

## Hapeville Charter Schools

### **CHILD NUTRITION PROGRAM PROCUREMENT PLAN**

This procurement plan contained on the following pages will be implemented on Date and from that date forward until amended. All procurements must adhere to free and open competition. Sponsors must retain all documentation for each procurement per regulations.

\_\_\_\_\_  
Printed Authorized Name\*

\_\_\_\_\_  
Authorized Signature \*

\_\_\_\_\_  
June 30 2019

\_\_\_\_\_  
Date

### **Procurement Plan for Hapeville Charter Schools**

The Hapeville Charter Schools Nutrition Program will purchase goods, products, and/or services for use in the School Lunch, School Breakfast and After School Snack Program in compliance with 2 CFR Part 200, 7 CFR Parts 210-250 (child nutrition regulations by program) and State Law, using the procedures outlined as follows.

The primary purpose of this procurement plan is to assure that open and free competition exists to the maximum extent possible. The procurement process practiced by the Amana Academy must not restrict or eliminate competition. For example description of goods, products, and/or services to be procured should not contain features that unduly restrict competition. Competition helps assure that goods, products, and/or services will be obtained that best meets your needs.

A new procurement plan does not need to be developed every year. However, an annual review of the approved plan is suggested to assure its relevance to current procedures.

It will be the responsibility of the school nutrition supervisor, in partnership with the school nutrition manager to document the amounts to be purchased so the correct method of procurement will be followed.

Hapeville Charter may set a lower micro-purchase and small-purchase threshold than the federal threshold. The most restrictive (lowest) threshold must be used.

Does Hapeville Charter Schools have a lower simplified acquisition threshold?

Mark the appropriate answer.

Yes  
No

List the dollar amount \$ 2500

- A. **Small Purchase Procedures.** This method applies to purchases of goods, products, and/or services when the aggregate dollar amount is between \$2500 and \$100,000. Quotes from three qualified vendor/contractor will be required.
- Purchases of any item or group of items with a value of \$2,500.01 to \$5,000 will need two (2) written quotes.
  - Purchases of any item or group of items with a value of \$5000.01 to \$10,000 will need two (2) written quotes on company letterhead. Written quotes are reviewed and approved by the Central Office Staff Accountant.
  - Purchases of any item or group of items with a value of \$10,000.01 to \$100,000 will need three (3) written quotes on company letterhead. Written quotes are reviewed and approved by the Central Office Staff Accountant and Executive Director.
- B. **Micro purchase procedures.** This method applies to the purchase of supplies or services when the aggregate dollar amount does not exceed \$2,500. These purchases may be awarded without soliciting competitive quotes if the entity considers the price reasonable, keeping in mind that multiple purchases throughout the year must be equitably split among all qualifying vendors.
- The School Nutrition Supervisor or Manager will be responsible for contacting potential vendor/contractor.
  - The School Nutrition Supervisor or Manager will be responsible for documentation of records of the purchase, name of vendor/contractor, price, and the written specifications.
  - The School Nutrition Supervisor or Manager will be responsible for documentation that the actual product was received.
  - The School Nutrition Supervisor or Manager is required to sign documentation, confirming a review and the approval of the purchase of the goods, products, and/or services.
- C. **Formal purchase procedures.** This method applies to purchases of supplies or services when the aggregate cost amount is more than \$100,000. The formal procurement method requires the use of an Invitation for Bid (IFB) or a Request for Proposal (RFP).
- The School Nutrition Supervisor or Manager is the Sponsors authorized purchaser.
  - An announcement of an **Invitation for Bid (IFB) or a Request for Proposal (RFP)** will be placed in the Newspaper/media, Website, other internet source to publicize the intent of the Child Nutrition Program Sponsor to purchase needed items. The advertisement for bids/proposals or legal notice will be run for 2 weeks.
  - An advertisement is required for all purchases over the districts simplified acquisition threshold

of \$100,000. The announcement (advertisement or legal notice) will contain a general description of items to be purchased, the deadline for submission of sealed IFB's and RFP's and the address where complete specifications and other procurement documents may be obtained.

