

**PROCUREMENT PLAN, PEQUEA VALLEY SCHOOL DISTRICT
CHILD NUTRITION PROGRAMS**

This procurement plan contained on the following pages will be implemented on the date below and will be in effect until amended. All procurements must adhere to full and open competition. Source documentation must be available to determine open competition, and the reasonableness, allowability and allocation of costs.

(Chairman, Board of Education)

Date

(Superintendent of Schools)

Date

Pequea Valley School District Procurement Plan for School Food Authorities

PROCUREMENT PLAN

General

1. The Pequea Valley School District plan for procuring goods and services for use in the Child Nutrition Programs is as follows. The procurement plan provides for full and open competition, transparency in transactions, comparability, and documentation of all procurement activities.
2. If the amount of purchases is more than the Federal small purchase threshold (currently valued at \$250,000), or a lower threshold established by the Pennsylvania School Code or the Sponsor, formal procurement procedures will be used. Informal/small procurement procedures will be used for purchases under the most restrictive small purchase threshold.
3. The following procedures will be used for all purchases:

Procurement Chart

Program	School Nutrition Programs (SNP)	Summer Food Service Program (SFSP)	Child and Adult Care Food Program (CACFP)	
	Amount	Amount	Amount	Method
Services and Perishable Products	≤\$10,000	≤\$10,000	≤\$10,000	Micro
	>\$10,000 - ≤\$250,000	>\$10,000 - ≤\$250,000	>\$10,000 - ≤\$250,000	Informal
	>\$250,000	>\$250,000	>\$250,000	Formal
	Amount	Amount	Amount	Method
Non-Perishable Products	≤\$10,000	≤\$10,000	≤\$10,000	Micro
	>\$10,000 - <\$21,300	>\$10,000 - ≤\$250,000	>\$10,000 - ≤\$250,000	Informal
	≥\$21,300	>\$250,000	>\$250,000	Formal
	Amount	Amount	Amount	Method
Vended Meals	N/A	N/A	N/A	Micro
	<\$21,300	≤\$250,000	≤\$250,000	Informal
	≥\$21,300	>\$250,000	>\$250,000	Formal
	Amount	Amount	Amount	Method
Full-Service FSMC	N/A	N/A	N/A	Micro
	N/A	N/A	N/A	Informal
	>\$0	N/A	N/A	Formal
Notes	Non-Perishable: Canned goods, dry goods, supplies, equipment, etc.			
	Equipment ≥\$5,000 must have prior approval from DFN.			
	Procurement Method and Procedure			

	Micro-purchase: Non-competitive
	Informal/Small: Quotes (3 quotes for SNP, 2 quotes for SFSP and CACFP)
	Formal/Large: Invitation for Bid (IFB) or Request for Proposal (RFP)

Perishable Products/Services:

Micro-Purchase – 2 CFR §200.320
 Informal Purchase – 24 PS §807.1
 Formal Purchase – 2 CFR §200.318 - §200.327

Non-Perishable Products:

Micro-Purchase – 2 CFR §200.320
 Informal Purchase – 24 PS §504 (d)
 Formal Purchase – 2 CFR §200.318 - §200.327

4. Because of the potential for purchasing more than ≤\$10,000, it will be the responsibility of the Food Service Director to document the amounts to be purchased, so the correct method of procurement will be followed.
5. The SFA agrees to retain all books, records, and other documents relative to the award of all contracts for *three* (3) years plus current school year after final payment. Specifically, the SFA shall maintain, at a minimum, the following documents:
 - Written rationale for the method of procurement
 - A copy of the original solicitation
 - 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 or breaches
6. The Food Service Director will be responsible for maintaining all procurement documentation.

Formal/Large Purchases

When formal procurement is required, the following Competitive Sealed Bid/Invitation for Bid (IFB) or Competitive Proposal/Request for Proposal (RFP) procedures will apply:

Formal bid procedures will be either processed through IU13 joint purchasing, State Contracts such as COSTARS, or by formal bid process conducted by the District Office.

