

Dawson Springs School Food Service

PROCUREMENT PLAN

A. General Procurement Standards

- This plan is adopted as a condition of the SFA's participation in the USDA's Child Nutrition Programs.
- The SFA uses procurement procedures that reflect state and local law while also ensuring compliance with applicable federal law.

B. Procurement Management – SFA and Governing Body

Food Service Director/Finance Officer is primarily responsible for overseeing all procurement for SFA's Food Service Department including any procurement conducted on behalf of the SFA. This responsibility includes, but is not limited to, the responsibilities set forth below:

Food Service Director/Finance Officer

- Ensures that all SFA procurement transactions are conducted in a manner that provides full and open competition in accordance with federal law.
- Managing contracts and overseeing vendors and/or ensuring that vendors perform in accordance with the terms, conditions, and specifications of vendor contracts and/or purchase orders.
- Ensuring that vendors who develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals are **excluded** from competing for such contracts and/or purchase orders.
- Ensuring that all contractual and administrative issues arising out of procurements for the SFA's Food Service Department is handled in accordance with good administrative practice and sound business judgment.
- Ensuring that sufficient records detailing the SFA's procurement history as well as the procurement history of all other entities procuring on behalf of the SFA are maintained.
 - The records maintained for contracts include, at a minimum, the following records:
 - Rationale for methods of procurement
 - Selection of procurement type
 - Selection or rejection of vendor
 - Basis for contract price
 - These records are maintained for at least three (3) years after submission of the final Claim for Reimbursement for the fiscal year or longer if otherwise required by law.
- Ensures that the LEA maintains policies and/or procedures that govern the conduct of employees who are engaged in the selection, award, and administration of contracts for the SFA. These policies and procedures can be found in Board Policy numbers 07.13, 07.13 AP.1, 04.32, 04.32 AP.1. These policies and procedures meet the minimum requirements set forth in federal law.

C. Procurement Conducted on Behalf of SFA (check all that apply)

☐ N/A Not applicable - SFA alone conducts procurement on behalf of the SFA.
☐ N/A SFA contracts with a third party purchasing agent.

- Third party procurement services were competitively procured using a competitive bid process.
- A copy of the solicitation and final awarded contract is attached here at TAB _____.
- The third party conducts the following procurement on behalf of the SFA:
 - ☐ _____
 - ☐ _____
 - ☐ _____
 - ☐ _____
 - ☐ _____
 - ☐ _____
- A copy of the third party's procurement plan is attached hereto at TAB _____.

☒ X SFA uses a cooperative recognized under Kentucky state law to conduct procurement. A copy of the co-operative's procurement plan is attached at TAB _____.

- The cooperative conducts the following procurement on behalf of the SFA:
 - ☐ Prime Vendor
 - ☐ Dairy
 - ☐ Bakery/Bread
 - ☐ Produce
 - ☐ Hood Cleaning
 - ☐ Fee for Service Commodity Processing
 - ☐ Chemical & Supplies Bid
- A copy of the co-operative's procurement plan is attached at TAB _____.

☐ N/A SFA uses a cooperative recognized under Kentucky state law that has contracted with a third party buying agent. A copy of the cooperative's procurement plan is attached at TAB _____.

- Third party procurement services were competitively procured using a competitive bid process.
- A copy of the solicitation and final awarded contract is attached here at TAB _____.
- The third party conducts the following procurement on behalf of the SFA:
 - ☐ _____
 - ☐ _____
 - ☐ _____
 - ☐ _____
 - ☐ _____
 - ☐ _____
- A copy of the third party's procurement plan is attached hereto at TAB _____.

D. SFA Procurement

Procurement Methods (check all that apply)

X PROCUREMENT BY MICRO-PURCHASE

SFA acquires supplies or services that do not exceed the current Micro-Purchase Threshold of \$3500.

Food Service Director/Finance Officer is responsible for procuring goods and/or services for the SFA using micro-purchase process.

X INFORMAL PROCUREMENT Procurement by Small Purchase Procedure

SFA Simplified Acquisition Threshold is less than \$20,000.

Food Service Director/Finance Officer is responsible for making purchases using the Small Purchase Procedure. Responsibilities include, but are not limited to the following:

- Contacting potential vendors when price quotes are needed from at least three (3) qualified sources.
- Ensuring the confidentiality of price quotes are maintained until purchase is made.
- Ensuring small purchases are made based on the lowest price.
- Ensuring documentation is maintained and includes at least the written specifications used, identification of vendors contacted, vendor price quotes received, and vendor selected.

Food Service Director/Finance Officer is responsible for overseeing the small purchase process.

- Reviewing price quotes.
- Providing final approval of the purchase.

