



ELGIN ISD

**PURCHASING DEPARTMENT
POLICY AND PROCEDURE GUIDELINES
2022-2023**

TABLE OF CONTENTS

SECTION ONE - INTRODUCTION

Purchasing Department Staff	5
Purchasing Department Staff Responsibilities	5
Mission Statement	5
Letter from the Purchasing Coordinator	6
The Purchasing Manual	7
Communication	7

SECTION TWO - PURCHASING DEPARTMENT AREAS OF RESPONSIBILITIES

Bids and Proposals	8
District Cooperative Purchasing	8
Online Website Purchasing	8
Requisition Approval	9
Cancellation of Purchasing Orders	9
Purchasing Procedures	9

SECTION THREE - PURCHASING ETHICS AND LAW

Purchasing Ethics	10
State Purchasing Law	10
CH (Local)	13
Bid, Proposal, & Quote Procedures	14
General Overview	14
Requirements for Purchasing Greater than \$50,000	14
The Bidding Process	14
Award of Proposals, Bids and/or Quotes	15
Competitive Procurement Categories	15

SECTION FOUR - VENDORS

Vendor Requirements	16
Vendor General Information	16
Vendor Approval Process	17
Timeline for Vendor Approval	17
Unapproved Vendors	18
Vendor Performance	19
Letter to Vendor	20

SECTION FIVE - COOPERATIVE PURCHASING/VENDORS

Cooperative Purchasing	21
Cooperative Purchasing	21
List of Cooperatives	21

SECTION SIX- PURCHASE ORDERS

Purchase Order – General Information	22
Purchase Requisition	22
Approval Levels	22
Binding Commitment	23
Purchase Order Form	23
Required Components of a Purchase Order	23
Attachments	24

SECTION SEVEN - PROCUREMENT CARDS

Procurement Card Procedures	25
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SECTION EIGHT- CONTRACTED SERVICE GUIDELINES

Contracted Service	26
Contracted Service with a Company	26
Contracted Services Provided by an Individual	26

SECTION NINE- FAQ AND MISCELLANEOUS INFORMATION

FAQ and Miscellaneous Information	27
Purchasing FAQ's and Miscellaneous Information	27

SECTION TEN- CHILD NUTRITION DEPARTMENT MANUAL

Code of Conduct	29
Code of Conduct	29
Incentives, Gratuities or Kickbacks	29
Benefits Received	30
Certification Regarding Lobbying	31
Debarment and Suspension	31
Staff Purchase of Items on Awarded Contracts	31
Contracting with Persons and Companies for Assistance in Developing a Solicitation	32
Food Taken from Schools	32

SECTION THIRTEEN - CHILD NUTRITION PROCUREMENT PROCEDURES MANUAL 33

SECTION ONE: INTRODUCTION

PURCHASING DEPARTMENT STAFF

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PURCHASING DEPARTMENT RESPONSIBILITIES:

Purchasing
Policies & Procedures
Monthly Board Action Items
Oversee Bids/Proposals/Quotes
Requisition/Purchase Order Approval
Contract Processing
Vendor Research
Creating & Renewing Bids
Maintain Approved Vendor List
Purchasing Research/Compliance
Vendor Additions/W9's
District Credit Cards
District Travel
District Student Meal Cards
Citibank reconciliation
Commodity Codes

The purchasing department supports Elgin ISD by establishing policies and procedures for purchasing products, materials and services at the best value in a manner consistent with local, state and federal ordinances, regulations, Board of Education policies, and sound ethical business practices.

To All Employees:

The purpose of the Purchasing Policy and Procedure Manual is to be a reference tool outlining the Purchasing Laws, Policies, Practices and Procedures of Elgin ISD.

Please note the following procedures:

- All Elgin ISD purchases shall be made with vendors that have been pre-approved by Purchasing.
- All purchase commitments shall be made on a properly drawn and issued purchase order.
- The District shall not be responsible for payment of invoices that DO NOT have a corresponding properly drawn purchase order and/or does NOT meet Elgin ISD purchasing procedures.
- Employees who make purchases without a properly drawn purchase order could be personally responsible for payment of invoice(s).
- All Elgin ISD purchase orders shall have a contract reference number (bid or proposal number or purchasing co-op reference) noted on the purchase order.
- All invoices shall be mailed to the Elgin ISD Accounts Payable Department, 1002 N. Ave C, Elgin, TX 78621 or invoices@elginisd.net.

By implementing these procedures, Elgin ISD will be in compliance with the Texas Purchasing Laws and Local District Policies.

Elgin ISD Purchasing will not be responsible for the timeliness of an order being placed if incomplete information relating to the purchase is not notated on the requisition and required attachments are not included.

If you have any questions, please contact me.

All the best,

Carrie Arnold

Purchasing Coordinator

THE PURCHASING MANUAL

This purchasing manual:

- Provides guidance to Elgin ISD employees at the campus and department levels in requisitioning materials, equipment and services.
- Informs Elgin ISD staff of the appropriate purchasing laws for EISD purchases.
- Acquaints vendors with the Elgin ISD's purchasing policies and procedures; and
- Promotes consistency in purchasing applications throughout Elgin ISD

All district personnel with purchasing authority should be familiar with the legal requirements for purchasing prescribed in Education Code Chapter 44.031 and Board of Education Policy CH's. (**See the purchasing law section of this manual**) **All Elgin ISD purchases and acquisitions must meet these legal requirements.** In order to assure legal compliance with purchasing law, the district has elected under Texas Government Code 2155, Subchapter I to participate in cooperative purchasing programs.

COMMUNICATION

The information in this purchasing manual should be shared with all Elgin ISD personnel who are responsible for any procurement procedure for their campus or department.

This manual will be posted on the purchasing webpage: www.elginisd.net

Please notify all staff members with procurement authority of the location of the purchasing manual. Or, please make copies of this manual as needed for staff members. Also, please contact the purchasing department with any procurement questions.

SECTION TWO: PURCHASING DEPARTMENT AREAS OF RESPONSIBILITY

BIDS AND PROPOSALS

The purchasing department (“Purchasing”) coordinates the complete process for Elgin ISD bids and proposals. This process includes scheduling the timeline, assisting in preparation of the bid/proposal documents and assisting with bid/proposal specifications, maintaining a vendor bid list, distributing the bid/proposal documents to interested vendors, assisting in the analysis of the vendor bid/proposal documents received and preparing the award recommendation to be submitted for school board approval. Once the bid/proposal has been awarded, notification is sent to the awarded vendor(s) and Elgin ISD purchase orders are processed by the end user to place the order(s) with the Board-awarded vendor. Purchasing keeps all bid and proposal documents for a minimum of five years.

DISTRICT COOPERATIVE PURCHASING

Elgin ISD is a member of numerous purchasing cooperatives, which are listed on the Elgin ISD Purchasing website and in this manual.

One of the benefits for a cooperative purchase is the cost savings of products and services due to the greater volume of purchases of the combined members’ purchasing power. Another benefit is the savings on administrative cost. The individual district cooperative member does not have to go through the bidding process because the purchasing cooperative performs the bidding function for the members as a whole. This will assist the individual district/district staff in reducing redundant costs associated with individual district bids. Finally, the member districts have the available resources to purchase a greater variety of products and services and hopefully at a lower price.

With few exceptions, purchase orders may be processed from any of the approved vendors listed on a purchasing cooperative that Elgin ISD is a member without going through additional vendor approval. Some exceptions may include vendor debarment, exclusions from EDGAR rules, etc.

The purchasing cooperative name and contract number **MUST** be referenced on the purchase order.

There are **many approved vendors available** for your procurement needs through the purchasing cooperatives.

Contact Purchasing if assistance is needed with cooperative purchasing

ONLINE WEBSITE PURCHASING

Purchasing has established online accounts with approved vendors such as Gonzalez Office Products, Staples, Office Depot, and Amazon Business. Each authorized District employee can be set up to have the capability to purchase online through an approved vendor’s website using an approved District Purchase Order. Purchasing is available to assist all District personnel with their online website purchases.

REQUISITION APPROVAL AND PURCHASE ORDER ISSUANCE

The Purchasing Coordinator reviews and approves requisitions several times daily. If there is an issue with a requisition that prevents immediate approval, the requestor listed on the requisition will be promptly contacted.

After all approvals are obtained, purchase orders are issued, and are printed and distributed in the afternoon, once daily.

This current method is subject to change at any time as part of an ongoing effort to best serve the students and employees of Elgin ISD.

PURCHASE ORDER CHANGES AND CANCELLATIONS

The **cancellation of a purchase order** and **any PO changes**, such as a price correction or adding a shipping charge on a specific purchase order is handled through Accounts Payable, Purchasing and in some cases the CFO. Increases in cost made after the PO has been approved, will require approval from the administrator whom oversees the budget.

APPROVAL AND CHANGES TO PURCHASING PROCEDURES

Purchasing procedures are written and submitted for approval to Elgin ISD administration. Once approved, the purchasing procedures are communicated to Elgin ISD staff by way of a procedure manual and on-line training sessions. If and when the state or federal government passes a new law that may affect current school district policy, a new procedure is written, approved and then communicated to Elgin ISD staff

SECTION THREE: PURCHASING ETHICS & LAW

The competitive nature of the public purchasing arena, the laws surrounding sound purchasing decisions, and the expenditure of significant amounts of public funds require that ethical standards be incorporated into the foundation of all purchasing functions. Purchasing and other Elgin ISD staff face the difficult task of developing good vendor relations and encouraging vendor competition while avoiding even the appearance of favoritism or other ethical misconduct.

