

CHAPTER 10.00 - FOOD AND NUTRITION SERVICES

10.06 - Procurement for School Food and Nutrition Services

POLICY:

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/or 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 by the State Agency.

The purchasing procedure to be followed shall be determined by the anticipated total annual expenditure on items related to the Food and Nutrition Services program:

- When the annual total for food service related items is below \$10,000 per year (per procurement event or in aggregate purchases) the School Board of Levy County Food and Nutrition Services department will follow the Micro-Purchase Procedures.
- When the annual total for food service program related items is above \$10,000 but below \$50,000 per year (per procurement event or in aggregate purchases) the School Board of Levy County Food and Nutrition Services department will follow the Small Purchase Procedure.
- When the annual total for food service program related items is above \$50,000 per year (per procurement event or in aggregate purchases), the School Board of Levy County Food and Nutrition Services department will follow the Formal Competitive Solicitation Procedures.

Procurement procedures ensure accountable, efficient, transparent, and ethical practices are used to acquire necessary goods, equipment, and services for the Food and Nutrition Services program whether by purchase, rental, or lease.

(1) MICRO-PURCHASE PROCEDURES

For purchases made below \$10,000 per year (per procurement event or in aggregate purchases) the Micro-Purchase Procedures will be utilized to purchase necessary goods, equipment, and services. When Micro-Purchase Procedures are used, the School Board of Levy County Food and Nutrition Services department will take the following steps:

- (A) Single visit transaction purchase was below \$10,000
- (B) Aggregate limit of same purchases is below \$10,000
- (C) Purchases spread equitably among all qualified sources
- (D) Purchase price is reasonable

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(2) SMALL PURCHASE PROCEDURES

For purchases made above \$10,000 but below \$50,000 per year (per procurement event or in aggregate purchases) the Small Purchase Procedures will be utilized to purchase necessary goods, equipment, and services. When Small Purchase Procedures are used; the School Board of Levy County Food and Nutrition Services department will take the following steps:

- (A) Contact a minimum of three potential vendors.
- (B) Document each vendor's quoted price.
- (C) Select the company that provides the lowest, most responsive, and responsible bid.
- (D) Inform all bidding companies in writing of the final decision made by the sponsor.
- (E) Write contract for meal service between the sponsor and the winning bidder.

(3) FORMAL COMPETITIVE SOLICITATION PROCEDURES

For purchases made above \$50,000 per year (per procurement event or in aggregate purchases) the Formal Competitive Solicitation Procedures will be utilized to purchase necessary goods, equipment, and services. When Formal Competitive Solicitation Procedures are used, the School Board of Levy County Food and Nutrition Services department will take the following steps:

- (A) Prepare an Invitation to Bid (ITB) or Request for Proposal (RFP) document specifically addressing the items to be procured.
- (B) Publicly announce and advertise the bid/proposal at least 14 calendar days prior to bid opening.
 - (1) Announcements will include the date, time and location in which bids will be opened.
- (C) Determine the most responsive and responsible bid/proposal by using the selection criteria set forth in the bid/proposal document.
 - (1) Responsive bidders will be those whose bid/proposal conforms to all the terms, conditions and requirements of the ITB/RFP.
- (D) Award the contract
 - (1) Sponsors should award the contract to the most responsive and responsible bidder based on the criteria set forth in the ITB/RFP.
 - (2) The sponsor should award the contract at least two weeks before program operations begin.

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- (3) If a protest is received, it must be handled in accordance with Chapter 120.57(3), Florida Statutes.
- (E) Retain all records pertaining to the formal competitive bid process for a period of five years plus the current year.

The School Board of Levy County Food and Nutrition Services department incorporates the following elements into the Procurement Policy Statement, as required by 7 CFR 210 and 2 CFR 200.

(4) COMPETITION

We shall demonstrate our goods, equipment, and services are procured in an openly competitive manner.

(5) COMPARABILITY

We recognize for true competition to take place, we must maintain reasonable product specifications to adequately describe the products to be purchased and the volume of planned purchases based upon pre-planned menu cycles.

(6) UNNECESSARY AND DUPLICATIVE ITEMS

We shall avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(7) DOCUMENTATION

We shall maintain for the current year and the preceding five years all menus, production records, invitations to bid, bid results, bid tabulations or any other significant materials that will serve to document our policies and procedures.

