

BIXBY SCHOOLS CHILD NUTRITION SERVICES PROCUREMENT PLAN for CHILD NUTRITION PROGRAMS

The Bixby Public Schools School Food Authority (SFA) will purchase food and other items for use in the Child Nutrition Programs (CNP) in compliance with 7 CFR Part 3016 and State Law, using the procedures outlined as follows and the attached Chart of Procedures.

The primary purpose of this procurement plan is to assure that open and free competition exists to the maximum extent possible. The procurement procedures practiced by the SFA must not restrict or eliminate competition nor should any description of goods, equipment, or services to be procured contain features that unduly restrict competition. The objective of the policy is to ensure the SFA secures the highest quality products, equipment, goods, or services at the lowest possible price.

A. Small Purchase Procedures – Small purchase procedures may be used to purchase goods, equipment, and services where the aggregate cost is less than \$150,000.

1. When small purchase procedures are used, the following conditions, stipulations and terms must be considered:
 - a. The SFA can set a lower threshold than \$150,000.
 - b. The goods, equipment, or services to be purchased must be adequately and consistently described for each prospective supplier so that each one can provide price quotes on the same merchandise or service. These specifications must be verbal or written and must be documented.
 - 1) Specifications will be sent by fax, e-mail, telephone, or delivered in person to at least three vendors.
 - 2) Responses from vendors can either be written or verbal. Verbal quotes will be documented.
 - c. Price quotes shall be obtained from an adequate number of qualified sources whenever possible. The USDA defines an adequate number as three.
 - d. Price quotation records must be retained three years plus the current year or until audit findings are resolved.
 - e. Small purchases may include fresh produce as long as the aggregate amount is \$150,000 or less.

B. Competitive Sealed Bids (Formal Advertising) – Bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and condition of the Invitation to Bid (ITB), is the lowest in price.

1. Sealed bids are feasible if the following conditions are met:
 - a. Complete, adequate, and realistic specification or purchase description is available.
 - b. Two or more responsible bidders are willing and able to compete effectively for the business.
 - c. The procurement lends itself to a firm fixed-price contract and bidder is selected principally on price.
2. Sealed Bids/Requirements:
 - a. The ITB must be publicly advertised.
 - b. Bids shall be solicited from an adequate number of known suppliers (at least three).
 - c. All vendors shall be provided sufficient time prior to the date set for the bid opening.
 - d. All specifications and pertinent information shall define the items or services in order for the bidder to properly respond.
 - e. All bids will be publicly opened at the time and place prescribed in the ITB.
 - f. A firm, fixed-price contract will be awarded to the lowest responsive and responsible bidder.
 - 1) Where specified in bidding documents, factors such as discounts, transportation costs, and life cycle costs shall be considered in determining which bid is lowest.

- 2) Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts have been used in the past.
- g. Any or all bids may be rejected for a sound reason and must be documented.

C. Competitive Proposals – Procurement by competitive proposals: The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement-type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids.

1. Competitive Proposals/Requirements:

- a. A Request for Proposal (RFP/ITB) will be publicized and will identify all evaluation factors and their relative importance. Any response to publicized RFPs shall be honored to the maximum extent practical.
- b. Proposals will be solicited from an adequate number of qualified sources (at least three).
- c. SFAs will have a method for conducting technical evaluations of the proposals received and for selecting awardees.
- d. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.
- e. Architectural/engineering professional services (A/E):
 - 1) Competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation.
 - 2) Lowest price is not a factor when selecting an A/E firm; however, purchasing of an A/E firm's services is the only procurement where price is not considered.

D. Noncompetitive Proposals will be used only when the procurement is not feasible under small purchase procedures, competitive sealed bid (formal advertising), or competitive proposals. The decision to use noncompetitive negotiation will be justified in writing and be available for audit and review. Circumstances under which procurement may be by noncompetitive negotiations will be limited to the following:

- The merchandise or service is available only from a single source.
- An emergency exists, and the urgency for the requirement will not permit the delay involved with competitive sealed bids (formal advertising) or competitive proposal.
- After solicitation from a number of sources, competition is found to be lacking.

E. Oklahoma's State Prime Vendor-Food Distribution Contract

Bixby Public Schools SFA may choose to purchase food and food service supplies using a statewide contract established by the Department of Central Services, Central Purchasing Division for the State of Oklahoma with the following possible exceptions: Milk, Fresh Bread, Snack Items (including Drinks), Chips, Fresh Produce, Quantity purchases with Special Pricing, and Commodity Processing. When the State Prime Vendor cannot provide a product, the SFA may purchase from a different vendor.

F. Oklahoma Farm to School Program

Bixby Public Schools chooses to participate in the Farm to School programs being promoted by the USDA and the state of Oklahoma. As the program expands and changes, the SFA will allow the representative from the Oklahoma Department of Agriculture, Food, & Forestry to match us with interested local farmers. "One Time" purchases may be made at the discretion of the SFA.