It is critically necessary that Elgin ISD personnel know and understand Elgin ISD's purchasing policies and procedures because the penalties for breaking them can be severe and expensive. For example, accepting gifts from vendors is generally not allowed; however, if the gift provides no real benefit and is generally valued at less than \$50 (providing it is not cash or a negotiable item), it is generally allowed. Also, gifts can never be accepted as consideration for a decision, recommendation, votes, or other exercise of discretion; this is bribery, and is a second-degree felony. Be sure to check with Purchasing when you are in doubt. Finally, any Elgin ISD employee who makes an unauthorized purchase may be personally liable for the debt per CH (Local).

Ethics relating to conflicts of interest, financial interests in firms conducting business with Elgin ISD, kickbacks, gratuities, improper use of a position, or unauthorized disclosure of confidential information are areas to be aware of potential problems if not handled according to the law.

STATE PURCHASING LAW

Purchasing policy and procedure guidelines are derived from the Texas Education Code, local policies as set forth by the Board of Trustees, and other relevant state and federal statutes.

TEXAS EDUCATION CODE

§ 44.031. Purchasing Contracts

- (a) Except as provided by this subchapter, all school district contracts, except contracts for the purchase of produce or vehicle fuel, valued at \$50,000 or more in the aggregate for each 12-month period shall be made by one of the following methods, that provides the best value for the district:
 - (1) competitive bidding.
 - (2) competitive sealed proposals.
 - (3) a request for proposals, for services other than construction services.
 - (4) an inter local contract.
 - (5) a design/build contract.
 - (6) a contract to construct, rehabilitates, alter, or repair facilities that involves using a construction manager.
 - (7) a job order contract for the minor construction, repair, rehabilitation, or alteration of a facility; or
- (b) Except as provided by this subchapter, in determining to whom to award a contract, the district will consider:
 - (1) the purchase price;
 - (2) the reputation of the vendor and of the vendor's goods or services;

- (3) the quality of the vendor's goods or services;
 - (4) the extent to which the goods or services meet the district's needs;
 - (5) the vendor's past relationship with the district;
 - (6) the impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses;
 - (7) the total long-term cost to the district to acquire the vendor's goods or services; and
 - (8) for a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner:
 - a) has its principal place of business in this state; or
 - b) employs at least 500 persons in this state; and
 - (9) any other relevant factor specifically listed in the request for bids or proposals.
- (c) The state auditor may audit purchases of goods or services by the district.
- (d) The board of trustees of the district may adopt rules and procedures for the acquisition of goods or services.
- (e) To the extent of any conflict, this subchapter prevails over any other law relating to the purchasing of goods and services except a law relating to contracting with historically underutilized businesses.
- (f) This section does not apply to a contract for professional services rendered, including services of an architect, attorney, or fiscal agent. A school district may, at its option, contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Section 2254.003, Government Code, in lieu of the methods provided by this section.
- (g) Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which the district's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately.
- (h) Text of subsec. (h) as amended by Acts 1999, 76th Leg., ch. 922, § 1 If school equipment, a school facility, or a portion of a school facility is destroyed, severely damaged, or experiences a major unforeseen operational or structural failure, and the board of trustees determines that the delay posed by the contract methods required by this section would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or portion of the school facility may be made by a method other than the methods required by this section.

Text of subsec. (h) as amended by Acts 1999, 76th Leg., ch. 1225, § 1

(h) If school equipment or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the board of trustees determines that the delay posed by the methods provided for in this section would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment or the part of the school facility may be made by methods other than those required by this section.

- (i) A school district may acquire computers and computer-related equipment, including computer software, through the Department of Information Resources under contracts entered into in accordance with Chapter 2054 or Chapter 2157, Government Code. Before issuing an invitation for bids, the department shall consult with the agency concerning the computer and computer-related equipment needs of school districts. To the extent possible the resulting contract shall provide for such needs.
- (j) Without complying with Subsection (a), a school district may purchase an item that is available from only one source, including:
 - (1) an item for which competition is precluded because of the existence of a patent, copyright, secret process, or monopoly;
 - (2) a film, manuscript, or book;
 - (3) a utility service, including electricity, gas, or water; and
 - (4) a captive replacement part or component for equipment.
- (k) The exceptions provided by Subsection (j) do not apply to mainframe data-processing equipment and peripheral attachments with a single-item purchase price in excess of \$15,000.
- (l) Each contract proposed to be made by a school district for the purchase or lease of one or more school buses, including a lease with an option to purchase, must be submitted to competitive bidding when the contract is valued at \$20,000 or more.
- (m) If a purchase is made at the campus level in a school district with a student enrollment of 180,000 or more that has formally adopted a site-based decision-making plan under Subchapter F, Chapter 11, that delegates purchasing decisions to the campus level, this section applies only to the campus and does not require the district to aggregate and jointly award purchasing contracts. A district that adopts site-based purchasing under this subsection shall adopt a policy to ensure that campus purchases achieve the best value to the district and are not intended or used to avoid the requirement that a district aggregate purchases under Subsection (a).

CH(LOCAL)

Purchasing Authority: The Board delegates to the Superintendent the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services that costs \$50,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place.

Exception for Emergency Contracts: In the event of a catastrophe, emergency, or natural disaster affecting the District, the Board delegates to the Superintendent the authority to contract for the replacement, construction, or repair of school equipment or facilities in accordance with law, if emergency replacement, construction, or repair is necessary for the health and safety of District students and staff. The Superintendent shall report to the Board at the next regular meeting any contract made under this authority. [See Disaster Exception, CH(LEGAL)]

The delegation regarding emergency contracts does not waive competitive purchasing requirements under Education Code Chapter 44. Only the Board is authorized to waive competitive purchasing requirements under limited circumstances in accordance with Education Code 44.031(h). [See Emergency Damage or Destruction, CH(LEGAL)]

Purchasing Procedures: The Superintendent shall develop purchasing procedures to implement the requirements of state and federal law. [See also CB, CBB, CH(LEGAL), and COA]

Purchasing Method: The Board delegates to the Superintendent the authority to determine the method of purchasing in accordance with CH(LEGAL) or CBB(LEGAL), as appropriate.

Competitive Bidding: If competitive bidding is chosen as the purchasing method, the Superintendent shall prepare bid specifications. All bids shall be in accordance with administrative regulations, and the submission of any electronic bids shall also be in accordance with Board-adopted rules. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered.

The District may reject any and all bids in accordance with state or federal law, as applicable.

Competitive Sealed Proposals: If competitive sealed proposals are chosen as the purchasing method, the Superintendent shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be in accordance with administrative regulations, and the submission of any electronic proposals shall also be in accordance with Board-adopted rules. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time of opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

The district may reject any and all proposals in accordance with state or federal law, as applicable.

Electronic Bids or Proposals: Bids or proposals that the District has chosen to accept through electronic transmission shall be administered in accordance with Board-adopted rules. Such rules shall safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or proposals; and ensure that the electronic bids or proposals remain effectively unopened until the proper time.

Responsibility for Debts: The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with the adopted budget, state law, Board policy, and the District's purchasing procedures. [See CE] The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control. Persons making unauthorized purchases shall assume full responsibility for all such debts.

Purchase Commitments: All purchase commitments shall be made by the Superintendent in accordance with administrative procedures, including the District's purchasing procedures.

Personal Purchases: District employees shall not be permitted to make purchases for personal use through the District's business office.

BID/PROPOSAL/QUOTE PROCEDURES

GENERAL OVERVIEW

When purchases are made on behalf of the District totaling more than \$50,000 during a 12-month period per competitive procurement **category**, Purchasing will issue a competitive bid, competitive sealed proposal (CSP), or request for proposal (RFP).

Published legal notices are required for the above procurement processes.

NOTE: If a vendor has been approved through a purchasing cooperative, a formal district bidding/proposal may not be required.

REQUIREMENTS FOR PURCHASES GREATER THAN \$50,000

> \$50,000

Normal Request for Bid
CSP (Competitive Sealed Proposal) or
RFP (Request for Proposal) process.

A legal notice must be published in the local paper once a week for two consecutive weeks. These purchases must have board approval prior to purchase.

THE BIDDING PROCESS

The timeline for the proposal/bid/quote process is critical. The necessity to plan ahead for equipment and supply requirements cannot be emphasized enough. It takes a minimum of two months to complete one proposal/bid from start to finish.

The components of the proposal or bid process:

- Department procurement request
- Set timeline and Board approval date
- Write specifications for items/services requested
- Prepare vendor list to receive bid/proposal/quote notification
- Prepare proposal to include: cover sheet, authorization agreement, felony conviction notification, non-collusive bidding certificate, debarment notice, conflict of interest questionnaire, standard terms and conditions, specific terms and conditions, specifications of items and/or services, price sheets, inter local agreement, Blank W-9 form, etc.
- Run Legal Notice – two consecutive weeks
- Hold a pre-bid conference if necessary
- Send out any necessary addendum
- Closing date of proposal/bid
- Analyze price offers and negotiate price if necessary
- Prepare recommendation/agenda form for Board approval
- Once Board approved, send award letter notification to vendors
- Contact district department of bid/proposal award
- Process purchase orders to awarded vendor(s)
- Update/maintain vendor/bid files

AWARD OF PROPOSAL/BID /QUOTE

Once the School Board has awarded a proposal/bid and the vendor(s) has been notified, purchases can be made by issuing an Elgin ISD purchase order with a reference to the award/contract number of the RFP/BID/PROPOSAL on the purchase order.

Purchasing maintains a list of all approved vendors on the District's website.