(8) CODE OF CONDUCT

This program shall be governed by the following Code of Conduct and it shall apply to all personnel, employees, directors, agents, officers, volunteers, or any person(s) acting in any capacity concerning the food service procurement program.

(9) PROCUREMENT REVIEW PROCESS

This procurement plan shall receive an internal program review on an annual basis by a staff person who is not associated with food service procurement process. This review shall be summarized in written form and kept with the other required program documentation.

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(10) CONTRACT ADMINISTRATION

Purchases shall be checked or verified by designated staff to assure that all goods and services are received and prices verified. All invoices and receipts shall be signed, dated, and maintained in the documentation file.

(11) DUTIES OF FOOD SERVICE SUPERVISOR:

- (A) To work with staff and clients in developing acceptable menus for breakfast and lunch.
- (B) 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).
- (C) To place and confirm orders with vendors, or make plans to purchase the required items.
- (D) To keep program menus up to date by testing and using new products and seeking feedback from staff and clients.
- (E) To send out bid quotation forms to vendors who have expressed an interest in doing business with the sponsor.
- (F) To make procurement awards based on the lowest and best vendor's responses as determined by quality, availability, service, and price.
- (G) To work with vendors on a fair and equal basis.
- (H) To develop a list of acceptable brands (multiple brands per bid item when possible).
- (I) To conduct an in-house procurement review once per year to ensure program compliance and to seek guidance or technical assistance when necessary.

(12) SMALL, MINORITY, WOMEN OWNED BUSINESS AND LABOR SURPLUS:

- (A) We shall 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.

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Procurement Policy Statement for Sponsors of National School Lunch and Breakfast Programs

CODE OF CONDUCT

This written Code of Conduct shall govern the performance and actions of the *School Board of Levy County* officers, School Board members, employees, directors, volunteers or agents who are engaged in any aspect of procurement, contracts, grants or the administration and supervision of contracts supported entirely or in part by federal entitlement funds disbursed by USDA. These regulations are found in 7 CFR Part 210.21 and Part 3016.36.

- (1) No employee, officer, director, volunteer or agent of the *School Board of Levy County* shall participate in the selection, award or administration of a bid or contract supported by NSLP funds if a conflict of interest is real or apparent to a reasonable person.
- (2) Conflicts of interest may arise when any employee, officer, director, volunteer or an agent of the *School Board of Levy County* has a financial, family, or any other beneficial interest in the vendor firm selected or considered for an award.
- (3) No employee, officer, director, volunteer or agent of the *School Board of Levy County* shall do business with; award contract to; or show favoritism toward a member of (his or her) immediate family, spouse's family or to any company, vendor or concern who either employs or has relationship to a family member; or award a contract or bid which violates the spirit or intent of federal, state and local procurement laws and policies established to maximize free and open competition among qualified vendors.
- (4) The *School Board of Levy County's* employees, officers, directors, volunteers or agents shall neither solicit nor accept gratuities, gifts, consulting fees, trips, favors or anything having a monetary value in excess of ten dollars (\$10.00) from a potential vendor or bidder, or from any party to a sub-agreement or ancillary contract. (Examples of an acceptable gift would be; food product samples [may exceed \$10.00 value] when used to benefit the *School Board of Levy County* and students; or a personal gift or meal valued at less than \$10.00 which is not intended to influence a procurement award or decision.
- (5) As permitted by law, rule, policy or regulation, the *School Board of Levy County* shall pursue appropriate legal, administrative or disciplinary action against an employee, officer, director, volunteer, vendor or vendor's agent who is alleged to have committed, has been convicted of or pled no contest to a procurement related infraction. If said person has been convicted, disciplined or pled no contest to a procurement violation, said person shall be removed from any further responsibility or involvement with grants management, procurement actions or bids, consistent with school board, state or federal policy.

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"In accordance with Federal Law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call toll free (866) 632-9992 (Voice). Individuals who are hearing impaired or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer."

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, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or 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 discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) 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 (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

STATUTORY AUTHORITY:

1001.42; 1001.43, F.S.

USDA FEDERAL RULES:

7 CFR 210.21; 7 CFR 220.16; 7 CFR 225.17; 7CFR225, 2 CFR 200

HISTORY:

Adopted: 7/23/18
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12/11/18, 1/29/19, 3/12/19
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