G. All purchases will be conducted in accordance with the attached Chart of Procedures.

H. The following records will be maintained for a period of three years after the end of the fiscal year to which they pertain or until the findings of audits are resolved:

- Records of all phone quote
- Logs of all emergency and noncompetitive purchases
- All written quotes and bid documents
- Comparison of all price quotes and bids with the effective date shown
- Price comparison showing Vendors
- Log of approved substitutions

I. Cost-plus-a-percentage of cost method of purchasing is prohibited.

J. Code of Conduct. The following conduct will be expected of all persons who are engaged in the award and administration of contracts supported by CNP funds.

- No employee, officer, or agent of the Bixby Public School SFA shall participate in 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 his/her immediate family
 - His or her partner
 - An organization which employs or is about to employ one of the above
- The Bixby Public School SFA employees, officers, or agents shall neither solicit nor accept gratuities, favors, or anything of material/monetary value from contractors, potential contractors, or parties to sub-agreements.
- The purchase during the school day of any food or service from a contractor for individual use is prohibited.
- The removal of any food, supplies, equipment, or school property, such as official records, recipe books, and the like, is prohibited. Meals are allowed to be transported from one school facility to another. A school bus will be considered a school facility.

K. Protest Procedures: See Attachment A for procedures.

Changes in this Procurement Plan will be made as conditions warrant upon the approval of the SFA.

This plan adopted by the Board of Education of the Bixby Public School District at the regularly scheduled meeting on this, the _____ Day of _____ in the year _____.

Signatures:

(SFA Official)

(Superintendent)

(President of the Board)

Bixby Public Schools Child Nutrition Services Procurement Plan

CHART OF PROCEDURES

Bixby Public School District will purchase the following products or group of products and services as per the stated purchase period using the identified procurement method. Purchase period is defined as the time frame for which bids or quotes are obtained and awarded.

ITEM CATEGORY	PURCHASE PERIOD	PROCUREMENT METHOD	BID/QUOTE REQUEST	BOARD APPROVAL
Milk/Dairy Products	Annual	Comp. Sealed Bids	May	June
Bread Products	Annual	Comp. Sealed Bids	May	June
Food including Meats, Fruits/Vegetables Frozen & Canned, Staple foods	Annual	Comp. Sealed Bids	April	June
Fresh Produce	Annual	Vendor assigned by USDA's Commodity DOD* Fresh Produce Program.	N/A	N/A
Pizza	Annual	Comp. Sealed Bids	May	June
Small Equipment	As needed	Small Purchase Procedures	As needed	Not Applicable
Large Equipment	As needed	Comp. Sealed Bids	As needed	As needed
Chemical Supplies	Annual	Small Purchase Procedures	April	June
Paper Supplies	Annual	Small Purchase Procedures	April	June
Office Supplies	As needed	Small Purchase Procedures	As needed	Not Applicable
Equipment and/or Professional Services	As needed	Most Feasible	As needed	As needed

ATTACHMENT A PROTEST PROCEDURES

- A. Any actual or prospective bidder, offeror, or contractor who considers himself to have been aggrieved in connection with the solicitation, evaluation, or award of a contract by Bixby Public Schools may formally protest to the _____ (Responsible Person) of Bixby Public Schools. Such protests must be made in writing and received by the _____ (Responsible Person) of Bristow Public Schools. The protesting party must mail or deliver copies of the protest to the Bixby Public Schools, the State Agency, and other interested parties.
- B. In the event of a timely protest, the Bixby Public Schools shall not proceed further with the solicitation or award of the contract.
- C. A formal protest must be sworn and contain:
 - 1. A specific identification of the statutory or regulatory provision that the protesting party alleges has been violated.
 - 2. A specific description of each action by Bixby Public Schools that the protesting party alleges to be a violation of the statutory or regulatory provision that the protesting party has identified.
 - 3. A precise statement of the relevant facts.
 - 4. A statement of any issues of law or fact that the protesting party offers in support of the protest.
 - 5. A statement of the argument and the authorities that the protesting party offer in support of the protest.
 - 6. A statement that copies of the protest have been mailed or delivered to the State Agency and all other identifiable interested parties.
- D. Bixby Public Schools may settle and resolve the dispute over the solicitation or award of a contract at any time before the matter is submitted on appeal. The Bixby Public Schools may solicit written responses to the protest from other interested parties.
- E. If the protest is not resolved by mutual agreement, the Bixby Public Schools shall issue a written determination that resolves the protest.
 - 1. If the Bixby Public Schools determines that no violation of statutory or regulatory provisions has occurred, then the Bixby Public Schools shall inform the protesting party, the State Agency, and other interested parties by letter that sets forth the reasons for the determination.
 - 2. If the Bixby Public Schools determines that a violation of any statutory or regulatory provisions has occurred in a situation in which a contract has not been awarded, then the Bixby Public Schools shall inform the protesting party, the State Agency, and other interested parties of that determination by letter that details the reasons for the determination and the appropriate remedy.
 - 3. If the Bixby Public Schools determines that a violation of any statutory or regulatory provisions has occurred in a situation in which a contract has been awarded, then the Bixby Public Schools shall inform the protesting party, the State Agency, and other interested parties of that determination by letter that details the reasons for the determination. This letter may include an order that declares the contract void.
- F. The Bixby Public Schools shall maintain all documentation on the purchasing process that is the subject of a protest or appeal in accordance with the retention schedule of Bixby Public Schools.

Adoption Date: November 11, 2000; Revised: January 15, 2015