COMPETITIVE PROCUREMENT CATEGORIES

Recommended procurement categories to be bid per the Texas Education Agency include:

- Athletics: athletic/trainer supplies, various sports supplies, uniforms, equipment and non-consumables
- Custodial: chemicals/janitorial supplies/paper products/can liners, contracted services, equipment and non-consumables.
- Food Service: bread, dry goods, canned and frozen foods, fresh meat and poultry, milk, non- food supplies, equipment and non-consumables.
- Instructional/General – Capital Equipment: art equipment and supplies; audio visual equipment and supplies; band instruments; computers/hardware and software; copy machines; instructional equipment, supplies and furniture; library supplies and furniture; office supplies, equipment and furniture; playground equipment; science equipment; telephone equipment; dictionaries; duplicating paper; industrial gases; instructional teaching aids/supplies; library books, periodicals, filmstrips, videos, cassettes; maps and globes; nursing supplies; office supplies and equipment; physical education supplies; science supplies and equipment
- Maintenance: electrical supplies and parts; ground maintenance supplies; Freon; HVAC supplies and parts; lumber and related building materials; paint; plumbing supplies and parts; roofing supplies; equipment and non-consumables
- Transportation: automotive parts and supplies; lubricants and oils; buses; capital equipment; storage tanks; vehicles, trucks and vans
- Bank Depository
- Nonprofessional Services: photocopy services, personal computer services and other equipment services contracts
- Real Property: land and buildings
- Insurance

NOTE: Due to the large amounts of purchasing taking place district wide in these categories, the majority of items purchased by Elgin ISD will be part of a proposal, bid, quote or purchasing cooperative.

SECTION FOUR: VENDORS

VENDOR APPROVAL OVERVIEW

Before a vendor is able to do business with Elgin ISD, the vendor must go through the bidding/proposal process. Purchasing processes all vendor applications/proposals/bids and prepares the vendor approval recommendation that goes before the School Board at their regular monthly Board meeting when applicable. Once approved, the vendor records are updated and posted on the District's website. District staff can verify a vendor's availability (status) at any time by checking the District website, listed on the purchasing department's webpage. The staff may process a purchase order once the vendor approval process is complete.

The exception to this process is when a vendor has been previously approved by a purchasing cooperative where Elgin ISD is also a member.

All vendor records are maintained in Purchasing.

VENDOR REGISTRATION

A new vendor wishing to receive an invitation to participate in any district bid/proposal/quote should go to the following district address: <https://www.elginisd.net/Domain/104> and follow the instructions for Vendor Registration & Bid Opportunities

IMPORTANT!

Elgin ISD Purchasing currently uses an e-bidding process. All vendors must register as a supplier within the system to be able to receive notifications of proposals. Registration will not automatically make you or your company an approved vendor of Elgin ISD.

Please contact Purchasing with any questions regarding bid/proposal/quote requirements.

EISD APPROVED VENDOR PROCESS REQUIREMENTS

VENDOR GENERAL INFORMATION

- All vendors must have a District-approved vendor number. An approved vendor number is required **prior** to a purchase order or a PO/Encumbrance/Commitment being processed.
- A vendor wishing to do business with the District **must** be board-awarded or be awarded through a category specific bid/proposal. Another option is to be an approved vendor through a purchasing cooperative that Elgin ISD is a member of.

APPROVED VENDORS LIST

Elgin ISD's **master approved vendor list** is on Purchasing's website: <https://www.elginisd.net/Page/1343>

It is in alphabetical order and lists the contract name; the contract reference number; the vendor contact information; any discount offered; the expiration date of the vendor approval; and special requirements or notes for processing a purchase order to that specific vendor.

IMPORTANT!

The list of vendors located in Ascender is a financial database of all expenditures made to vendors for the last several years. This is **not** to be used as the current approved vendor list.

TIMELINE FOR VENDOR APPROVAL:

- The vendor approval process could take anywhere from 2 to 6 weeks depending on when the vendor responds and completes the process and the timing of Board agenda deadlines.
- If the vendor is also an employee (reimbursement/campus location), or individual (such as contracted service), conference, etc., contact the purchasing department with appropriate information consisting of name, address, phone, fax, and email address. The purchasing department verifies the information and will assign a new vendor number. This type of vendor does not go before the Board for approval.

UNAPPROVED VENDORS

If an Elgin ISD employee wishes to purchase from an unapproved vendor **not currently listed** on the Elgin ISD's approved vendor list, answers to several questions are needed, such as:

- Are the items available from an existing approved vendor or will a new bid/proposal need to be processed and Board awarded for the purchase?
- What is the estimated cost of this purchase?
- Does it qualify for the bid, proposal or the quote process?
- Can this item be purchased from a purchasing cooperative?
- Can this item be purchased using another district's current contract through an inter-local agreement with the school district?
- What funds are being used?

The purchasing department must consider all information known about the purchase request prior to approving the purchase method and/or approving a new vendor. This information is gathered to protect Elgin ISD against any possible unlawful purchase.

Always contact Purchasing to assist in making the correct choice of purchasing method.

The ethical business practice is to investigate the best purchasing method prior to making a purchase or district financial transaction.

FREQUENT QUESTIONS AND ANSWERS

Question: I would like to use a new vendor that is NOT currently on the EISD-approved vendor list but would like to do business with the Elgin ISD. What is required?

Answer: First, if not already done, the vendor should register with Elgin ISD on Purchasing's website. (See "Vendor Registration" above.) The vendor should ensure that their registration contains valid contact information for their company, the commodity code(s) for the products and/or services the company sells, and this information should be regularly updated if it changes. Once the vendor registers, the vendor will receive notification of open bids applicable to their company, and they can elect to respond to any bids and proposals to become an EISD-approved vendor. After the vendor has responded to an Elgin ISD bid or proposal and has received approval, they will then be listed on Purchasing's website as a District-Approved Vendor.

If the vendor makes you aware that their company has been awarded a contract through a purchasing cooperative, please make Purchasing aware. It is possible that the vendor could be added as a District-Approved Vendor. However, the vendor should still register with Elgin ISD to be aware of future opportunities.

VENDOR PERFORMANCE

If your department/campus experiences any problems with a vendor, such as those listed below, **notify Purchasing immediately in writing**. Your input helps us to eliminate vendors and products that do not meet Elgin ISD service standards.

- Late delivery
- Poor service
- Poor quality of goods/service
- Vendor not honoring proposal contract terms, such as, but not limited to, scope of work, insurance, safety, or reporting requirements
- Overages/shortages in amount ordered
- Missing items
- Problem or aggressive salespeople
- Unsafe products or services

This is a letter you can give to any vendor doing or wanting to do business with Elgin ISD.

LETTER TO VENDOR:

This is a reminder to please follow these procedures when doing business with Elgin ISD.

1. All purchase commitments shall be made on a properly drawn and issued Elgin ISD purchase order. You must receive an Elgin ISD issued hard copy of the purchase order before a valid contract for payment exists between your company and Elgin ISD.
2. The District shall not be responsible for payment of invoices that DO NOT have a corresponding properly drawn purchase order.
3. The District shall not be responsible for payment of invoices that do not have the purchase order number listed on the invoice. Invoices will be returned to the vendor.
4. Employees of the District who make purchases without a properly drawn purchase order shall be personally responsible for payment of invoice(s).
5. All invoices shall be mailed to Elgin ISD, Accounts Payable Dept., 1002 N Ave C, Elgin, Texas 78621 or emailed to invoices@elginisd.net.
6. The following documents must be on file in the Purchasing Department prior to a vendor being able to do business with Elgin ISD:
 - Documents relating to a specific bid/proposal
 - Proof of a current contract with a purchasing cooperative; awarded category specific bid documentation
 - W-9 Form
 - Elgin ISD General Terms and Conditions
 - Fingerprinting/Criminal History Compliance Documents

SECTION FIVE: COOPERATIVE PURCHASING

The District is a member of numerous purchasing cooperatives. What this means is the District does not have to process its own formal bid/proposal to purchase products from the list of **numerous approved cooperative vendors**. The purchasing cooperatives have done this as a service for Elgin ISD. All vendors with current contracts with purchasing cooperatives that have been pre-approved by Elgin ISD Purchasing are approved vendors, and Elgin ISD may purchase directly from these vendors.

When processing a purchase order from a purchasing cooperative approved vendor, the name of the purchasing cooperative and the contract number **MUST** be referenced on the PO. The vendor must be aware that we are referencing their cooperative contract.

Some cooperative vendor pricing is negotiable. Call the vendor with a request for additional discounted prices for items of substantial quantities.

LIST OF CO-OPS:

The following is a list of purchasing cooperatives pre-approved by Elgin ISD Purchasing. Elgin ISD staff or employees can search a co-op website listed below for needed information/approved vendor(s) for your purchase. The vendor contract number will be listed and will include discounts offered, contact information, etc. on the cooperative's website. Elgin ISD employees may contact Purchasing for any needed assistance, login or password information. You may also utilize [CoProcure](#) to search multiple cooperative vendor contracts.

NAME OF COOPERATIVE	WEBSITE
Texas Department of Information Resources (DIR)	https://dir.texas.gov/
The Interlocal Purchasing System (TIPS/TAPS)	https://www.tips-usa.com/index.cfm/
Texas SmartBuy	http://www.txsmartbuy.com/
State of Texas Centralized Master Bidders List	https://mycpa.cpa.state.tx.us/tpasscmlsearch/tpasscmlsearch.do
BuyBoard	https://www.buyboard.com/
Region 18 Service Center	https://www.esc18.net/apps/pages/purchasing-cooperative
Region 20 Service Center	https://www.esc20.net/apps/pages/2013-purchasing-cooperative
Texas 20	https://texas20.esc20.net/
PACE	https://pace.esc20.net/apps/pages/contracts
Houston/Galveston Area Council of Governments (HGACBuy)	https://www.hgacbuy.org/
OMNIA Partners	https://public.omniapartners.com/
Choice Partners	https://www.choicepartners.org/
NCPA	https://www.ncpa.us/vendors
1GPA	https://1gpa.org/current-vendors/
Allied States Cooperative (Region 19)	https://www.esc19.net/domain/178/
Sourcewell	https://www.sourcewell-mn.gov/cooperative-purchasing/contract-search-a-z

SECTION SIX: PURCHASE ORDERS

PURCHASE ORDER – GENERAL INFORMATION

All items to be purchased shall be procured through the use of an **approved, Elgin ISD issued purchase order**. The purchase order shall be processed through the EISD's financial software system.