1. The Food Service Director will perform a cost or price analysis in connection with every procurement action in excess of the Pennsylvania School Code requirements or federal Simplified Acquisition Threshold.
2. The developer of written specifications or descriptions for procurements will be prohibited from submitting bids or proposals for such products or services.
3. The IFB or RFP will clearly define the purchase conditions. The following list includes requirements, not exclusive, to be addressed in the procurement document:

- Specifications and estimated quantities of products and services
- Contract period
- Terms and conditions that bidder must fulfill for bid to be evaluated
- Method of evaluation and type of contract to be awarded
- Date, time, and location of bid opening
- How vendor is to be informed of bid acceptance or rejection /method of award announcement
- Delivery schedule and method of shipment or delivery upon contract award
- Benefits to which Pequea Valley School District will be entitled if the contractor cannot or will not perform as required
- Statement assuring positive efforts will be made to involve small, minority and women’s business enterprises and labor surplus firms
- Statement regarding the return of purchase incentives, discounts, rebates, and credits to the SFA’s nonprofit school food service account
- Statement that the SFA is responsible for contract(s) awarded
- Contract provisions as required in Appendix II for 2 CFR Part 200
- Contract provisions as required in 7 CFR Part 210.21(f) for all cost reimbursable contracts
- Contract provisions as required in 7 CFR Part 210.16(a) (1-10) for Food Service Management Company contracts
- Provision requiring “Buy American” as outlined in 7 CFR Part 210.21(d)
- Price adjustment clause (escalation/de-escalation) based on appropriate standard or cost index
- Provision requiring access by duly authorized representatives of the SFA, 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
- Provision requiring contractor to maintain all required records for *three* (3) years after final payment and all other pending matters (e.g. audits) are closed for all negotiated contracts
- Provision requiring contractor to recognize mandatory standards/policies related to energy efficiency contained in the State Energy Plan issued in compliance with the Energy Policy and Conservation Act (PL 94-165)
- Signed statement of non-collusion
- Signed Debarment/Suspension Certificate or statement included in contract or copy of Excluded Parties List System (EPLS)
- Specific bid protest procedures
- 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 Food Service Director in a timely manner
- The Food Service Director will be responsible for securing all bids or proposals
- The Food Service Director will be responsible to ensure all SFA 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
 - Delivery during operating hours
 - Prior service problems

4. Each vendor will be given an opportunity to bid on the same specifications.

5. For all formal purchases, an announcement of an IFB or RFP will be placed in at least two (2) media outlets, and district web site to publicize the intent of the SFA to purchase needed items. The advertisement for bids/proposals or legal notice will be run one (1) time each week for three (3) weeks.

6. The announcement will contain the:
 - general description of item(s) to be purchased
 - date of pre-bid meeting, if provided, and if attendance is a requirement for bid award
 - deadline for submission of sealed bids or proposals, and
 - address of location where complete specification(s) and bid form(s) may be obtained
7. In awarding a competitive proposal (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. 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.
8. The contracts will be awarded to the responsible bidder/proposer whose bid or proposal is responsive to the invitation and is most advantageous to the SFA with price and other factors considered. Any and all bids or proposals may be rejected in accordance with law.
9. The Food Service Director will be required to sign the bid tabulation of competitive sealed bids or the evaluation criterion score sheet of competitive proposals signifying a review and approval of the selections.
10. The Food Service Director will be responsible for documenting that the actual product specified is received.
11. Any time an accepted item is not available, the Food Service Director will select an acceptable alternate. The contractor must inform the Food Service Director within two weeks if a product is not available.
12. Full documentation as to the reason an accepted item was unavailable, and the procedure used in determining acceptable alternates, will be available for audit and review. The person responsible for this documentation is the Food Service Director.
13. The Food Service Director will be responsible for compliance with the Buy American Provision. In the event a non-domestic agricultural product is to be provided to the SFA, the contractor must obtain, in advance, written approval of the product.
14. The following conduct will be expected of all persons who are engaged in the awarding and administration of contracts supported by School Food and Nutrition Program Funds. These written standards of conduct include
 - a. No employee, officer, or agent of the Pequea Valley School District 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:

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

Informal/Small Purchases

If the amount of purchases for items is less than the district's small purchase threshold, informal/small purchase procedures will be used. Quotes from an adequate number of qualified sources will be required.

1. Written specifications will be prepared.
2. A minimum of three vendors shall be contacted, unless the market warrants more. The Food Service Director will be responsible for contacting potential vendors when price quotes are needed.
3. Each vendor will be given an opportunity to provide a price quote on the same specifications.
4. The price quotes will receive appropriate confidentiality before award.
5. Award will be based on the following criteria:
 - Price, Delivery, and Past Performance
6. After evaluation of submitted quotes, the Food Service Director will be responsible for notification of award.
7. The Food Service 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.
8. The Food Service Director will be responsible for documenting that the product specified is received.
9. Any time an accepted item is not available, the Food Service Director will select the acceptable alternate. The vendor must inform the Food Service Director within two weeks if a product is not available.
10. Full documentation as to the reason an accepted item was unavailable, and the procedure used in determining acceptable alternates, will be available for audit and review. The person responsible for this documentation is the Food Service Director.
11. The Food Service Director will be responsible for compliance with the Buy American Provision. In the event a non-domestic agricultural product is to be provided to the SFA, the contractor must obtain, in advance, written approval of the product.
12. The Food Service Director will be required to sign all quote tabulations, signifying review and approval of the selections.

