

(Name of School Food Authority)

Procurement Plan Narrative

Please enter SFA information in all areas in red and delete all instructions in red.

1. The (name of school food authority [SFA]) plan for procuring items for use in the School Nutrition Program is as follows. The procurement plan provides for free and open competition, transparency in transactions, comparability, and documentation of all procurement activities. The specific procurement procedures are detailed in the SFA's Procurement Procedural Plan.
2. If the amount of purchases is more than the federal small purchase threshold currently valued at \$250,000, or state agency or SFA-approved threshold is less, formal procurement procedures will be used as required by 2 CFR §200.320(b) and State and Local Procurement Codes and Regulations. Informal procurement procedures (small purchase) will be required for purchases under the most restrictive small purchase threshold. The (SFA) School Nutrition Program adheres to the following state agency or SFA-approved thresholds set for each purchasing method.
 - Micro purchase threshold: (SFA threshold dollar amount)
 - Small purchase threshold: (SFA threshold dollar amount)
 - Formal purchase threshold: (SFA threshold dollar amount)
3. Because of the potential for purchasing more than (insert actual amount of the SFA's small purchase threshold), it will be the responsibility of (title of person/position) to document the amounts to be purchased so the correct method of procurement will be followed.
4. When a formal procurement method is required, the following competitive sealed bid, known as an Invitation for Bid (IFB), or competitive negotiation in the form of a Request for Proposal (RFP) procedures will apply:
 - A. An announcement of an **IFB or RFP** will be placed in the (newspaper/media, SFA website, and/or other internet source) to publicize the intent of the SFA to purchase needed items. The advertisement for bids/proposals or legal notice will be run for (length of time).
 - B. An advertisement is required for all purchases over (insert actual amount of the SFA's small purchase threshold). The announcement (advertisement or legal notice) will contain a:
 - general description of items to be purchased,
 - deadline for submission of questions and the date that 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 sealed bids or proposals, and
 - the address of the location where complete specifications and bid forms may be obtained.

- C. In an IFB or RFP, each vendor will be given an opportunity to bid on the same specifications.
- D. The developer of written specifications or descriptions for procurements will be prohibited from submitting bids or proposals for such products or services outlined in 2 CFR 200.319(b).
- E. The IFB or RFP will clearly define the purchase conditions. The following list includes requirements, not exclusive, to be addressed in the procurement document:
- Contract period.
 - SFA is responsible for all contracts awarded (statement).
 - Date, time, and location of bid opening.
 - How vendor is to be informed of bid acceptance or rejection.
 - Delivery schedule.
 - Set forth requirements (terms and conditions) that bidder must fulfill in order for bid to be evaluated.
 - Benefits to which the SFA will be entitled if the contractor cannot or will not perform as required.
 - Statement assuring positive efforts will be made to involve minority and small businesses.
 - Statement regarding the return of purchase incentives, discounts, rebates, and credits to the SFA's non-profit school nutrition account as required in 2 CFR Part 200.406.
 - Price adjustment clause (escalation/de-escalation) based on appropriate standard or cost index (consumer price index, or other as stated in terms and conditions for pricing and price adjustments).
 - Method of evaluation and type of contract to be awarded.
 - Method of award announcement and effective date (if intent to award is required by state or local procurement requirements).
 - Specific bid protest procedures including contact information of person, address, and the date by which a written protest must be received.
 - Provision requiring access by duly authorized representatives of the SFA, state agency, USDA, or Comptroller General to any books, documents, papers, and records of the contractor which are directly pertinent to all negotiated contracts.
 - Method of shipment or delivery upon contract award.
 - Provision requiring contractor to maintain all required records for **three** years after final payment and all other pending matters (audits) are closed for all negotiated contracts. If the contract contains a renewal provision, all records **must** be retained until that contract has expired, final payment has been made, and three years have passed.
 - Description of process for enabling vendors to receive or pick up orders upon contract award.
 - Signed statement of non-collusion.
 - Signed bid-rigging certification.
 - Signed certificate of independent price determination.
 - Provision requiring "Buy American" as outlined in 7 CFR Part 210.21(d); specific instructions for prior approval of all non-domestic product(s).
 - Contract provisions as required in 2 CFR Part 200.327. (Add all applicable

provisions listed in the table below):