The purpose of having a purchase order system is to obtain proper approvals before commitments are made, allow for encumbrance accounting and provide budgetary control. Allowing purchases to be made before getting proper approval circumvents the purchasing system and reduces its effectiveness.

From the Purchasing Department:

“District purchase orders are to go through the district approval process prior to an order being placed or any financial transaction. Purchase orders are reviewed for approval and printed daily. There should not be a delay in placing your orders if the purchase order meets all district purchasing requirements.”

PURCHASE REQUISITION

In order to procure goods or services, a requisition must be entered into Ascender- select Purchasing | Maintenance | Create/Modify Requisition. Once all required levels of approvals have been granted, the Purchasing Coordinator (*If \$5,000 or more, CFO*) will give final approval and convert the requisition into a purchase order. **Note that the requisition number will always be different from the purchase order number.**

APPROVAL LEVELS

The Purchasing Department **cannot** approve and/or convert a requisition into a purchase order until the requisition has met all levels of security and been approved by the staff member associated with the specific level of budgetary security. This must happen in a chronological order in relation to how the budget code has been established within the finance system.

Requisitions that are approved and meet appropriate vendor criteria (Bid/RFP/CSP/Co-op) are converted into approved purchase orders several times a day. If there is an emergency that could directly impact the safety or well-being of a student(s) of Elgin ISD, please e-mail or call purchasing for immediate assistance.

If the requisition is to an unapproved vendor, **it will be denied (no purchase order will be issued)**. A vendor number in Ascender does not always mean they are an approved vendor. Please check the Elgin ISD Approved Vendor List prior to making a purchase.

BINDING COMMITMENT

A purchase order, once approved, is a binding commitment or contract [reference policy Purchasing and Acquisition CH (Local)] for the District to remit payment to the vendor after the receipt of the item(s) and Elgin ISD receives an invoice. A purchase order is also an important accounting and legal document. It contains information for the expenditure to be made and the proper budgetary account code to be charged. Once issued, the purchase order encumbers funds, which serves as an expenditure control mechanism. Finally, the purchase order is utilized in the accounts payable process as it documents that an order has been received and accepted by Elgin ISD staff, when signed and returned to Accounts Payable and payment can be made to the vendor.

The purchase order serves as a formal order for goods, materials and/or services from a vendor. No staff member should “call in” an order without an approved Elgin ISD PO.

PURCHASE ORDER FORM

District Purchase Orders are printed daily. Copies of the Approved Purchase Order(s) are sent to the Requestor.

Distribution of purchase order copies:

Color:	Distributed to:	Purpose/ Owner
White	Campus/Department- Vendor	Vendor Copy/ Place Order
Pink	Campus/Department- Back to AP	Notification of Receipt for AP
Golden Rod	Campus/Department	Records
Yellow	Accounts Payable	Tracking/ Check Request Notification/ Payment

REQUIRED COMPONENTS OF A PURCHASE ORDER:

If one or more of these components is incomplete or missing, the purchase order will either be delayed from processing and/or cancelled completely.

- Approved vendor (Confirm from Approved Vendor Listing, Cooperative, or Purchasing Office)
- Requestor name (person inputting PO or the person the product is being ordered for)
- Ship to Address (All deliveries should indicate EISD Warehouse)
- Campus/Dept
- Bid/Contract/Coop Name & Number
- Description field - Detailed information of the product/service to be ordered
Input detailed/itemized information for EACH item to be purchased. If a stock number is available, put in the catalog nbr field. Descriptions of goods or services must be detailed or “spelled out” completely. Just an invoice/stock/part number will not be approved. The more information the better. Additional information can be included in line item note or in the long description field.
- Quantity to be ordered
- Unit of measure (Examples: EA for each, CS for case)
- Unit price

- Discount (if applicable)
- Freight charges MUST be included and allowed per the contract
Shipping & Handling charges should always be shown as a separate line item as part of the requisition entry. Requisitions absent of shipping are subject to be denied approval.
- Budget code and account number
- COMMENTS/NOTES (added to the requisition)
The vendor notes will print on the vendor (white) copy of the PO. This field of the requisition is to relate information the vendor. Note any special delivery instructions and any other applicable information to assure a complete order arrives in a timely manner. Comments will print out on the District Copies (all others). REQUIRED CONTRACT/REFERENCE NUMBER. WHO, WHAT, WHEN: Note who the order is for to ensure proper coding, a brief description of what the order contains, when the event is occurring (if appropriate). For food purchases be sure to follow EISD Policy.
- Commodity Codes

REQUISITION ATTACHMENTS

Quotes are required for the approval of all requisitions; with the exception of some Procurement Card requisitions. Quotes must be attached to your requisition. This is part of the approval process and requisitions absent of necessary scanned attachments in the system are subject to having the request denied or placed on hold until the discrepancies are rectified. If a contract was involved, it should be included as an attachment. Any other communication or supporting documentation should also be attached.

Additionally, the following rules apply in the following situations:

If the requisition is for the expenditure of ESSER funds, TEA's Department of Grant Compliance and Administration, Justification/Documentation of Allowable Use of ESSER funds form must be completed and attached.

If the requisition is for travel and/or professional development, the EISD Pre-Travel Approval Request Form must be completed, signed by both the requestor and their supervisor(s), and attached to the requisition. All other documents such as the training agenda and quotes for the training and travel expenses must be attached. If the travel will be using federal funds, please contact the Director that manages the funding for guidance. Please refer to the Elgin ISD Travel Guidelines for more information.

SECTION SEVEN: PROCUREMENT CARD PROCEDURES

- Enter a requisition for the desired amount.
- Once the purchase order is generated a copy will be sent the Administrative Assistant that requested the PO.
- Email the Business Office Administrative Assistant to reserve the card. Include the PO# in your email request. The Business Office should respond to your request by the end of the following business day with the dates and times that are available for card use.

CitiBank "ONE" Card

The District has two cards available for Campus and Department use, at times, both cards may be checked out. Please plan ahead and contact the Business Office to make arrangements.

- A copy of the Purchase Order will be required when checking out a Credit Card from the Business Office. When checking out a card, please confirm the timeframe that you have to utilize the card.
- Purchasing cards are not allowed to be kept overnight and must be turned in no later than 4 pm unless prior approval from the Purchasing Coordinator or the CFO has been obtained.
- Take a copy of the PO with you while making your purchase to ensure the items are consistent with those that are noted in the approved PO. When paying for your purchase, you will need to have a tax exemption certificate/card and the assigned credit card.

IMPORTANT!

Be sure when you check out that sales taxes are **not** charged. Purchasing/ Accounts Payable cannot accept store receipts that have sales tax charges unless there is a corresponding refund or adjustment. Keep this in mind and ensure sales tax is not part of your sales total prior to presenting the credit card for payment. If sales tax is discovered when you return the card, for auditing purposes, the Business Office does require that you return to the store on the same day to request a sales tax refund and corrected receipt.

- Please attach a "copy" of each receipt to your original(s), tape original(s) to a blank full sheet of copy paper and turn them in to Accounts Payable along with the signed PINK PO copy.

SECTION EIGHT: CONTRACTED SERVICE GUIDELINES

CONTRACTED SERVICE WITH A COMPANY

When contracting services with a company, a regular purchase order or an open purchase order (if multiple payments are to be done) must be processed in the financial accounting system to legally encumber the funds that will be expended. These vendors must meet the Elgin ISD requirements of being an EISD-approved vendor. An approved Request for Proposal (RFP), a EISD-approved and fully signed Contract/Agreement, General Terms and Conditions, Conflict of Interest (CIQ) form, Fingerprinting/ Criminal History Requirements and a W-9 form must be on file in the purchasing department for the purchase of the services. If applicable, HC will need to have cleared the contractor, employee(s) of Contractor and Subcontractors for on-site services.

A copy of the signed Contract/Agreement must be attached to the purchase order being processed. **All vendor-supplied contracts must be approved by Elgin ISD's Purchasing Department, CFO and/or Assistant/Deputy Superintendent, and the Superintendent. If deemed necessary and for all Construction Agreements, Legal will review. The executed vendor-supplied contract, and a copy of the Attestation Statement must be attached to the requisition. At a minimum, all vendor agreements and/or contracts must include the completed Elgin ISD General Terms and Conditions packet.**

CONTRACTED SERVICE PROVIDED BY AN INDIVIDUAL

When contracting services with an individual, the individual must adhere to procedures set forth by Elgin ISD.

If an individual is performing a long-term contract service for the District, a purchase order specific to the recurring event(s) can be processed to encumber the funds for multiple payments.

Documents and procedures required for individual contract service vendor approval:

- Signed contract/agreement/Elgin ISD Award/Quote
- W-9
- All Documents within Elgin ISD's General Terms and Conditions

SECTION NINE: FREQUENTLY ASKED QUESTIONS “FAQ” AND MISCELLANEOUS INFORMATION:

PURCHASING FAQ's and MISCELLANEOUS INFORMATION

1. PURCHASE ORDER REVISION/CHANGES/PO CHANGE ORDERS:

No changes on a purchase order are allowed without authorization and approval from the Purchasing Coordinator, Campus/Department Administrator and in some cases, the CFO. Notify Purchasing in writing.

