



Child Nutrition Program Procurement Plan

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*****Bids are available upon request

BULLOCK COUNTY BOARD OF EDUCATION

SECTION I – PROCUREMENT PLAN GENERAL REQUIREMENTS

- A. This plan is adopted as a condition of Bullock County Board of Education participation in the USDA Child Nutrition Programs. Bullock County Board of Education uses procurement procedures that reflect state and local law, while also ensuring compliance with applicable federal law.

- B. The Child Nutrition Program (CNP) and Auxiliary Directors are primarily responsible for overseeing all procurement for Bullock County Child Nutrition Program. These responsibilities include, but are not limited to, the responsibilities set forth below:
 - 1. Ensures that all Bullock County Child Nutrition Program procurement transactions are conducted in a manner that provides full and open competition in accordance with federal law.
 - 2. Manages contracts and oversees vendors and/or ensuring that vendors perform in accordance with the terms, conditions, and specifications of vendor contracts and/or purchase orders.
 - 3. Ensures 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.
 - 4. Along with the CNP Director and CNP staff, all contractual and administrative issues arising out of procurements for the Bullock County Board of Education child nutrition department are handled in accordance with good administrative practice and sound business judgement.
 - 5. Ensures that all sufficient records detailing Bullock County Child Nutrition Program procurement history, as well as the procurement history of all other entities procuring on behalf of Bullock County Child Nutrition Program, are maintained.
 - a. The records maintained for contracts include, at a minimum, the following records:
 - 1) Rationale for methods of procurement
 - 2) Selection of procurement type
 - 3) Selection or rejection of vendor
 - 4) Basis for contract price
 - b. These records are maintained for at least five (5) years after the end of the fiscal year which the records were created. All claims must be settled before records are destroyed.
 - 6. The following conduct will be expected of all persons who are engaged in the awarding and administration of contracts supported by Child Nutrition reimbursement funds. These written standards of conduct include:
 - a. No employee, officer, or agent shall purchase or establish a contract 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:

1. The employee, officer, or agent;
 2. Any member of the immediate family;
 3. His or her partner;
 4. An organization which employs or is about to employ one of the above.
- b. 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.

7. Purchasing will be conducted at the most restrictive procurement threshold:

	Federal Procurement Thresholds	Bullock County Board of Education Procurement Thresholds
Micro-purchasing	Less than \$10,000	Less than \$10,000
Small Purchases	\$15,000 or greater	\$15,000 or greater
Formal	\$150,000 or greater	\$150,000 or greater

SECTION II – MICRO PURCHASING

If the amount of purchases for items is less than \$10,000, the following procedure shall be used.

- A. Purchases are not to be separated into two (2) or more purchases to meet or be below the \$10,000 threshold.
- B. Price quotes are not required, and Competition is not required. Unless, required by the state \$15,000 threshold, so the purchase request will be evaluated accordingly.
- C. When practicable, micro-purchases will be distributed equitably among qualified suppliers.
- D. The CNP Secretary/Bookkeeper will be responsible for documentation of purchase.

SECTION III – PURCHASING EQUIPMENT

If the amount of purchases for equipment is greater than \$5,000, the procedure below is to be followed:

1. Written specifications will be prepared and provided to vendors.
2. The purchase request will be evaluated so the state bid threshold of \$15,000 is satisfied.
3. Each vendor will be contacted and given an opportunity to provide a price quote on the same specifications. A minimum of three vendors shall be contacted.
4. Bids will be posted on the Bullock County Board of Education website and notices will be emailed to prospective bidders.
5. CNP Director will seek prior approval from the Child Nutrition Director at the Alabama State Department of Education (ALSDE) by completing the Equipment Request Form.
6. The CNP Director will award quotes/bids. It is not the policy of the Bullock County Board of Education to purchase based on low bid only. Quality, conformity with specifications, purpose for which required, terms of delivery, transportation charges, and dates of delivery are factors, which may be used to determine the low responsible bidder.
7. The CNP Director 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.

SECTION IV – SMALL PURCHASES

If the amount of purchases for items is greater than \$10,000 and less than \$150,000, small purchase procedures must be followed. Quotes documented from an adequate number of qualified sources will be required. The state threshold of \$15,000 will be considered.