- In an IFB or RFP, each vendor/contractor will be given an opportunity to bid on the same specifications.
- The developer of written specifications or descriptions for procurements will be prohibited from submitting bids or proposals for such products or services.
- The IFB or RFP will clearly define the purchase conditions. The following, shall be addressed in the procurement document:
  1. Contract period
  2. CNP Sponsor is responsible for all contracts awarded (statement)
  3. Date, time, and location of bid opening
  4. How vendor/contractor will be informed of bid acceptance or rejection
  5. Delivery schedule
  6. Requirements which bidder must fulfill in order for bid to be evaluated
  7. Benefits to which the Child Nutrition Program Sponsor will be entitled if the contractor cannot or will not perform as required
  8. Statement assuring positive efforts will be made to involve minority and small business
  9. Statement regarding the return of purchase incentives to the Child Nutrition Program Sponsor non-profit Child Nutrition account
  10. Termination provisions and the basis for any settlement for all procurement over \$10,000.00
  11. Provision requiring compliance with Executive Order 11246 entitled "Equal Employment Opportunity" as amended by Executive Order 11375 and as supplemented in the Department of Labor regulations required for all contracts over \$10,000.00
  12. Contract and/or purchase orders may be issued for firm fixed prices after formal bidding process.
  13. Escalation/De-escalation clause based on appropriate standard or cost index
  14. Specific bid protest procedures
  15. Provision requiring access by duly authorized representatives of the Child Nutrition Program Sponsor, State Agency, United State Department of Agriculture, or Comptroller General to any books, documents, papers and records of the contractor which are directly pertinent to all negotiated contracts
  16. Method of shipment or delivery upon Contract award

17. Provision requiring contractor to maintain all required records for **three (3)** years after final payment and all other pending matters are closed for all negotiated contracts
  18. Provision describing the process for vendors/contractors will use to receive or pick up orders upon Contract award
  19. Provision requiring the contractor to recognize mandatory standards and polices related to energy efficiency which are contained in the State Energy Plan issued in compliance with the Energy Policy and Conservation Act (PL 94-165)
  20. All contracts over \$100,000.00 will require compliance with the Clean Air Act issued under Section 306, Executive Order 11738
  21. Signed Certificate of Lobbying for all contracts over \$100,000
  22. Signed statement of non-collusion
  23. Signed Debarment/Suspension Certificate or statement included in contract or copy of Excluded Parties List System (EPLS).
  24. Provision requiring "Buy American" (7 CFR Part 210.21(d)) as outlined in Policy Memorandum SP 24-2016; specific instructions for prior approval of any of non-domestic product.
- Specifications will be prepared and provided to potential vendors/contractors desiring to submit IFB or RFP for the products or services requested. Vendors/contractors will be selected using the Sponsor's procedures such as:
    - Does the vendor's product meet the required specifications?
    - Does the vendor's delivery schedule meet the Sponsor's needs?
    - Other criteria that each Sponsor determines is of value to them.
  - If any potential vendor/contractor is in doubt as to the true meaning of specifications or purchase conditions, an interpretation will be provided by Title of Person.
  - The Central Office Staff Bookkeeper will be responsible for securing all IFB or RFP.
  - The School Nutrition Supervisor and/or Manager will be responsible to ensure all CNP Sponsor procurements are conducted in compliance with applicable Federal regulations, State General Statutes or policies of the Sponsor.
  - The following criteria will be used in awarding contracts because of bids. (Examples: quality, delivery, service, etc.)
    1. Price
    2. Quality
    3. Availability
  - 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.