2. PURCHASE ORDER CANCELLATION:

A purchase order is a contract. In order to cancel a contract, both parties must agree to break the contract. The following steps are required to cancel a purchase order:

- a. If a purchase order has been previously sent to the vendor, contacting the vendor to request a cancellation is the sole responsibility of the end user or originator of the PO.
- b. The vendor must confirm cancellation to the named end user on the PO prior to any request made to the accounts payable department to close any purchase order.
- c. For orders that ship before a cancellation can be made, the purchase order is to remain open until the vendor can confirm receipt of returned items, at which time a request for closing the purchase order can be made to the accounts payable department by the end user
- d. Closing a PO due to cancellation is done by forwarding your original signature on the PINK receiving copy of the PO to accounts payable, and noting on the PO to “close PO, order cancelled”.
- e. After the purchase order has been cancelled and closed, the encumbered funds are returned to the budget account.

3. FURNITURE PURCHASES:

Any furniture purchases made must include inside delivery and assembly and trash removal charges. When requesting these quoted prices, the above-mentioned conditions MUST be included in the cost of the item(s).

If delivery and assembly will bypass the Warehouse, prior approval must be obtained.

The District's maintenance and custodial departments may NOT be available to assemble furniture.

The District's Warehouse and Purchasing Office should be notified of these deliveries.

4. IS A PURCHASE ORDER REQUIRED FOR TRAVEL REIMBURSEMENT EXPENSES?

No, a purchase order is not required.

5. TRAVEL RELATED CHECKLIST

Before the trip

- PO must be in place for lodging/ hotel parking.
- Citibank (Meals/Travel) is the vendor we use for hotels and airfare.
- Make sure a signed and approved Pre-Travel Approval Form has all important information, *i.e.: dollar amounts for hotel and or transportation. **Out of State trips must have Superintendent Approval***
- If the traveler is attending a conference, please be sure to attach the agenda.
- Make sure your notes on your requisition are completed.
- If more than one campus is traveling, please choose one campus to handle arrangements. All campuses split costs and enter PO for their portion.
- An email will be sent no later than 24hrs prior to the trip for someone to pick up the hotel travel card used for hotel/parking and taxes only if there is a Purchase Order and Pre-Travel Request in place.

During the trip

- Travelers are responsible to check in at the front desk and give the tax-exempt form if in Texas. Out of State trips are not tax exempt, we pay all fees.
- Travelers are responsible to check out at the front desk and make sure the bill has been paid with the correct card. Traveler must make sure all charges are correct i.e. no incidental charges and state tax should be removed if the stay is within Texas.

After the trip

- Traveler should return the card within 3 business days of their return. The person responsible for bookkeeping will return the itemized hotel receipt and will sign off on the pink copy of the PO.
- Hotel bills need to be reconciled to the PO for the amount and confirm that there are no unauthorized charges billed to EISD. If billing errors are identified, coordinate with your traveler to contact the hotel for a corrected bill. (Any hotel bill received by Accounts Payable with billing errors, will be returned via email for a corrected copy)

HOW YOUR HOTEL NOTES SHOULD LOOK ON THE REQUISITION

C/IN 21 OCT - C/OUT 23
OCT HILTON GARDEN INN
NORTH
1940 WEST PINNACLE
PEAK ROAD PHOENIX, AZ
85027
PHONE 623-434-5556 / FAX 623-434-5055
RATE - 90.00 X 2 NIGHTS X 1 ROOM X 13.27% TAX
CONFIRMATION #3205963202
NAME(S) OF TRAVELERS
DESCRIPTION/TITLE OF CONFERENCE

SECTION TEN: ELGIN ISD CHILD NUTRITION DEPARTMENT CODE OF CONDUCT

This Code of Conduct has been created to establish and maintain effective oversight over the Elgin ISD Food Services Department's financial management system that provides reasonable assurance that the Elgin ISD Food Services Department is managing the program in compliance with all federal, state, and local regulations and terms and conditions of the program award and; To establish and maintain effective oversight over those definitive actions related to the procurement process, establish standards of ethical conduct for procurement actions, and provide full and open competition in all procurement actions.

As representatives of the Elgin ISD Child Nutrition Department, all employees are expected to conduct themselves in a professional and ethical manner, maintaining high standards of integrity and the use of good judgment. Employees are expected to be principled in their business interactions and act in good faith with individuals both inside and outside of EISD. The following Code of Conduct shall govern the performance, behavior and actions of the Elgin ISD Child Nutrition Department, including employees, directors, officials, or agents who are engaged in any aspect of procurement, including – but not limited to – purchasing goods and services; awarding contracts; or the administration and supervision of contracts.

- No employee, directors or agent of the Elgin ISD Child Nutrition Department shall participate in the selection, award or administration of a bid or contract supported by federal funds if a conflict of interest is real or apparent to a reasonable person.
- Conflicts of interest may arise when any employee, directors or agent of the Elgin ISD Child Nutrition Department has a financial, family or any other beneficial interest in the vendor selected or considered for an award.
- No employee, directors or agent of the Elgin ISD Child Nutrition Department shall award contracts to, or show favoritism toward a member of his/her immediate family, spouse's family or to any company, vendor or concern who either employs or has any relationship to a family member; or award a contract or bid which violates the spirit or intent of Federal, State and local procurement laws and policies established to maximize free and open competition among qualified vendors. Those circumstances where interests, financial or otherwise, are not substantial or are within the limits of applicable Federal, State and local laws and the policies and procedures of Elgin ISD, the Superintendent's Cabinet shall determine whether the conflict is material under the circumstances.
- The Elgin ISD Child Nutrition Department employees, directors, and agents will not solicit gifts, including but not limited to travel packages or other incentives, and/or donations from prospective contactors. However, incentive language may be included as part of the competitive procurement (formal bid and request for proposal) solicitation language to acquire the most favorable terms for the operation and benefit of the non-profit food service account. Such incentives include but are not limited to volume rebates, timely payment discounts, program promotion assistance, upfront savings, etc...

INCENTIVES, GRATUITIES, OR KICKBACKS

- In accordance with the State of Texas Department of Agriculture (TDA) "Administrative Review Manual" (ARM) Section 16, 16.18, Elgin ISD Child Nutrition Department employees; officials; agents acting on the Elgin ISD Child Nutrition Department behalf; any member of the immediate family of the Elgin ISD Child Nutrition Department employee, officer, or agent acting on the Elgin ISD Child Nutrition Department behalf; or business partner of the employee, officer, or agent

acting on Elgin ISD Child Nutrition Department behalf cannot accept anything of value from a vendor. Incentive, gratuities, or kickbacks include, but are not limited to, personal gifts or gratuities that may be construed to have been given to influence the purchasing process.

- Although such practices may be accepted in the private sector, giving and receiving gifts in the public sector may constitute a violation of law. Gift to a Public Servant is a Class A misdemeanor offense if the recipient is a government employee who exercises some influence in the purchasing process of the governmental body.
- A Elgin ISD Child Nutrition Department employee or former employee must not knowingly use confidential SNP information for the actual or anticipated personal benefit or benefit for any person or entity.
- Elgin ISD will apply disciplinary actions for violations of above stated standards by Elgin ISD Child Nutrition Department employees, officers, or agents acting on the Elgin ISD Child Nutrition Department behalf.
- Elgin ISD Child Nutrition Department will provide guidance to each employee, officer, or agent acting on the Elgin ISD Child Nutrition Department's behalf at the time of hire on how to avoid undue influence. Elgin ISD Child Nutrition Department will offer training and provide all employees, officers, and agents acting on behalf of Elgin ISD Child Nutrition Department a copy of Elgin ISD's Employee Manual that addresses professional and ethical standards.
- Elgin ISD Child Nutrition Department requires any employee, officer, or agent acting on behalf of the Elgin ISD Child Nutrition Department to disclose in writing any possible situations where there is an appearance of incentives, gratuities, or kickbacks being received.
- Elgin ISD will consult with their attorney or legal counsel if there is a question about whether a specific situation is a conflict of interest.

BENEFITS RECEIVED

- Elgin ISD Child Nutrition Department employees; officials; agents acting on the Elgin ISD Child Nutrition Department behalf; any member of the immediate family of the Elgin ISD Child Nutrition Department employee, officer, or agent acting on the Elgin ISD Child Nutrition Department's behalf; or business partner of the Elgin ISD Child Nutrition Department employee, officer, or agent acting on Elgin ISD Child Nutrition Department's behalf must not solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.
- When incentives are offered by the contractor and accepted by an individual, the incentive must become the property of Elgin ISD Child Nutrition Department. Under no condition can the incentive become the property of an individual. The Elgin ISD Child Nutrition Department use the following written procedures on how it will avoid unallowable practices based on benefits received:
 - CBB(Legal) Under Crimes and under Conflicts of Interest
 - CB(Local) Under Conflict of Interest
 - CB(Local) Under Gifts and Gratuities
 - CAA(Local) Under Federal Awards Disclosure
 - DBD(Local) Under gifts, endorsements and sales

CERTIFICATION REGARDING LOBBYING

Lobbying certification requirements are applicable to grants, sub-grants, cooperative agreements, and contracts exceeding \$100,000 in federal funds.

Elgin ISD Child Nutrition Department uses the following procedures:

- **Documentation:** Elgin ISD Child Nutrition Department will take actions to ensure that the proper documentation is prepared, shared as required, and retained.
- **Use of Funds:** Elgin ISD Child Nutrition Department requires that federal funds must not be paid by or behalf of the Elgin ISD Child Nutrition Department to any person influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of a Federal contract, the making of a Federal grant, the making of a Federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a Federal contract, grant, loan, or cooperative agreement.

DEBARMENT AND SUSPENSION

Elgin ISD and their subcontractors must not make or permit any award, sub-award, sub-grant, or contract with an individual or entity that is debarred or suspended or is otherwise excluded from or ineligible for participation in federal assistance programs, per the TDA Administrative Review Manual (ARM), Section 16.20.

