequate number of qualified sources. Document all responses.
- D.** If the amount of purchases for items is less than the district's small purchase threshold, **\$0-\$3500** the following, **MICRO PURCHASE PROCEDURES 2 CFR 200.320 (a) and defined by 2 CFR 200.67**
1. Minidoka County School District Food Service Supervisor distributes micro-purchases equitably among qualified suppliers.
 2. Micro purchases may be awarded without soliciting competitive quotations if the District considers the price to be reasonable. The District maintains evidence of this reasonableness in records of all micro-purchases.
- E.** If it is necessary to make an **Emergency Procurement** to continue service, the purchase shall be made and a log of all such purchases shall be maintained by the Minidoka County School District Food Service Supervisor.

The following emergency procedures shall be followed. All emergency procurements shall be approved by the Minidoka County School District. At a minimum, the following emergency procurement procedures shall be documented:

1. Item name
2. Dollar amount
3. Vendor, and
4. Reason for emergency

F. 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 USDA auditors shall have full access to and the right to examine any of said materials during said period.

G. The SFA shall agree to retain all books, records and other documents relative to the award of the contract agreement for three (3) years after final payment. Specifically shall maintain, at a minimum, the following documents:

1. Written rationale for the method of procurement;
2. A copy of the RFP or IFB;
3. The selection of contract type;
4. The bidding and negotiation history and working papers;
5. The basis for contractor selection;
6. Approval from the State agency to support a lack of competition when competitive bids or offers are not obtained;
7. The basis for award cost or price;
8. The terms and conditions of the contract;
9. Any changes to the contract and negotiation history;
10. Billing and payment records;
11. A history of any contractor claims; and
12. A history of any contractor breaches.

H. 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.

1. No employee, officer or agent of the Minidoka County 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:

- a. The employee, officer or agent;
 - b. Any member of the immediate family;
 - c. His or her partner;
 - d. An organization, which employs or is about to employ one of the above.
2. The Minidoka County School District members, 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 code of conduct of the Minidoka County School District Child Nutrition Program should be:
 - a. Reprimand by Board of Education;
 - b. Dismissal by Board of Education;
 - c. Any legal action necessary.

I. Idaho Sex Offender Registration Act

Idaho Code §18-8329 prohibits any person who is registered or required to register under the Idaho Sex Offender Registration Act, from being on school property if the person has reason to believe children under the age of 18 are present.

As a provider of goods and/or services to the Minidoka County School District, your company and those in your employment are subject to this law.

Please sign and return this letter confirming to the District that your company will prohibit any persons in your employ who are registered or required to register, under the Idaho Sex Offender Registration Act from participation in company business with the District(s) if such participation would require them to be present on school property. Further, by signing, you confirm that you have cross-checked such employees against the National Sex Offender Registry found at the following web link:

<http://www.nsopr.gov/>

Company/Contractor Name (Print)

Signature of Company/Contractor Representative

J. Federal Civil Rights Compliance

In accordance with Federal Civil Rights Law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter 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;

(2) Fax: (202) 690-7442; or

1(3) Email: program.intake@usda.gov

Minidoka County School District #331

**Child Nutrition Program
Procurement Plan Certification**

This procurement plan will be implemented August 1, 2016, from that day forward until amended. All procurements must adhere to the free and open competition. Source documentation must be available to determine open competition, the reasonableness, the allow-ability and the allocation of costs.

Board Chair

Date

Superintendent of Schools

Date

“This institution is an equal opportunity provider.”