Provision	Applies When:	Citation
Remedies for a Violation or Breach	Contract value exceeds the simplified acquisition threshold	2 CFR 200 Appendix II (A)
Termination for Cause and Convenience	Contract value exceeds \$10,000	2 CFR 200 Appendix II (B)
Equal Employment Opportunity	Contracts meet the definition of “federally assisted construction contract.” Note: This provision applies to construction contracts ONLY.	2 CFR 200 Appendix II (C)
Davis-Bacon Act	Value of a prime construction contract exceeds \$2,000. Note: This provision applies to construction contracts ONLY.	2 CFR 200 Appendix II (D)
Contract Work Hours and Safety Standards Act	Contract value exceeds \$100,000 and involves the employment of mechanics or laborers. Note: This provision applies to construction contracts ONLY.	2 CFR 200 Appendix II (E)
Rights to Inventions Made Under a Contract or Agreement	All awarded contracts related to experimental, developmental, or research work type	2 CFR 200 Appendix II (F)
Clean Air Act and the Federal Water Pollution	Contract value exceeds \$150,000	2 CFR 200 Appendix II (G)

Control Act		
Debarment and Suspension	All awarded contacts.	2 CFR 200 Appendix II (H)
Byrd Anti-Lobbying Amendment	Contractors that respond or bid for an award exceeding \$100,000.	2 CFR 200 Appendix II (I)

- F. Specifications and estimated quantities of products and services prepared by the SFA and provided to potential contractors desiring to submit bids/proposals for the products or services requested.
- G. If any potential vendor is in doubt as to the true meaning of specifications or purchase conditions, interpretation will be provided in writing to all potential bidders by (title of person/position) and date specified.
- H. The (title of person/position) will be responsible for securing all bids or proposals.
- I. The (title of person/position) will be responsible for ensuring all SFA procurements are conducted in compliance with applicable federal, state, and local procurement regulations.
- J. In awarding an IFB, the determining factor for award is lowest price. The responsible and responsive bidder with the lowest price will receive the contract.
- K. In awarding a competitive negotiation (RFP), a set of award criterion in the form of a weighted evaluation sheet will 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.
- L. The contracts will be awarded to the responsible bidder/proposer whose bid or proposal is responsive to the invitation and has offered the lowest price (IFB) or received the highest evaluation score (RFP). Any and all bids or proposals may be rejected in accordance with law.
- (Title of person/position) 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.
 - (Title of person/position) reviews Procurement Codes and Regulations to ensure compliance with applicable laws.
 - (Title of person/position) is responsible for documenting that the actual product specified is received.
 - Any time an accepted item is not available, the (title of person/position) will select the acceptable alternate. The contractor must inform (title of person/position) (time/by

- when) a product 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. The (title of person/position) must comply with the Buy American Provision.
- 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 is (title of person/position).
 - The (title of person/position) is responsible for maintaining all procurement documentation.
5. If the amount of purchases for items is less than the district's small purchase threshold, the following small purchase procedures, including quotes, will be used. Quotes from an adequate number of qualified sources will be required.
- Written specifications will be prepared and provided to the vendor. Each vendor will be contacted and given an opportunity to provide a price quote on the same specifications. A minimum of two vendors shall be contacted.
 - When applicable, provision requiring "Buy American as outlined in 7 CFR Part 210.21(d); specific instructions for prior approval of all non-domestic product(s).
 - The (title of person/position) will be responsible for contacting potential vendors when price quotes are needed.
 - The price quotes will receive appropriate confidentiality before award.
 - Quotes will be awarded by (title of person/position). Quotes will be awarded to the vendor or supplier offering the lowest price from among the responsive and responsible suppliers.
 - The (title of person/position) 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**.
 - The (title of person) will be responsible for documentation that the actual product specified is received.
 - Any time an accepted item is not available, the (title of person/position) will select the acceptable alternate. Full documentation will be made available as to the selection of the acceptable item.
 - The (title of person/position) is required to sign all quote tabulations, signifying a review and approval of the selections.
6. If the amount for purchases is less than the district's micro-purchase threshold of (threshold dollar amount), the following micro-purchase threshold procedures will be used. When using the micro-purchase provision, purchases must be aggregated when a total need is known before the purchase is made. There will be no attempt to divide purchases in order to remain within the limits of micro-purchase requirements.
- Micro-purchases may be awarded without soliciting competitive quotations if the district considers the price to be reasonable.
 - Micro-purchases should be distributed equitably among qualified suppliers.
7. If items are available **only** from a single source **when the award of a contract is not feasible under small purchase, sealed bid, or competitive negotiation**, noncompetitive proposals may be used under the following conditions:
- The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold.
 - The item is available only from a single source.

- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
- The state agency expressly authorizes noncompetitive proposals in response to a written request from the district.
- After solicitation of a number of sources, competition is determined inadequate.

In the event of a noncompetitive procurement situation, the SFA will document the justification for the noncompetitive reason(s) selected.

To facilitate procurement utilizing noncompetitive proposals, the district must:

- prepare written specifications and provide them to the vendor,
- ensure that designated personnel will be responsible for the documentation of records to fully explain the decision to use the noncompetitive proposal option,
- maintain those records for audit and review, and
- ensure that the correct good or service was received prior to payment.

8. Contracting with small and minority businesses, women’s business enterprises, and labor surplus area firms will be maximized by following the procedures outlined in 2 CFR 200.321.

- Add a method in which your SFA and/or any group(s) procuring on your behalf will search for Small and Minority Businesses, Women’s Business Enterprises, and Labor Surplus Area Firms SMWBEs (ex. Utilizing the State SMWBE Directory or a similar search engine) and how you will keep documentation of the search (example-will maintain screen shots of the search with procurement documents).

9. Procurement of recovered materials will be maximized as applicable by following the procedures outlined in 2 CFR 200.323.

10. A cost or price analysis will be conducted in connection with every procurement action in excess of the Simplified Acquisition Threshold, including contract modifications as outlined in 2 CFR 200.324(a).

- Add a method in which your SFA will document this analysis. (ex. Utilize the State Cost Price Analysis Template)

11. The federal awarding agency or the state agency will be allowed to review all records that detail the procurement if any of the conditions stipulated in 2 CFR 200.325 exist.

12. The district will ensure that the bonding requirements stated in 2 CFR 200.326 are met.

13. Miscellaneous provisions:

- New product evaluation procedures will include:
 - _____
 - _____
 - _____
- The SFA agrees that the reviewing official of each transaction will be the (title of person/position).
- Payment will be made to the vendor when the contract has been met and verified, and has met the SFA’s procedures for payment (if prompt payment is made, discounts, etc. are accepted).
- Specifications will be updated as needed.
- If product is not as specified, the following procedure will take place:

-
-
-
- Vendors with documented performance issues where the issue was not resolved may be excluded from the bidding process for one contract period (optional—not regulatory).

14. Emergency or “pressing need” purchases: If it is necessary to make a one-time emergency procurement to continue service or obtain goods, the purchase shall be made and a log of all such purchases shall be maintained by the [\(SFA official\)](#). The following emergency procedures shall be followed. All emergency procurements shall be approved by the [\(SFA official\)](#). At a minimum, the following emergency procurement procedures shall be documented:

- item name,
- dollar amount,
- vendor, and
- reason for emergency.

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

- written rationale for the method of procurement,
- a copy of the original solicitation,
- the selection of contract type,
- the bidding and negotiation history and working papers,
- the basis for contractor selection,
- approval from the state agency to support a lack of competition when competitive bids or offers are not obtained,
- the basis for award cost or price,
- the terms and conditions of the contract,
- any changes to the contract and negotiation history,
- billing and payment records,
- a history of any contractor claims, and
- a history of any contractor breaches.

16. The following conduct will be expected of all persons who are engaged in the selection, award, and administration of contracts supported by School Food and Nutrition Program Funds. A code of conduct policy or procedure will define these expectations. These written standards of conduct include:

- No employee, officer or agent of the [\(SFA\)](#) 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:
 - the employee, officer, or agent,
 - any member of the immediate family,
 - his or her partner,
 - an organization which employs or is about to employ one of the above, and
- The [\(SFA\)](#) 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.

- Penalties for violation of the standards of code of conduct of the [\(SFA\)](#) School Nutrition Program may include but are not limited to:
 - [reprimand by Board of Education,](#)
 - [dismissal by Board of Education, and](#)
 - [any legal action necessary.](#)

Other state or local procurement requirements that may be required.