X FORMAL PROCUREMENT Procurement by bid or proposal

Procurement for services, supplies, or other property exceeding the SFA's Simplified Acquisition Threshold of \$20,000 is conducted by formal procurement. Food Service Director/Finance Officer is responsible for procuring goods and/or services for the SFA using formal procurement. Responsibilities include, but are not limited to the following:

- Ensuring that contracts are awarded to the responsible bidder/proposer whose bid or proposal is responsive to the solicitation and is most advantageous to the SFA.
- Ensuring that, when weighed criteria is used as part of the solicitation, a weighted evaluation sheet is provided to each bidder in the initial bid document materials; price and other factors are considered with price receiving the highest weight; and a firm fixed price or cost reimbursable contract is awarded following evaluation and/or negotiation (as applicable).

- Ensuring that the bid tabulation or the evaluation criterion score sheet is signed signifying a review and approval of the selections.
- Monitoring the formal procurement system to ensure compliance with applicable laws.
- Ensuring that all procurement documentation relating to formal procurement is maintained.
- Ensuring compliance with the Buy American Provision.
- Ensuring that a vendor obtains, in advance, written approval for any non-domestic agricultural product supplied to the SFA.
- Ensuring that full documentation is received by the SFA documenting why an accepted item is unavailable.
- Ensuring that vendor documentation is reviewed and audited before SFA selects an acceptable alternative.
- Selects an acceptable alternative when a product is not available.
- Ensuring that the solicitation is advertised by local newspaper with the greatest circulation in the District to publicize the SFA's intent to purchase needed items.
- Ensuring that announcements (advertisements or legal notices) contain:
 - 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 bids or proposals; and
 - address of location where complete specifications and bid/proposal forms may be obtained.
- Ensuring that advertisements run for at least seven (7) days before the date set for the opening of the bids.
- Ensuring that vendors are given the same opportunity to bid on the same product specifications.
- Ensuring that purchase conditions are clearly defined in the solicitation.
- Ensuring that the initial procurement solicitation and the final awarded contract includes all required contract language and meets the requirements of federal and state law:
 - Solicitation requirements for contracts that are **NOT** cost reimbursable:
 - There is a clear and accurate description of the technical requirements for the material, product, or services being procured.
 - Requirements are identified that must be fulfilled as well as all other factors used in evaluating bids or proposals.
 - **ALL** contracts contain provisions covering the following, as applicable.
 - Contracts for more than the simplified acquisition threshold address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
 - All contracts in excess of \$10,000 address termination for cause and for convenience including the manner by which it will be effected and the basis for settlement.

- When a federal award meets the definition of “funding agreement” under 37 CFR § 401.2 (a) and the recipient or sub recipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or sub recipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.
- Contracts in excess of \$150,000 contain a provision that requires the contractor to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251–1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- Contract awards are not made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235). “Debarment and Suspension.”
- Contractors applying for or bidding for an award exceeding \$100,000 must file the required certification as required by the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352). Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

X NON-COMPETITIVE NEGOTIATION

Non-competitive negotiation is used when items are available ONLY from a single source and *when the award of a contract is not feasible under small purchase or formal purchase procedures.*

Food Service Director/Finance Officer is responsible for procuring goods and/or services for the SFA using Non-Competitive Negotiation.

- Ensuring that written specifications are prepared and provided to the vendor.

- Ensuring that a record of non-competitive negotiation is maintained including, at a minimum, the following:
 - item name
 - dollar amount
 - vendor, and
 - reason for non-competitive procurement
- Kentucky Department of Education, School and Community Nutrition approves, in advance, all procurements that result from non-competitive negotiations.
- Ensuring documentation that the actual product or service specified was received is maintained.

EMERGENCY OR "PRESSING NEED" PURCHASES

Food Service Director/Finance Officer is responsible for handling emergency purchases. Responsibilities include, but are not limited to the following:

- Ensuring that written specifications will be prepared and provided to at least three (3) potential vendors, if possible. If not possible, a justification will be prepared to document why fewer vendors were contacted.
- Ensuring that the actual product or service specified is received.
- Ensuring that a record of the emergency purchase procedure is maintained and available for audit and review. The record includes, at a minimum, the following:
 - item name
 - dollar amount
 - vendors contacted, and
 - reason for emergency
- Kentucky Department of Education, School and Community Nutrition approves, in advance, all emergency procurements that exceed \$20,000.

Procurement by Category (check all that apply)

- SFA utilizes the methods for the following purchase categories on the chart contained on page 9,10 and 11 if applicable.