Micro-Purchases

If the amount of a purchase is less than or equal to the micro-purchase threshold, then micro-purchase procedures may be used.

1. Written specifications will be prepared.
2. The Food Service Director will select the vendor whose prices are reasonable and whose products meet specifications, and can deliver during operating hours.

3. The Food Service Director will ensure that micro-purchases are spread equitably.

Non-Competitive Negotiation

If items are available only from a single source - when the award of a contract is not feasible under informal/small purchase, sealed bid or competitive proposal - non-competitive negotiation procedures may be used.

1. Written specifications will be prepared.
2. The Food Service Director 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.
3. The Food Service Director will be responsible for documentation that the actual product or service specified was received.
4. The Food Service Director will be responsible for reviewing the procedures to be certain all requirements for using single source or non-competitive negotiation are met.
5. Non-competitive negotiation shall be used for one-time purchases of a new food item to determine food acceptance by students and for samples for testing purposes. A member of the local Board of Education or Governing Board will approve, in advance, all procurements that result from non-competitive negotiations. A record of non-competitive negotiation purchase shall be maintained by the Food Service Director. The record of non-competitive purchases shall include, at a minimum, the following:
 - item name
 - dollar amount
 - vendor
 - reason for non-competitive procurement

Contracts with Food Service Management Companies and Pre-Plated (Vended) Meals

Procedures for selecting and contracting with a food service management company (FSMC) or contractors of pre-plated meals shall comply with guidance provided by the Pennsylvania Department of Education, Division of Food and Nutrition, including standard forms, procedures, and timelines for solicitation, selection and approval of proposals and/or contracts.

Purchasing Meals from Other Sponsors

Procedures for purchasing meals from other sponsors shall comply with guidance provided by the Pennsylvania Department of Education, Division of Food and Nutrition, including standard forms and procedures.

Capital Expenditure

The Food Service Director will submit a capital expenditure request in PEARS prior to any equipment purchase of \$5,000 or more.

Minority Businesses, Women's Business Enterprises, Labor Surplus Area Firms

Pequea Valley School District will take affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus firms are used when possible. These steps include:

- Placing qualified small and minority businesses and women's business enterprises on solicitation lists
- Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources
- Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises
- Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises
- Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce

Emergency or "Pressing Need" Purchases

1. If it is necessary to make a one-time emergency procurement to continue service or obtain goods, the purchase shall be made, and a log of all such purchases shall be maintained by the (Title of person /position). All emergency procurements shall be approved by the Food Service Director. At a minimum, the following emergency procurement procedures shall be documented:
 - item name
 - dollar amount
 - vendor
 - reason for emergency
2. If it is necessary, in the course of a pressing need, to make an emergency purchase by "piggybacking" on the bid of another SFA, the Food Service Director will be responsible for following procedures as outlined under the Miscellaneous Provisions section of this document.
3. Documentation of the emergency requiring the piggybacking will be maintained

Miscellaneous Provisions

1. New product evaluation procedures will include:
 - Popularity of Items with Students.
 - Availability of items (not special order).
 - Price
2. The SFA agrees that the reviewing official of each transaction will be the Food Service Director.
3. Payment will be made to the vendor when the contract requirements have been met and verified and have met the SFA's procedures for payment (e.g. if prompt payment is made, discounts, etc. are accepted).
4. Specifications will be updated as need.
5. If making a purchase by "piggybacking" on the bid/contract of another SFA, the conditions listed below must exist, and approved procedures must be followed and appropriately documented as follows:

- The SFA originating the competitive procurement must have a “piggyback provision” in the original solicitation
- Approval from the purchasing SFA’s governing board will be obtained and documented
- Approval from the SFA that originated the competitive procurement will be obtained and documented
- Approval from the vendor that was awarded the contract (original solicitation) will be obtained and documented
- If required, a public notice of the district’s “*Intent to Waive Competitive Bidding*” will be issued at least 10 days prior to the regularly scheduled governing board meeting
- Approval to piggyback will be obtained and documented from the governing board during a regularly scheduled meeting following the public notice
- Notification to the vendor of final approval will be documented and issued
- A contract with the vendor will be developed including:
 - 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 the SFA, whichever is sooner. The SFA, its authorized agents, and/or State and/or USDA auditors shall have full access to and the right to examine any of said materials during said period.