Purchases over \$10,000 but below \$150,000

Quotes

1. Written specifications will be prepared and provided to the vendor.
2. 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.
3. The CNP Director will be responsible for contacting potential vendors when price quotes are needed.
4. The price quotes will receive appropriate confidentiality before award.
5. Quotes will be awarded by the CNP Director. It is not the policy of the Bullock County Board of Education to purchase based on low bid only. Quality, conformity with specifications, purpose for which required, terms of delivery, transportation charges, and dates of delivery are factors which may be used to determine the low responsible bidder.
6. The CNP Director 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.
7. The CNP Director will be responsible for documentation that the actual product specified is received.
8. Any time an accepted item is not available, the CNP Director will select the acceptable alternate. Full documentation will be made available as to the selection of the acceptable item. Substituted items will not be made at the vendor's discretion.
9. Bullock County Board of Education usually requires formal bids due to the volume of items or alike items purchased during a fiscal year that requires the state threshold of \$15,000 to be satisfied.

SECTION V – FORMAL PROCUREMENT

Purchases over \$15,000 or greater on items or alike items a fiscal year.

1. If the amount of purchases of any item or alike items is \$15,000 or greater, formal procurement procedures will be used as required by 2 CFR Part 200.318-326, formerly 7 CFR §3016.36. The CNP and Auxiliary Directors are responsible for procuring goods and/or services for the Bullock County Child Nutrition Program using formal procurement. Responsibilities include, but are not limited to, the following:
 - Ensuring that contracts are awarded to the responsible bidder / proposer whose bid or proposal is responsive to the solicitation and is most advantageous to Bullock County Board of Education.
 - Ensuring that, when weighed criteria is used as part of the solicitation, a weighted evaluation sheet is provided to each bidder in the initial bid document materials; price and other factors are considered with price receiving the highest weight; and a firm fixed price or cost reimbursable contract is awarded following evaluation and / or negotiation (as applicable.)
 - 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 as applicable.
 - Ensuring that a vendor obtains, in advance, written approval for any non-domestic agricultural product supplied to Bullock County Child Nutrition Program.
 - Ensuring that full documentation is received documenting why an accepted item is unavailable.
 - Ensuring that vendor documentation is reviewed and audited before Bullock County Child Nutrition Program selects an acceptable alternative.
 - Selects an acceptable alternative when a product is not available.
 - An advertisement is required for all purchases over the district's threshold of \$15,000. The announcement will contain a:
 - 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 for bids or proposals; and
 - Address of location where complete specifications and bid / proposal forms may be obtained

- Ensuring that advertisements run at least one week prior to bid opening date on the Bullock County Schools website, notice sent to prospective bidders, and advertised in newspaper.
 - Ensuring that vendors have 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 include all required contract language and meets the requirements of local, state, and federal law.
 - The developer of written specifications or descriptions for procurements will be prohibited from submitting bids or proposals for such products or services.
2. All bids/contracts must contain provisions covering the following, as applicable:
- Address terms of termination for cause and for convenience and the manner by which it will be affected and the basis for settlement.
 - Bid / contracts in excess of \$15,000 contain a provision that requires the contractor to agree to comply with all applicable standards, orders, or regulations issued pursuant to the following:
 - Clean Air Act (42 U.S.C. 7401-7671q)
 - Federal Water Pollution Control Act as amended (22 U.S.C. 1251-1387)
 - Buy American provision (7 CFR §210.21)
 - Equal Employment Opportunity (41 CFR §60)
 - Davis-Bacon Act (40 U.S.C. 3141-3148)
 - Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708)
 - Rights to Inventions Made Under a Contract or Agreement (37 CFR §401.2)
 - Debarment and Suspension (Executive Orders 12549 and 12689)
 - Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)
 - Procurement of Recovered Materials (See §200.322)
3. Because of the potential for purchasing more than \$15,000, it will be the responsibility of the CNP Director to document the amounts to be purchased so the correct method of procurement will be followed.

When a formal procurement method is required, the following ***COMPETITIVE SEALED BID or an Invitation for Bid (IFB) or COMPETITIVE PROPOSAL in the form of a Request for Proposal (RFP)*** procedures will apply:

- An announcement of an ***Invitation for Bid (IFB) or a Request for Proposal (RFP)*** will be sent to prospective vendors, posted on the Bullock County Schools website, and posted on the district bulletin board to publicize the intent to purchase needed items.