- Elgin ISD Food Service Management Department will require the subcontractor to sign and submit the TDA form entitled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion for Covered Contracts (H2048)12" and maintain the signed form with its contract record.
- Elgin ISD Food Service Management Department will print the page from the System for Award Management (SAM) which indicates the subcontractor is not presently debarred or otherwise excluded from participation in the contract by any federal department or agency or by the State of Texas and will maintain that document on file with the contract documents. The System for Award Management can be accessed at www.sam.gov

STAFF PURCHASE OF ITEMS ON AWARDED CONTRACTS

Elgin ISD Food Service Management Department does not allow any employee, officer or agent acting on behalf of Elgin ISD Food Service Management Department to take advantage of Elgin ISD Food Service Management Department's procurement by purchasing off an awarded contract.

Per the ARM, Section 16.22, Confidentiality and Program Integrity, this type of activity as actually accepting the cash difference between the bid or discount price and the amount the individual would have paid for the item in the regular retail market. This is a financial incentive. When an individual pays for the purchase, the payment does not remove the financial incentive. Even if the contractor were to charge

retail price, the individual would still be receiving the convenience of a personal delivery and would be accepting a favor from the contractor—therefore, this is an unallowable practice.

CONTRACTING WITH PERSONS AND COMPANIES FOR ASSISTANCE IN DEVELOPING A SOLICITATION

Per the ARM, Section 16.22, Confidentiality and Program Integrity, when acquiring goods and services, contracting entities (CEs) may contract with agents or companies that provide technical information in drafting procurement specifications and/or technical requirements. This provision is intended to encourage program administrators to obtain information from as many sources as possible to assist them in drafting procurement documents.

- Potential Offerors or Interested Parties Involved in Developing a Solicitation :
Elgin ISD Food Service Management Department will not accept a contractor or other interested party's offer if the contractor or other interested party assisted with or drafted the procurement specifications and/or technical requirements, procedures, or documents.

FOOD TAKEN FROM SCHOOLS

Elgin ISD Food Service Management Department does not allow any employee, officer, or agent acting on behalf of the Elgin ISD Food Service Management Department to take food or leftover food (including milk) from the premises for personal use, personal gain, or benefit to another person or entity.

SECTION ELEVEN: CHILD NUTRITION DEPARTMENT MANUAL:

ELGIN ISD CHILD NUTRITION DEPARTMENT PROCUREMENT PROCEDURES

All purchases shall be in accordance with the district's School Board Policies (CH Legal and Local) and the district's Purchasing Procedures. The district purchasing procedures shall comply with all federal, state and local procurement requirements.

Elgin ISD uses the following resources for all procurement methods:

Super Circular 2 CFR part 200

Texas Department of Agriculture's (TDA) "Administrative Review Manual," Section 16 and 17

Education Department Guidelines and Regulations (EDGAR)

The following standards will be applied to all procurement methods. Solicitations will...:

- (1) Allow for "full and open" competition
- (2) Be handled with integrity and fairness to all potential bidders
- (3) Award responsive and responsible contractors
- (4) Be fully documented to allow for complete transparency and follow the 5-years record retention requirement

The procurement history records and other procurement records shall be retained in accordance with the federal, state and/or local retention periods, whichever is greater. The procurement records shall be made available to the federal granting agency, pass-through entity (TEA), and auditors, as appropriate.

Elgin ISD allows the Child Nutrition Department to participate in the following:

(1) Agreements

- a. Inter-governmental agreements (operator-only/ESC)
- b. Third Party Cooperatives
- c. Agents

(2) Informal Purchases

- a. Micro-Purchase: any purchase that does not exceed the State threshold of \$10,000.
- b. Small Purchase Acquisition: any purchase that exceeds \$10,000 but is not greater than the State threshold of \$50,000.
- c. Elgin ISD does not have a more restrictive Small Purchase threshold.

(3) Formal Purchases

- a. Competitive Bid
- b. Competitive Proposal (RFP-Request for Proposal)
- c. Non-Competitive Proposal. TDA "pre-award approval" required

Elgin ISD will use the following 4 phases of procurement:

(1) Planning.

Below is a list of the first steps that will be taken prior to any purchase.

- a. What is needed in the way of product/products and/or services?
- b. When are the products or services needed?
- c. What is an estimated cost of the products or services needed? Multiple resources will be used to determine an "estimate" of the value or cost. The cost/price analysis will be used to determine the most appropriate procurement method.
- d. How we will pay for the products and/or services?

(2) Forecasting

Below is a list of the resources to be used for forecasting our needs.

- a. We will review our past program to determine if the products or services were used in the previous program year.
- b. Current program needs will be assessed, and product amounts and/or service needs will be determined.
- c. Upcoming program years will be considered in regard to future needs and possible renewal or extensions of contracts if necessary.

(3) Soliciting

The following general steps will be taken to start the solicitation process. Each procurement method is more specifically outlined later in this manual.

- a. Based on the cost/price analysis in our planning phase, the most appropriate procurement method will be used.
- b. A general specification with details will be written to document the product or service needed.
- c. Terms and conditions of the contract will be outlined and reviewed to ensure the solicitation clearly describes our needs and deliverables required.
- d. Each solicitation will include the following information:
 - i. Deadline (date and time) the quotes or responses are to be received.
 - ii. The method the quotes or responses are to be submitted and to whom.
 - iii. Evaluation criteria, if any is used, clearly outlined to include scoring rubric.
 - iv. Date and time by which the solicitation will be awarded.
 - v. Term of the contract and if any renewals or extensions will be allowed.
- e. Research will be done to identify potential suppliers.

(4) Awarding

Based on the procurement method, the following general processes will be used:

- a. A winner will be selected using the following methods.
 - i. Equitable distribution for all Micro-Purchases.
 - ii. Low bid winner for Small Purchases and IFB's.
 - iii. A single winner through evaluation criteria for Small Purchases and RFP's.
 - iv. Pre-award approvals must be obtained from TDA for any solicitation that is deemed non-competitive or sole source.
 - v. Multiple winners are selected for RFP's when a "line-item" award approach is taken to procure the best price for each product specified in the solicitation.

(5) Contract Management

The following items will be monitored during the life of an awarded contract.

- a. Quantities specified are made available and delivered.
- b. Delivery times and schedules are being met per contract terms.
- c. Product deliveries and/or services are occurring at the correct location if multiple locations are part of the awarded contract.
- d. Products and/or services are meeting the specifications as described in the solicitation.
- e. Substitutions of products are being handled as outlined in the Terms and Conditions and are adequate to the specified product.
- f. Vendor response time to product or service issues is appropriate in regard to each situation, if any.

PROCUREMENT METHODS: INFORMAL AND FORMAL

ELGIN ISD will follow the below steps with each procurement method.

(1) Micro-Purchases

The micro-purchase method is an “Informal Procurement Method” for purchases where the aggregate value in a single transaction is at or below \$10,000. This enables the District to purchase supplies or services without soliciting competitive quotes if the school considers the price reasonable. The District may purchase products and/or services that are similar or dissimilar, purchased as a single or collective unit.

- a. All unplanned, non-routine purchases with an aggregate total that does not exceed the threshold of \$10,000 are allowed (2 CFR 200.67) and will include:
 - i. Documentation that explains the reason for the purchase and vendor name.
 - ii. List of items or service purchased.
 - iii. Receipt.
 - iv. All documentation will be kept with payment documents
- b. Types of Micro-Purchases allowed:
 - i. Emergency and/or equipment repair parts
 - ii. Small to medium catering events
 - iii. Emergency food shortages
 - iv. Staff training and travel expenses
 - v. Small kitchen equipment purchases
- c. The following employee positions have permission to make a Micro-Purchase:
 - i. Child Nutrition Supervisor and Specialist
- d. Eligible vendors.
 - i. Equitable distribution of purchases will be made to all suppliers within an appropriate proximity to the district’s school sites
 - ii. District -approved and qualified suppliers
 - iii. Vendors approved on a purchasing cooperative
- e. Payment for Micro-Purchases.
 - i. Purchase Order will be issued by Purchasing Department
 - ii. Payment will be made via check by Accounts Payable Department

(2) Small Purchases

The small purchase method is an “Informal Procurement Method” for purchases that exceed the micro-purchase threshold but have an aggregate amount no greater than the Simplified Purchase Acquisition threshold of \$50,000. The District must contact a minimum of 3 potential suppliers and attempt to get a minimum of 2 quotes.

- a. Based on the determination through a cost/price analysis that a purchase will exceed the Micro-Purchase threshold (2 CFR 200.67) but will not exceed the State’s/District’s Simplified Purchase Acquisition (Small Purchase) threshold of \$50,000
- b. Allowable types of Small Purchases:
 - i. Single/one-time purchase with an aggregate amount between \$10,000<\$50,000
 - ii. Multiple purchases of same or similar products and/or services from a prime vendor during the fiscal year with an aggregate amount between \$10,000<\$50,000
- c. Elgin ISD will use the following steps to make a Small Purchase (2 CFR 200.320 [b])
 - i. Identify potential suppliers; who to contact for bids; what is available on the market.
 - ii. Write the product and/or service specification to include details but not restrictive

- as to exclude competition.
- iii. Draft the solicitation to include contract terms and conditions, invoice methods, delivery and/or service requirements, duration of contract, and evaluation criteria if any is being used with the scoring rubric.
- iv. Contact a minimum of 3 vendors (if possible) and provide each one with the same information to include all details of the solicitation. Emailed or faxed documents is the preferred method.
- v. Document vendor responses to include:
 1. Vendor name and contact with email address and phone
 2. Contact method
 3. Price quoted to include the date received
 4. Duration of the price quote
 5. If less than 3 quotes are received, explanation of why this occurred will be included in the documentation
- vi. Award will go to the most responsive and responsible vendor with the lowest price or highest evaluation score if used. A responsive vendor is one whose response conforms to all the material terms and conditions of the solicitation. A responsible vendor is one who's financial, technical, and other resources indicate an ability to perform the services required.
- vii. All documentation will be kept in a file labeled "Small Purchase Acquisitions"
- d. The following employee positions have permission to make a Small Purchase:
 - i. Child Nutrition Supervisor and Specialist
- e. Eligible vendors.
 - i. All suppliers that have been identified as potential bidders
 - ii. District-approved and qualified suppliers
 - iii. Vendors approved on a purchasing cooperative.
- f. Payment for Small Purchases.
 - i. Purchase Order will be approved by Purchasing Department.
 - ii. Payment will be made via check by Accounts Payable Department

(3) Capital Expenditures

Texas Department of Agriculture (TDA) requires a CE to get pre-approval on expenditures for food service equipment or alterations to equipment, only if the total equipment "per unit" cost is greater than \$5,000.