USDA Nondiscrimination Statement

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
- (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

| Category | Method | Contract Type | Pricing | Frequency | Extension |
|---|--------------------------|----------------------------|--|-----------|---|
| Frozen and Refrigerated Foods, Dry Groceries and Supplies Bid (CRS successful bidder) | Formal/ Coop Bid | Invitation To Bid | Fixed Pricing | Annually | Original Bid for 7/1/13 to 6/30/14 Renewed for 14-15 & 15-16 & 16-17 |
| Canned Foods | Formal/ Coop Bid | Invitation To Bid | Fixed Pricing | Annually | Part of the CRS Food Bid |
| Frozen Bread Bid (CRS successful bidder) | Formal/ Coop Bid | Invitation To Bid | Fixed Pricing | Annually | Bid date of 6/9/16 16-17 SY effective date 8/1/16 to 6/30/17 |
| Pasta | Formal/ Coop Bid | Invitation To Bid | Fixed Pricing | Annually | Part of the CRS Food Bid |
| Manual-All Purpose Cleaning Supplies | Formal/ Coop Bid | Invitation To Bid | Fixed Pricing | Annually | Part of the CRS Food, Non Food, Supplies & Chemical Bid |
| Paper and Plastic Supplies | Formal/ Coop Bid | Invitation To Bid | Fixed Pricing | Annually | Part of the CRS Food, Non Food, Supplies & Chemical Bid |
| Fresh Fruits and Vegetables Produce Bid Successful Bidders: East of the Lakes – Roby's Country Gardens *** West of the Lakes – McCartney Produce | Formal/ Coop Bid | Invitation To Bid | Fixed Pricing | Annually | Original Bid Date: 6/9/16 for period //8/1/16 thru 7/31/17 (With quarterly escalation clause of 11/1/16, 2/1/17 & 5/1/17) |
| Dish machine Chemicals | Formal/ Coop Bid | Invitation To Bid | Fixed Pricing | Annually | Part of the CRS Food, Non Food, Supplies & Chemical Bid |
| Small wares | Informal/ Small Purchase | Small Purchase w/ 3 quotes | Lowest Price That Meet Specifications Used | As Needed | N/A |

| Capital Equipment | Informal under \$20,000 & on State Equipment list. Formal if over | Informal/ Small Purchase Formal/ Invitation to Bid | Lowest Price That Meet Specifications Used | As Needed | N/A |
|--|---|--|--|----------------|--|
| Fresh Bread (See Frozen Bread Bid) | Formal/ Coop Bid | Invitation To Bid | Fixed Pricing | Annually | Bid date of 6/9/16 16-17 SY effective date 8/1/16 to 6/30/17 |
| Milk and Dairy Products Successful Bidder for East and West of the Lakes: Prairie Farms | Formal/ Coop Bid | Invitation To Bid | Fixed Pricing | Annually | Bid Date: 6/9/16 Effective Date: 8/1/16 thru 7/31/17 (escalation/de-escalation clause and optional extension clause) |
| Office Supplies | Informal/ Small Purchase | Small Purchase w/ 3 quotes | Lowest Price That Meet Specifications Used | As Needed | N/A |
| Emergency (Only used in dire emergencies) | Informal if Under \$20,000 State Approval if over | Small Purchase w/ 3 quotes | Lowest Price That Meet Specifications Used | Emergency Only | N/A |
| Hood Cleaning Successful Bidders: East of the Lakes – Fire Safe*** West of the Lakes – Crouch Cleaning Service | Formal/ Coop Bid | Invitation To Bid | Fixed Pricing | Annually | Bid Awarded – 5/31/16 Runs from 6/6/16 thru 6/30/17 |

| | | | | | |
|-----------------|---------------------|----------------------|---------------|----------|--|
| Fee for Service | Formal/ Coop Bid | Invitation To Bid | Line item bid | Annually | Bid Date: 04/18/16 Effective 8/1/16 – 05/31/17 |
|-----------------|---------------------|----------------------|---------------|----------|--|

Procurement Certification

All School Food Authorities

I certify the federal regulations of the USDA's Child Nutrition Program as administered by the Division of School and Community Nutrition have been followed by the Dawson Springs Independent Board of Education. The following identifies the regulations that must be followed for each program:

- 7 CFR 210 National School Lunch Program
- 7 CFR 220 School Breakfast Program
- 7 CFR 215 Special Milk Program for Children
- 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance).

I understand that in order to participate in the USDA's Child Nutrition Programs each School Food Authority is required to have on file a Procurement Plan.

I further understand that, if these regulations are not followed, any disallowed purchases may be subject to recoupment and I jeopardize the Child Nutrition federal funding received by Dawson Springs Independent School District.

Food Service Director

Date

* _____
Finance Officer

Date

* _____
Superintendent

Date

* _____
Chairman of Board

Date