- The contracts will be awarded to the responsible bidder/proposer whose bid or proposal is responsive to the invitation and best meets the needs of the CNP Sponsor, price, and other factors considered. All bids or proposals may be rejected in accordance with law.
  - The Central Office Staff Accountant 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.
  - The Central Office Staff Accountant will review the procurement system to check ensure compliance with applicable laws.
  - The School Nutrition Supervisor and/or Manager will be responsible for documentation that the actual product specified is received.
  - Any time an accepted item is not available, the School Nutrition Supervisor and/or Manager will select the acceptable alternate. The contractor must inform School Nutrition Supervisor and/or Manager within 24 hours when a product is not available. In the event a non-domestic agricultural product is to be provided to the CNP SPONSOR, the contractor must obtain, in advance, the written approval of the product. The School Nutrition Supervisor and/or Manager 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 School Nutrition Supervisor and/or Manager.
  - The School Nutrition Supervisor and/or Manager will be responsible for maintaining all documentation of the procurement process.
- D. If items are available **only** from a single source (aka Sole Source) when the award of a contract is not feasible under simplified acquisition purchase, IFB or RFP NON-COMPETITIVE NEGOTIATION procedures will be used:
- Written Specifications will be prepared and provided to the vendor/contractor.
  - The School Nutrition Supervisor and/or Manager will be responsible for the documentation of records to fully explain the decision to use the non-competitive negotiation. The records will be available for audit and review.
  - The School Nutrition Supervisor and/or Manager will be responsible for documentation that the actual product or service specified was received.
  - The Central Office Staff Accountant will be responsible for reviewing the procedures to be certain all requirements for using single source or non-competitive negotiation are met.
  - Non-competitive negotiations shall be used for one-time purchases of a new food item in order to determine food acceptance by students and for samples for testing purposes. A record of non-competitive negotiation purchase shall be maintained by the Child Nutrition Program

Sponsor's Official. The record of non-competitive purchases shall include, at a minimum, the following:

- a. Item name
  - b. Dollar amount
  - c. Vendor/contractor, and
  - d. Reason for non-competitive procurement
- E. If it is necessary to make an emergency procurement to continue service, the purchase shall be made, and a log of all such purchases shall be maintained by the School Nutrition Supervisor and/or Manager. The following emergency procedures shall be followed. All emergency procurements shall be approved by the Central Office Staff Accountant. At a minimum, the following emergency procurement procedures shall be documented:
- a. Item name
  - b. Dollar amount
  - c. Vendor/contractor, and
  - d. Reason for emergency
- F. The contractor shall agree to retain all books, records and other documents relative to the contract agreement for three (3) years after final payment, or until audited by CNP Sponsor, whichever is sooner. The CNP Sponsor, its authorized agents, State Agency, and/or USDA auditors shall have full access to and the right to examine any of said materials during said period.
- G. The CNP Sponsor shall agree to retain all books, records and other documents relative to the award of the contract agreement for three (3) years after final payment. Specifically they shall maintain, at a minimum, the following documents:
- Written rationale for the method of procurement;
  - A copy of the RFP or IFB;
  - 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.
- H. The Child Nutrition Program Sponsor must maintain a written code of standards of conduct

(2 CFR 200.318 (c)(1)) that includes procedures that governs the performance of its officers, employees, or agents who are engaged in the award and administration of contracts supported by Child Nutrition Program Funds.

The following conduct will be expected of all persons who are engaged in the awarding and administration of contracts supported by Child Nutrition Program Funds.

- No employee, officer or agent of the Amana Academy 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:
  - a. The employee, officer or agent;
  - b. Any member of the immediate family;
  - c. His or her partner;
  - d. An organization which employs or is about to employ one of the above;
  - e. A less-than-arms-length transaction. This is one party's ability to control or influence the other party to the transaction. A less-than-arms-length transaction occurs:
    - i. When a transaction is conducted between related parties, meaning that the integrity of the transaction could be compromised;
    - ii. When one party to the transaction is able to control or influence the actions of the other party.Examples could include:
    - 1. Hiring the CEO's brother as a janitor.
    - 2. Purchasing goods or services from a business owned by an officer, employee, or relative of the Sponsor's entity.
    - 3. Agreement for computer maintenance between a business and person who are related to the Sponsor's employees or board members.
- Hapeville Charter Schools employees, officers or agents must not solicit or potentially accept gifts, travel packages, and other incentives from prospective vendors/contractors
- The Child Nutrition Program School or Sponsor must set standards when financial interest is not substantial or the gift is an unsolicited item of nominal value and may be acceptable.
- Violation of the code of conduct of set forth within this plan may result in administrative, criminal or civil penalties including disciplinary action under the Code of Ethics for Educators.

#### **Local School/Sponsor Requirements**

*(Local Requirements should be entered here; if none exist, please leave this section blank)*