- a. Elgin ISD will submit a request for approval prior to purchasing the item via email to TDA including:
 - i. District Name, CE ID, and contact information (phone and email address)
 - ii. Description of the equipment, including the purpose and how it supports the operation or maintenance of the District
 - iii. Provide an estimated cost and whether or not we have sought bid pricing
 - iv. Describe how the old equipment (if any) will be disposed of and acknowledge that any proceeds from the disposal will be used to offset the cost of the replacement
 - v. Acknowledge that any equipment purchased will be used exclusively (100%) by the District

(4) Competitive Sealed Bidding (IFB – Invitation for Bid)

The competitive sealed bidding method is a “Formal Procurement Method” that is used when the contract value is at or above the Small Purchase threshold, which is \$50,000 in the state of Texas. The formal procurement method requires a District to post a public advertisement in a newspaper of general circulation for two consecutive weeks upon release of the solicitation. It is recommended that the District post the advertisement on their website or a trade website as well as email or make phone calls as a means of advertising to potential bidders.

- a. Elgin ISD will ensure the following conditions:
 - i. A complete, adequate, and realistic specification or purchase description will be made available
 - ii. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price
 - iii. Evaluation criteria will be included in the solicitation in regard to determining a winner if the same price has been received from 2 or more different vendors
- b. Elgin ISD will adhere to the following requirements:
 - i. The solicitation will be publicly advertised
 - ii. Provide detailed information such as response time, date and time responses are to be received, how responses must be submitted, date and time of public opening, and any other pertinent details
 - iii. Provide product and/or service specifications that allow multiple responses
 - iv. Award the contract to the most responsive and responsible bidder. Factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest.
 - v. Any or all bids may be rejected if there is a sound documented reason
- c. The following employee positions will participate in the IFB Procurement Method:
 - i. Child Nutrition Supervisor and Specialist
 1. Write product or service specifications
 2. Write the solicitation document
 3. Invite potential suppliers to participate
 4. Participate in the opening of the submitted bid quotes and determine a winner
 - ii. Purchasing Coordinator
 1. Monitor the solicitation development process, to include required advertisement of the procurement
 2. Record the procurement method
 3. Schedule and conduct the IFB opening
 4. Submit the procurement recommendation to the Superintendent and School Board for approval in accordance with Board Policy CH Local.
- d. Eligible vendors.
 - i. All suppliers that have been identified as potential bidders
 - ii. District-approved and qualified suppliers
 - iii. Vendors approved on a purchasing cooperative
- e. Payment for IFB Purchases.
 - i. Purchase Order will be approved by Purchasing Department.
 - ii. Payment will be made via check by Accounts Payable Department

(5) Competitive Proposals (RFP – Request for Proposal)

A request for proposal is a “Formal Procurement Method” used for purchases when an IFB is not appropriate. An RFP describes in a general way what is needed and requests that vendors submit a proposal for servicing the needs of the district. RFP’s can be used for either goods or services and require the prospective vendor to submit a technical proposal that explains how they will meet the objectives of the solicitation document and a cost element that identifies the costs to accomplish their proposal. Price is to remain the major consideration but can be one of many evaluation factors used to determine the most advantageous winner. The RFP also allows for negotiation as a means to obtain the best value or price.

- a. Elgin ISD will ensure the following conditions:
 - i. A complete, adequate, and realistic specification or purchase description will be made available
 - ii. The procurement lends itself to a firm fixed price contract or cost reimbursable price
 - iii. The selection of the successful bidder will be made after an evaluation of criteria with price being the “heaviest weighted factor”
 - iv. Negotiation of price or best value will be handled with complete fairness and integrity
- b. Elgin ISD will adhere to the following requirements and required documents (2 CFR 200.316 - 328):
 - i. The solicitation will be publicly advertised
 - ii. Solicitation document will include a cover sheet with the RFP description, contact information, issue date, closing date and opening date
 - iii. Written instructions and bidder information sheet to be completed by the proposer
 - iv. Clear product and/or service specifications
 - v. Clear description of district demographics and product usage (as relevant)
 - vi. Clearly stated evaluation criteria to include scoring rubric
 - vii. Standard and/or Special Terms and Conditions of the contract
 - viii. Discounts, Rebates, and/or credits provisions where applicable
 - ix. Questionnaires as appropriate
 - x. Reference Sheet
 - xi. Provisions per Appendix II to Part 200 of 2 CFR 200:
 1. Equal Employment Opportunity
 2. Davis-Bacon Act
 3. Contract Work Hours and Safety Standards
 4. Rights to Inventions Made Under a Contract or Agreement
 5. Clean Air Act and Federal Water Pollution Control Act
 6. Mandatory standards in compliance with the Energy Policy and Conservation Act
 7. Debarment and Suspension
 8. Byrd Anti-Lobbying Amendment
 - xii. Other Certifications and Affidavits to be included in the RFP:
 1. Texas Family Code
 2. Employment Verification
 3. Records Retention Requirements
 4. Certification of Compliance with EPA Regulations
 5. Certification of Compliance with Buy American Provisions
 6. Non-Collusion Affidavit
 7. Certification of HUB (Historically Underutilized Business)

8. Terrorist Organizations and Boycotting of Israel
 9. Food/Product Recall and HACCP Procedures
 10. Health and Safety Certificates, Licensing, and Regulation
- xiii. Awarding of the contract:
1. Evaluation will consist of product quality, services, or past performance, but not limited to, along with price as the heaviest weighted factor
 2. Cost plus percentage of cost will not be allowed as a basis for award (2 CFR 200.320)
- xiv. Any or all bids may be rejected if there is a sound documented reason
- c. The following employee positions will participate in the RFP Procurement Method:
- i. Child Nutrition Supervisor and Specialist
 1. Write product or service specifications
 2. Write the solicitation document
 3. Invite potential suppliers to participate
 4. Participate in the opening of the submitted bid quotes and determine a winner
 - ii. Purchasing Coordinator
 1. Monitor the solicitation development process, to include required advertisement of the procurement
 2. Record the procurement method
 3. Schedule and conduct the IFB opening
 4. Submit the procurement recommendation to the Superintendent and School Board for approval in accordance with Board Policy CH Local.
 5. Participate in the opening of the submitted bid quotes and determine a winner
- d. Eligible vendors.
- i. All suppliers that have been identified as potential bidders
 - ii. District-approved and qualified suppliers
 - iii. Vendors approved on a purchasing cooperative.
- e. Payment for RFP Purchases.
- i. Purchase Order will be approved by Purchasing Department.
 - ii. Payment will be made via check by Accounts Payable Department

NOTE. The district shall utilize the Texas20 Food Purchasing Cooperative program (<https://programs.esc20.net/page/TX20.home>) through the Education Service Center, Region 20 for all informal small purchases and formal procurement due to purchasing efficiencies. The Texas20 Purchasing Cooperative and the district have shared responsibility and roles in complying with all requirements of procurement with CNP funds and using USDA Processed Foods.

(6) Non-Competitive Negotiation and Sole Source Procurements

These types of procurement methods are used to compensate for the lack of competition. This lack of competition may result from overly restrictive solicitation documents, an inadequate number of suppliers in the area or the procurement environment may have been compromised by inappropriate supplier actions (i.e. market allocation schemes). Non-competitive negotiation occurs after the solicitation (sealed bid, competitive negotiation or small purchase) has been issued, but competition on that solicitation has been deemed inadequate.

- a. Non-competitive negotiations or sole source procurements are restricted to specific situations and may only be used when:

- i. Inadequate competition in a formal procurement method
 - ii. Public emergency exists
 - iii. Goods or services are only available from one manufacturer through only one supplier
- b. Elgin ISD will obtain TDA's approval prior to award and purchase of products or services. All requests for approval must be submitted through the State Agency's online system, TX-UNPS.
- c. The following employee positions shall work collaboratively to make Non-Competitive Procurements:
 - i. Child Nutrition Supervisor and Specialist
 - 1. Determine that a non-competitive procurement is applicable
 - 2. Submit the request to TDA
 - ii. Purchasing Coordinator
 - 1. Obtain a copy of TDA's approval
 - 2. Submit the procurement recommendation to the Superintendent and School Board for approval in accordance with Board Policy CH Local.

BID/PROPOSAL QUESTIONS AND PROTEST PROCEDURES

An interested party may protest any of the following situations:

- Solicitation or other request for offers for a contract for the procurement of property or services
- Cancellation of a solicitation or other request
- Award or proposed award of a contract
- Termination of a contract, if the protest alleges that the termination was based on improprieties in the administration of the contract.

Elgin ISD will do the following:

- (1) Include clear instructions in each solicitation document about questions and protest procedures.
- (2) Follow all written procedures to resolve protests.
- (3) Ensure that all protests are resolved.
- (4) Retain all documentation related to a protest.
- (5) Notify TDA when a protest is received.