- 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
- Bullock County Board of Education are responsible for all contracts awarded (statement)
- Date, time, and location of bid opening
- Delivery schedule
- Set forth requirements (terms and conditions) which bidder must fulfill in order for bid to be evaluated
- Procuring instrument to be used are purchase orders from firm fixed prices after formal bidding
- 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) if applicable
- Specific bid protest procedures including contact information of person and address and the date by which a written protest must be received
- Provision requiring access by duly authorized representatives of the Bullock County Board of Education, State Agency, United States Department of Agriculture, 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
- Signed Debarment/Suspension Certificate or statement included in contract or copy of Excluded Parties List System (EPLS).
- Affidavit of Alabama Immigration Compliance Signature Page
- Notice of Alabama Immigration Law Compliance Requirements
- Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion- Lower Tier Covered Transactions
- Specifications and estimated quantities of products and services prepared by Bullock County Child Nutrition Program and provided to potential contractors desiring to submit bids/proposals for the products or services requested.
- 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 the CNP Director and date specified.
- The CNP Director will be responsible for securing all bids or proposals.
- The CNP Director, in cooperation with the Auxiliary Director, will be responsible to ensure all Bullock County Child Nutrition Program procurements are conducted in compliance with applicable Federal, State, and local procurement regulations.
- The following criteria will be used in awarding contracts as a result of bids/proposals.
 - *Price*
 - *Conformity to Bid Requirements* (Ex.: quality, delivery, service, etc.)
 - *If two bids are equal, low bidder will be chosen by lot and witnessed by other purchasing staff*

In awarding a competitive negotiation (RFP), a set of award criteria 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.

- The contracts will be awarded to the responsible bidder/proposer whose bid or proposal is responsive to the invitation and is most advantageous to Bullock County Board of Education, price, and other factors considered. Any and all bids or proposals may be rejected in accordance with law.
- The CNP and Auxiliary Directors are both required to sign on the bid tabulation of competitive sealed bids or proposals signifying a review and approval of the selections.
- The CNP and Auxiliary Directors review the procurement system to ensure compliance with applicable laws.
- The CNP Director is responsible for documentation that the actual product specified is received.
- Any time an accepted item is not available, the CNP Director and the Auxiliary Director will work together to select the acceptable alternate. The contractor must inform the CNP Director within five (5) days when a product is not available. In the event a non-domestic agricultural product is to be provided to Bullock County Child Nutrition Program, the contractor must obtain, in advance, the written approval of the product. The CNP Director 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 the CNP Director.
- The CNP Director is responsible for maintaining all procurement documentation.

SECTION VI – NON-COMPETITIVE NEGOTIATION

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*, **NON-COMPETITIVE NEGOTIATION** may be used only when one or more of the following circumstances apply:

- 1) The item is available only from a single source,
- 2) After solicitation of a number of sources, competition is determined inadequate.

The CNP Director and the Auxiliary Director are responsible for handling non-competitive negotiations. Responsibilities include, but are not limited to the following:

1. Written Specifications will be prepared and provided to the vendor.
2. A record of non-competitive negotiation purchases shall be maintained by the CNP Director. The record of non-competitive purchases shall include, at a minimum, the following:
 - item name
 - dollar amount
 - vendor, and
 - reason for non-competitive procurement
1. The CNP and Auxiliary Directors will be responsible for reviewing the procedures to be certain all requirements for using single source or non-competitive negotiation are met.
 - 1) Bullock County Board of Education agrees that the reviewing officials of each transaction will be the CNP and Auxiliary Directors.
 - 2) Payment will be made to the vendor when the contract has been met and verified and has met the procedures for payment. (if prompt payment is made, discounts, etc. are accepted.)
 - 3) Specifications will be updated as needed.

SECTION VII – EMERGENCY PURCHASING

The CNP and Auxiliary Directors are responsible for handling emergency purchases. Responsibilities include, but are not limited to:

- Ensuring that written specifications will be prepared
- Ensuring that the actual product or service specified is received
- Ensuring that a record of the emergency purchase procedure is maintained and available for audit and review. At a minimum, the following emergency procurement procedures shall be documented:
 - item name
 - dollar amount
 - vendors contacted, and
 - reason for emergency
- Ensures all emergency procurements shall be approved by the Superintendent of Bullock County Board of Education
- Made public at the earliest board meeting