

Formal Procurement Methods

This document is intended for School Food Authorities (SFAs) as a guide when formally procuring goods or services. Regulations associated with writing formal procurement can be found at 2 CFR §200.318 through 2 CFR §200.327, 7 CFR §210.21, and FNS Instruction 113-1. This guide does not include all provisions for utilizing donated foods in 7 CFR §250.

**Note: This document is not intended as legal advice, and should not be so construed. Consult with your Local Education Agency (LEA) attorney for legal advice regarding the specifics of your LEA's procurements and compliance with federal regulations.*

Items that must be included or considered in a formal solicitation:

- Letter of invitation (seeking two or more vendors)
- Copies of advertisements for solicitation of goods/services (e.g., Newspaper advertisement, website publication)
- Intent of procurement activity and scope of work (items or service)
- Contract time-period (e.g., one year with the option to renew 3 additional years)
- Bid/proposal submission procedures (e.g., regular mail, electronic mail, electronic web form)
- Pre-bid/proposal meeting date/time/location, if applicable
- Bid opening date/time/location or proposal opening procedures
- Timeline for making the award and notification procedures
- Contact information and time period for questions (e.g., who should a vendor contact if they have a question?)
- Specifications that are sufficiently detailed to get what is needed but not so specific as to restrict competition
 - Product specifications (approved brand and/or "an equal")
 - Quantity
 - Quality
 - Packaging
 - Pricing (unit and extended)
- Buy American statement, form, and instructions, if applicable
- For the geographic preference option, define the local area to which the geographic preference option will be applied
- Price determination statement (fixed, fixed with firm price for delivery, etc.)
- Escalation/de-escalation clause, if applicable
- Procedures for evaluating proposals and awarding applicable points (e.g., Matrix)
- Procedures for evaluating a market basket, if applicable
- Procedure for documenting/pre-approving any substitutions and/or deviations
- Procedures for handling food recalls/biosecurity
- Procedures for taste testing, if applicable
- Method of shipment/delivery requirements (e.g., time of day, location of delivery)
- Bid/proposal protest procedures



- Return of discounts, credits and rebates to the SFA
- Method of payment, invoices, statements, etc.
- Purchase instrument to be used and how vendor will receive purchase orders
- Documentation to assure that small, minority, and women's business enterprises and labor surplus firms are used whenever/wherever possible
- USDA Civil Rights assurance statement
- Non-collusion statement
- Remedies for a violation or breach of contract
- Termination for cause and convenience (for contracts in excess of \$10,000)
- Rights to inventions, if applicable
- Clean Air Act and the Federal Water Pollution Act (for contracts in excess of \$150,000)
- Debarment and Suspension
- Byrd Anti-Lobbying Amendment Certification (for contracts in excess of \$100,000).
- Other local requirements, if applicable
- Record retention and record access requirements (records maintained for three years from final payment of contract and/or renewal; all base solicitations must be maintained for three years after the final payment on the contract)
- Invoices/payments for items purchased with school nutrition funds
- Documentation of any contractor performance or breach of contract from vendors

If you have any questions regarding this guide or formal procurement procedures, contact the state agency staff by calling (800)-354-3663 or email School.Nutrition@tn.gov.