

Summer Food Service Program Sponsor's Name

**CHILD NUTRITION PROGRAMS
PROCUREMENT PLAN
SUMMER FOOD SERVICE PROGRAM**

This procurement plan will be implemented on Date forward or until amended. All procurements must adhere to free and open competition. Sponsors must retain all documentation for each procurement per regulations.

SFSP Sponsor Name _____

Print Authorized Representative's Name

Authorized Representative's Signature*

Date

By signing this report, I certify to the best of my knowledge and belief that the report is true, complete and accurate and the expenditures, disbursement and cash receipts are for the purposes and objectives set forth in the terms and conditions of the federal award. I am aware that my false, fictitious, or fraudulent information or the omission of any material fact, may subject me to criminal civil or administrative penalties for fraud, false statements, false claims, or otherwise.

SFSP Sponsor _____

PROCUREMENT PLAN

The Name of SFSP Sponsor will purchase goods, products, and/or services for use in the Child Nutrition Programs (CNP) in compliance with 2 CFR, Chapter I & II, 7 CFR Part 3016.36, 3019.44, 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 SFSP Sponsor 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 Title of the Person to document the amounts to be purchased so the correct method of procurement will be followed.

An SFSP Sponsor may set a lower simplified acquisition threshold than the federal simplified acquisition threshold. The most restrictive (lowest) threshold must be used.

Does Name of SFSP Sponsor have a lower simplified acquisition threshold?

Mark the appropriate answer. Yes List the dollar amount \$ _____
 No

- A. **Informal purchase procedures.** This method applies to purchases of goods, products, and/or services when the aggregate dollar amount is less than \$150,000. Quotes from at least three (3) qualified vendors/contractors will be required.
- In developing your written specifications the same information needs to be provided to all vendors/contractors, you may use prices found online, in catalogs, sale flyers, newspapers, prices obtained from grocery stores, farmer's markets, and etc.
 - Each vendor/contractor will be contacted and given an opportunity to provide a price quote on the same specifications.
 - The Title of Person will be responsible for contacting potential vendors/contractors when price quotes are needed.
 - The price quotes are to remain confidential information until the actual purchase has been made.

- Quotes will be awarded by Title of Person. Quotes awarded will be to the lowest and best quote based upon price, quality, service availability, and/or _____.
- The Title of Person will be responsible for documentation of records to show selection of vendor/contractor, reasons for selection, names of all vendors/contractors contacted, price quotes from each vendor/contractor, 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 will select the acceptable alternate. Title of Person will document the reason for accepting an alternate and keep the documentation on file.
- Bids will be awarded on the following criteria: (Examples: quality, delivery, service, etc.)
 1. _____
 2. _____
 3. _____
- The Title of Person is required to sign documentation, confirming a review and the approval of the purchase of the goods, products, and/or services.
- The Title of Person is the Sponsors authorized purchaser.

Micro purchase procedures. This method applies to the purchase of supplies or services when the aggregate dollar amount does not exceed \$3,500. These purchases may be awarded without soliciting competitive quotes if the entity considers the price reasonable.

- The Title of Person will be responsible for contacting potential vendor/contractor.
- The Title of Person will be responsible for documentation of records of the purchase, name of vendor/contractor, price, and the written specifications.
- The Title of Person will be responsible for documentation that the actual product was received.
- The Title of Person is required to sign documentation, confirming a review and the approval of the purchase of the goods, products, and/or services.

B. **Formal purchase procedures.** This method applies to purchases of supplies or services when the aggregate cost amount is more than \$150,000. The formal procurement method requires the use of an Invitation for Bid (IFB) or a Request for Proposal (RFP).

- The Title of Person 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 SFSP Sponsor to purchase needed items. The advertisement for bids/proposals or legal notice will be run for Length of Time.
- An advertisement is required for all purchases over the districts simplified acquisition threshold of the actual amount of the SFSP SPONSOR's simplified acquisition threshold. 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) SFSP 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 SFSP Sponsor will be entitled if the contractor can not 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 SFSP 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 SFSP 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 vendors/contractors will use to receive or pick up orders upon Contract award

- (19) All contracts over \$100, 000.00 will require compliance with the Clean Air Act issued under Section 306, Executive Order 11738
- (20) Signed Certificate of Lobbying for all contracts over \$100,000
- (21) Signed statement of non-collusion
- (22) Signed Debarment/Suspension Certificate or statement included in contract or copy of Excluded Parties List System (EPLS).
- (23) Provision requiring "Buy American" as outlined in Policy Memorandum 210.21-14; specific instructions for prior approval of any and all 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:

1. Does the vendor's product meet the required specifications?
2. Does the vendor's delivery schedule meet the Sponsor's needs?
3. 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 Title of Person will be responsible for securing all IFB or RFP.

➤ The Title of Person will be responsible to ensure all SFSP 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 as a result of bids. (Examples: quality, delivery, service, etc.)

1. _____
2. _____
3. _____

- 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 SFSP Sponsor, price, and other factors considered. Any and all bids or proposals may be rejected in accordance with law.
- The Title of Person 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 Title of Person will review the procurement system to check to ensure compliance with applicable laws.
- 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 will select the acceptable alternate. The contractor must inform Title of Person time/by when a product is not available. In the event a non-domestic agricultural product is to be provided to the SFSP Sponsor, the contractor must obtain, in advance, the written approval of the product. The Title of Person 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.
- The Title of Person will be responsible for maintaining all documentation of the procurement process.

C. 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 Title of Person 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 Title of Person will be responsible for documentation that the actual product or service specified was received.

- The Title of Person 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 participants and for samples for testing purposes. A record of non-competitive negotiation purchase shall be maintained by the SFSP 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

D. 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 Title of Person. All emergency procurements shall be approved by the Title of Person. 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

E. 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 SFSP Sponsor, whichever is sooner. The SFSP 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.

F. The SFSP 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.

G. The SFSP Sponsor must maintain a written code of conduct (7 CFR 3016.36 and 3019.42) 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 SFSP Sponsor 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(s) who are related to the Sponsor's employees or board members.
- The SFSP Sponsor, employees, officers or agents must not solicit gifts, travel packages, and other incentives from prospective vendors/contractors
 - The SFSP Sponsor must set standards when financial interest is not substantial or the gift is an unsolicited item of nominal value and may be acceptable.
 - Penalties for violation of the code of conduct of the SFSP Sponsor will be the following actions: (list appropriate actions for your organization).
 - a. _____
 - b. _____
 - c. _____