Elgin ISD will address all respondent protests within 24 hours of the bid award. Elgin ISD will provide evaluation scores and pricing at the request of the respondent. Violations of law should be referred to the local, state or Federal authority. (2 CFR, Section 200.318[k])

Elgin ISD will allow respondents to request clarification of information prior to the close of the bid/proposal. These requests must be received a minimum of 3 business days prior to the close of the bid/proposal. Elgin ISD will address the request for additional information as an addendum to all respondents.

ECONOMIC PRICE ADJUSTMENTS IN VENDOR CONTRACTS

The economic price adjustments, which allow a District to adjust costs in a contract, must be tied to an appropriate standard or cost index. Relating the price adjustments in a contract to an index allows the District to ensure that increases under the contract are not without basis. For example, if fuel prices are increasing drastically, an appropriate index such as the Consumer Price Index (CPI) will reflect this change.

This index is preferred because the USDA uses this index for the National School Lunch Program (NSLP) yearly funding increases. The intention is that if the USDA increased funding by a certain percentage the District would be able to allow the increase in food cost to rise at the same percentage. Vendors will be able to bid on multi-year contracts that allow for inflation and the District will be able to maintain a consistent level of service and food cost percentage from year to year.

APPLYING GEOGRAPHIC PREFERENCES IN PROCUREMENT

As amended, the National School Lunch Act (NSLA) allows SFA's receiving funds through the CN Programs to apply a geographic preference when procuring unprocessed, locally grown or locally raised agricultural products. This applies to operators of all the School Lunch Programs.

Elgin ISD will apply geographic preference to the procurement of agricultural products that:

- (1) Are unprocessed
- (2) Are locally grown or locally raised
- (3) Have not been cooked, seasoned, frozen, canned, or combined with any other products

Because the NSLP is Federally Funded, geographic preferences cannot be restrictive to local definitions such as city, county, or state lines.

DISCOUNTS, REBATES, AND CREDITS

Elgin ISD requires that all discounts, rebates, and credits accrue back to the school nutrition account. The contractor will be required to identify the amount of each discount, rebate, or other applicable credit on bills and invoices presented to the Elgin ISD. Contractors will be required to identify the method by which they will report discounts, rebates, and credits. All discounts, rebates, and credits will be tracked via monthly invoices or annual velocity reports. Contractors will be required to maintain documentation of costs, discounts, rebates, and credits and make those available to Elgin ISD upon request.

BUY AMERICAN PROVISION

Elgin ISD adheres to the Buy American Provision (7 CFR 210.21) when purchasing commercial food products to be served in the district's SNP meals. This provision will be included in all solicitations for food to be used in the school nutrition programs.

Per Section 104(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1998 {Public Law 105-336} added a provision, Section 12(n) to the NSLA (42 USC 1760(n)), requiring School Food Authorities (SFA's) to purchase, to the maximum extent practicable, domestic commodity or product. Section 12(n) of the NSLA defines "domestic commodity or product" as an agricultural commodity that is

produced in the United States and a food product that is processed in the United States using substantial agricultural commodities that are produced in the United States. Substantial” means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically. Products from Guan, American Samoa, Virgin Islands, Puerto Rico, and the Northern Mariana Islands are allowed under this provision as territories of the United States. The Buy American provision (7 CFR

Part 210.21(d)) is one of the procurement standards SFA's must comply with when purchasing commercial food products served in the school meals programs.

Elgin ISD will purchase domestic food products per the Buy American Provision unless:

- (1) The product needed is not produced or manufactured in the U.S. in sufficient and reasonable available quantities of a satisfactory quality; or
- (2) Competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product

Elgin ISD will maintain all documentation in regard to any food purchases that are deemed “non-domestic” to include cost comparisons if the product is available as a “domestic” product that is seen as unreasonable in cost; or if not available as a U.S. grown product the documentation will include the “country of origin.”

SMALL AND MINORITY BUSINESSES, WOMEN BUSINESS ENTERPRISES, AND LABOR SURPLUS AREA FIRMS AND/OR DISABLED VETERAN BUSINESS ENTERPRISE (MWDVBE)

Elgin ISD will encourage open competition amongst small, minority, woman, and disabled veteran's businesses by:

- (1) Reducing barriers in Formal and Informal Contract solicitations by:
 - a. Allowing for businesses that may be MWDVBE to compete on an equal footing. This will be accomplished by having a qualification process where MWDVBE bids are given points equal to the requirements that may be restrictive, such as length of service in business, size of distribution facilities, etc.
 - b. Allowing for extra points in the evaluation if a bidder/proposer qualifies as an MWDVBE
 - c. Structuring contracts to allow “awards to more than one Proposer in the best interest of the District in order to award a portion of the agreement to MWDVBE vendor that may not be able to perform to an agreement that is too large for current financial/logistical capabilities.
- (2) Structuring Contracts that May allow for Cost Credit to Small, Minority and Women owned businesses:
 - a. Elgin ISD may structure an RFP Formal Procurement agreement to allow for price variation of not more than 5% of total cost above the lowest responsive bidder to award to a small, minority or women owned business. For example, the lowest bidder was \$100 dollars, a certified small, minority or women owned enterprise bid \$105, the contract may be awarded to the small, minority or women owned enterprise if it is in the best interest of the District.
- (3) Providing Positive Outreach
 - a. Elgin ISD will place qualified small, minority and women owned enterprises on solicitation lists; and
 - b. Assure that small, minority and women owned enterprises are solicited whenever they are potential sources

LOCAL SOURCED PRODUCTS: FARM TO SCHOOL INITIATIVE

Elgin ISD is committed to local markets and family farmers in the State of Texas. Our objective is to support the local agricultural economy and reduce the environmental impact of long-distance shipping. Elgin ISD defines “Local Sources Products” as products that are grown within the State of Texas.

When purchasing local sourced products, Elgin ISD will follow the planning phase as stated earlier in this manual and do a cost/price analysis to determine the most appropriate procurement method.

In order to encourage the bidders to purchase locally sourced produce, Elgin ISD may assign additional point values in the “Award of Contract” section of the solicitation that can demonstrate:

- (1) The bidder is purchasing produce locally by submitting a list of local farmers, their addresses, the produce that is anticipated to purchase from each farm location, and the anticipated harvest dates of the produce
- (2) The bidder must also agree to the ability to submit a report during the term of the contract that demonstrates continued purchases from local farms

USE OF EXCESS AND SURPLUS PROPERTY

Elgin ISD, to the best of the district’s ability, may utilize excess and surplus property when available. The TDA allows a district to use a significant portion of our entitlement (PAL) allocation from USDA to purchase DOD fresh fruit and vegetable products. The TDA manages the solicitation and award of the DOD Produce Vendors. Contracting Entities (CE’s) in the state of Texas and participating in the DOD Fresh Program can receive weekly deliveries as outlined in the awarded contract.

COOPERATIVE MEMBERSHIP AND PROCUREMENT

The USDA allows for “Purchasing Goods and Services Using Cooperative Agreements, Agents, and Third-Party Services.

Elgin ISD may participate in a purchasing cooperative when it is determined to be in the best interest of the district. As a governmental agency, Elgin ISD has the option to legally join a “governmental agency or Education Service Center (ESC) agency” purchasing cooperative through an Interlocal or InterAgency Agreement. Elgin ISD will submit a written request to the awarded vendor of the bid/RFP to piggyback on a specific agency/co-op’s bid. If approved by awarded vendor, Elgin ISD will obtain all final bids/requests for proposal documentation from the cooperative or lead district. When utilizing a "piggyback" contract, Elgin ISD will ensure the following:

- (1) The procurement was conducted in accordance with applicable Federal, State and local regulations.
- (2) The contract contains a clause that permits other agencies to "piggyback."
- (3) The addition of Elgin ISD to the contract does not create a material change as outlined in the contract per 2 CFE 200.318[e] that states a material change occurs when the change in scope of the contract is significant enough that potential bidders might have bid differently had they been award of the impacts from adding additional agencies.
- (4) All documentation related to the contract will be obtained and retained, information includes:
 - a. Solicitation
 - b. Verification of Published Advertisement
 - c. Contract Terms and Conditions
 - d. Evaluation Criteria, if any

- e. Responses
- f. Notification of Awarded vendor(s)
- g. Documentation of any extensions or Amendments

UNNECESSARY OR DUPLICATION OF GOODS/SERVICES

Elgin ISD will avoid acquisition of unnecessary or duplicative items/services. Purchases will be justified using the following criteria:

- (1) Purchaser will determine if there are like items in the District that may not be in use and consider transferring item before determining if purchase is necessary
- (2) The item is being considered for menus or is needed to serve, prepare, receive, transport or store an item on the menu
- (3) The item is replacing an obsolete, broken, damaged or outdated piece of equipment

RECALLS

Elgin ISD will use the following procedures in regard to products that have been recalled, or are discovered to be defective or faulty:

- (1) The Food Service Director/Manager/Program Coordinator will register for email notifications of recalled products through USDA Food Safety and Inspection Service (usfsis@public.govdelivery.com) and/or recalls.gov or any other viable resource in regard to food and product safety and recalls
- (2) Vendors' Recall procedures will be requested with every Small Purchase, IFB and RFP procurement method used
- (3) Any notices or alerts from awarded vendors or distributors in regard to a recalled product will be handled immediately, following all instructions from the vendor or distributor in regard to the handling of the recalled product
- (4) Actions may include but not be limited to:
 - a. Disposal of all affected product
 - b. Photos of products affected, documentation of case lot numbers, distributor codes or any other pertinent information as documentation of product origin
 - c. Removal of affected product to a safe area to be picked up by the vendor or distributor
 - d. Credits issued for all affected product that could not be used