



Kenton County School District | *It's about ALL kids.*

**THE KENTON COUNTY BOARD OF
EDUCATION**

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Dr. Henry Webb, Superintendent of Schools

KCSD ISSUE PAPER

DATE:

December 19, 2018

AGENDA ITEM (ACTION ITEM):

Consider/Approve Retroactively, as of July 1, 2017, sign the district Student Nutrition Procurement Plan

APPLICABLE BOARD POLICY:

Fiscal Management 04.32

HISTORY/BACKGROUND:

The procurement plan adopted by Student Nutrition will adhere to free and open competition.

FISCAL/BUDGETARY IMPACT:

Not applicable

RECOMMENDATION:

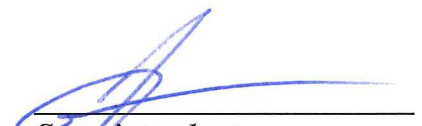
Recommended that the Board Chairperson, Superintendent, and Finance Director sign the Student Nutrition Procurement Plan

CONTACT PERSON:

Elizabeth Hord, Student Nutrition Director


Principal


District Administrator


Superintendent

Use this form to submit your request to the Superintendent for items to be added to the Board Meeting Agenda.

Principal –complete, print, sign and send to your Director. Director –if approved, sign and put in the Superintendent's mailbox.

Kenton County Board of Education

Board Members: Carl Wicklund, Chairperson Karen L. Collins, Vice Chairperson Joshua Crabtree, Esq. Carla Egan Jessica Jehn
"The Kenton County Board of Education provides *Equal Education & Employment Opportunities.*"

Kenton County Board of Education

**PROCUREMENT PLAN
CHILD NUTRITION PROGRAM**

This procurement plan contained on the following seven pages will be implemented on July 1, 2017 from that date forward until amended. All procurements must adhere to free and open competition. Source documentation must be available to determine open competition, the reasonableness, the allow ability and the allocation of costs.

Chairman, Board of Education

Date

Superintendent of Schools

Date

Finance Officer

Date

Food Service Director

Date

Kenton County Board of Education PROCUREMENT PLAN

A. General Procurement Standards

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

B. Procurement Management

Kenton County Board of Education (KCBOE) is primarily responsible for overseeing all procurement for the Student Nutrition Department including any procurement conducted on their behalf. This responsibility includes, but is not limited to, the responsibilities set forth below:

- Ensures that all 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 Student Nutrition 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 years after submission of the final claim for reimbursement for the fiscal year or longer if otherwise required by law.
- Ensures that the KCBOE 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 at <http://policy.ksba.org/Chapter.aspx?distid=60>. These policies and procedures meet the minimum requirements set forth in federal law.

- 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 district.
- Ensuring that full documentation is received by the district documenting why an accepted item is unavailable.
- Ensuring that vendor documentation is reviewed and audited before the Student Nutrition Director selects an acceptable alternative.
- Selects an acceptable alternative when a product is not available.
- Ensuring that the solicitation is advertised by KCBOE to publicize the department'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 are posted for no less than seven days.
- 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.
 - INCLUDE IF APPLICABLE - Solicitation Requirements for cost reimbursable contracts
 - The Student Nutrition Department must include the following provisions in all cost reimbursable contracts, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts:

(i) Allowable costs will be paid from the nonprofit school food service account to the contractor net of all discounts, rebates and other applicable credits accruing to or received by the contractor or any assignee under the contract, to the extent those credits are allocable to the allowable portion of the costs billed to the school food authority;

(ii)(A) Contractor will separately identify for each cost submitted for payment the amount of that cost that is allowable (can be paid from the nonprofit school food service account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account); or (B)

- 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.

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.***

Superintendent, or designee, is responsible for handling non-competitive negotiation. Responsibilities include, but are not limited to the following:

- 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

Category	Method (e.g., Micro-Purchase, Informal, or Formal)	Contract Type (e.g. IFB, RFP, or quotes)	Pricing (e.g. fixed or variable)	Frequency (e.g. annually, every two years, as needed, etc.)	Extension (e.g. are there renewals? If so how many?)
Capital Equipment	Formal	RFP	Fixed	As needed	No
Dish machine Chemicals	Informal	Quotes	Fixed	Annually	No
Emergency	Informal	RFP	Fixed	As needed	No
Fresh Fruits and Vegetables	Formal	RFP	Fixed	Quarterly	No
Food (bakery, beverage, bread, canned, commodity, frozen, ice cream, pasta, pizza, snacks)	Formal	RFP	Fixed	Annually	No
Manual-All Purpose Cleaning Supplies	Formal	RFP	Fixed	Annually	No
Milk and Dairy Products	Formal	RFP	Fixed	Every two years	No
Office Supplies	Formal	RFP	Fixed	Annually	No
Paper and Plastic Supplies	Formal	RFP	Fixed	Annually	No
Smallwares	Formal	RFP	Fixed	Annually	No
Spices	Informal	Quotes	Fixed	As needed	No
Uniforms	Formal	RFP	Fixed	As needed	No