

## **SCHOOL FOOD AUTHORITY: COMMERCE PUBLIC SCHOOLS PROCUREMENT PLAN FOR CHILD NUTRITION PROGRAMS**

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

- A. ***Sealed Bids (Formal Advertising)*** will be used to purchase goods, equipment, and services where the aggregate cost is \$100,000 or more when the selection of a successful supplier can appropriately be made principally on the basis of price.

When sealed bids are used, the following conditions, stipulations, and terms must be met:

- The Request for Proposal (RFP)/Invitation to Bid (ITB) will be publicly advertised.
- Bids will be solicited from an adequate number of known suppliers in sufficient time prior to the date set for the opening of the bids.
- The RFP/ITB will clearly define the goods, equipment, or services needed in order for the bidders to properly respond. These include product specifications and general purchasing conditions.
- All bids will be opened publicly at the time and place stated in the RFP/ITB.
- A firm, fixed-price contract award will be made by written notice to the responsible bidder whose bid is lowest, assuming the bid conforms to the requirements in the RFP/ITB.
- Where specified in bidding documents, factors such as discounts, transportation costs, and life cycle costs (for equipment), if applicable, will be considered in determining which bid is lowest.
- Payment discounts will only be used to determine the low bid when prior experience of the SFA indicates that such discounts are generally taken.
- Any and all bids may be rejected when there are sound documented reasons that the best interest of the program will not be served by the potential suppliers.

- B. ***Small Purchase Procedures*** may be used to purchase goods, equipment, and services where the aggregate cost is less than \$100,000 and for fresh produce regardless of aggregate amount.

When small purchase procedures are used, the following conditions, stipulation, and terms must be met:

- 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.
- Written or verbal *requests for qualified sources* must be contacted to provide such quotes. At least three price quotes must be obtained.
- Responses from vendors can be in either written or verbal form. Verbal quotes will be documented.

- C. ***Competitive Proposal*** will be used when competitive sealed bids are determined to be inappropriate or unfeasible; i.e., a contract cannot be awarded to a successful bidder based on price alone. This method of procurement is commonly used for the acquisition of professional services. The document used to solicit bids will be referred to as a Request for Proposal (RFP).

When competitive proposal is used, the following conditions, stipulations, and terms must be met:

- Proposals will be solicited from an adequate number (at a minimum, three) of qualified sources to permit reasonable competition.
- The RFP will be publicized, and reasonable requests by other sources to compete must be honored to the maximum extent possible.
- The RFP will identify all significant evaluation factors, including price or cost where required, and their relative importance.

- The school food authority (SFA) will provide a mechanism for technical evaluation of the proposals received and for selection of contract award.
- The contract must be awarded to the responsible bidder whose proposal is most advantageous to the SFA when price or other factors are considered.
- All RFPs received must be documented.

D. ***Noncompetitive Proposal*** will be used only when the procurement is not feasible under small purchase procedures, sealed bid (formal advertising), or competitive proposals. The decision to use noncompetitive proposal will be justified in writing and be available for audit and review.

Circumstances under which a procurement may be by noncompetitive proposal 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 sealed bids (formal advertising) or competitive proposal.
- After solicitation from a number of sources, competition is found to be lacking.

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

F. 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 and reviews are resolved.

- Records of all telephone price quotes
- 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

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

H. ***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 Commerce 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
- Commerce 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 subagreements.
- The purchase during the school day of any food or service from a contractor for individual use is prohibited.
- The outside sale of such items as used oil, empty cans, and the like will be sold by contract between the Commerce SFA and the outside agency. Individual sales by any SFA employee to an outside agency or any other SFA employees is prohibited.
- Failure of any employee to abide by the above-stated code could result in a fine or suspension or both, or dismissal. Interpretation of the code will be given at any time by contacting Linda Foster at Commerce High School, 217 Commerce Street, Commerce, OK 74339-3139, telephone: (918) 675-4316. The Commerce SFA will not be responsible for any other explanation or interpretation which anyone presumes to make on behalf of the Board.

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

This plan adopted by the Board of the Commerce Public School District (58-I018) at the regularly scheduled meeting on this, the 14th day of December in the year 2009.

Signature

  
SFA Official

  
Clerk of the Board

## CHART OF PROCEDURES

The Commerce SFA will purchase the following products or group of products and services as per the stated purchase period using the identified procurement method. *Price quote time frame* period is defined as the time frame for which bids or quotes are obtained and awarded.

<i>PRODUCT</i>	<i>PRICE QUOTE TIME FRAME</i>	<i>PROCUREMENT METHOD USED</i>
Milk	Annual	Sealed
Bread	Annual	Sealed
Canned fruits	Annual with update	Small Purchase Price Quote
Canned vegetables	Annual with update	Small Purchase Price Quote
Frozen fruits	Annual with update	Small Purchase Price Quote
Frozen vegetables	Annual with update	Small Purchase Price Quote
Prepared fruits and vegetables	Annual with update	Small Purchase Price Quote
Fresh fruits	Bi Weekly	Price Quote
Fresh vegetables	Bi Weekly	Price Quote
Meats	Bi Weekly	Price Quote
Paper products	Annual with update	Small Purchase Price Quote
Chemicals	Annual	Sealed
Small equipment	As Needed	Small Purchase Price Quote
Large equipment	As Needed	Small Purchase Price Quote