

GISD

Nutrition Services

Procedures Manual



Texas Department of Agriculture
Administrator's Reference Manual (ARM) – Section
16 and 17

Code of Federal Regulations – 200 CFR Part 200

Georgetown Independent School District
Food and Nutrition Services Department

PROCUREMENT PROCEDURES MANUAL

December 13, 2021

**507 E University Ave.
Georgetown, TX 78626**

Georgetown ISD Food and Nutrition Services Department Procurement Procedures Manual

Statement of Intent

The Intent of the following plan is to adhere to all applicable federal, state, and local regulations for acquisition of goods and services. It is also intended as a guide and resource for Food Services Staff involved in procurement.

Procurement Regulation Resources

1. Texas Department of Agriculture Administrator's Reference Manual (ARM), Sections 16 and 17
2. United States Department of Agriculture (USDA)
3. Code of Federal Regulations 2 CFR Parts 200.318-200.326
4. Education Department Guidelines and Regulations (EDGAR)
5. Financial Accountability System Resource Guide (FASRG)
6. Texas Education Code 44.031
7. District Policy (CH Legal and CH Local)

Note: If there is a regulatory conflict, Food Services will follow USDA regulations.

Procurement Process

The following process will be used for procurement:

1. Reference the Procurement Plan and Procedures for guidance
2. Select the appropriate procurement method.
3. Develop and publicize solicitation.
4. Receive and evaluate offers.
5. Determine best price, award contract and execute contract.
6. Manage the contract including required records retention.

The following standards will be applied to all procurement methods:

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

Child Nutrition Procurement Staff

Staff in the following positions are authorized to engage in procurement.

- Director
- Assistant Director
- Executive Chef
- Catering Manager
- Human Resource Manager
- Marketing Manager
- Nutrition Manager
- Food Production Manager
- Maintenance Persons
- Assigned Clerical Staff
- Finance Manager

Responsibility for Procurement

Georgetown ISD Purchasing Department is responsible for overseeing all procurement. This includes development and revision of policies and procedures related to the purchasing function, training staff in how to use and implement the policies and procedures, and monitoring for compliance.

Food Services has been designated as a decentralized self-service department and provided authority to initiate purchases.

Georgetown ISD allows the Food and Nutrition Services Department to participate in the following:

1. Agreements
 - Inter-governmental agreements (operator-only/ESC)
 - Third Party Cooperatives
 - Agents

2. Informal Purchases
 - Micro-Purchases: any purchase that does not exceed \$10,000
 - Small Purchase: any purchase between \$10,000 and \$49,000

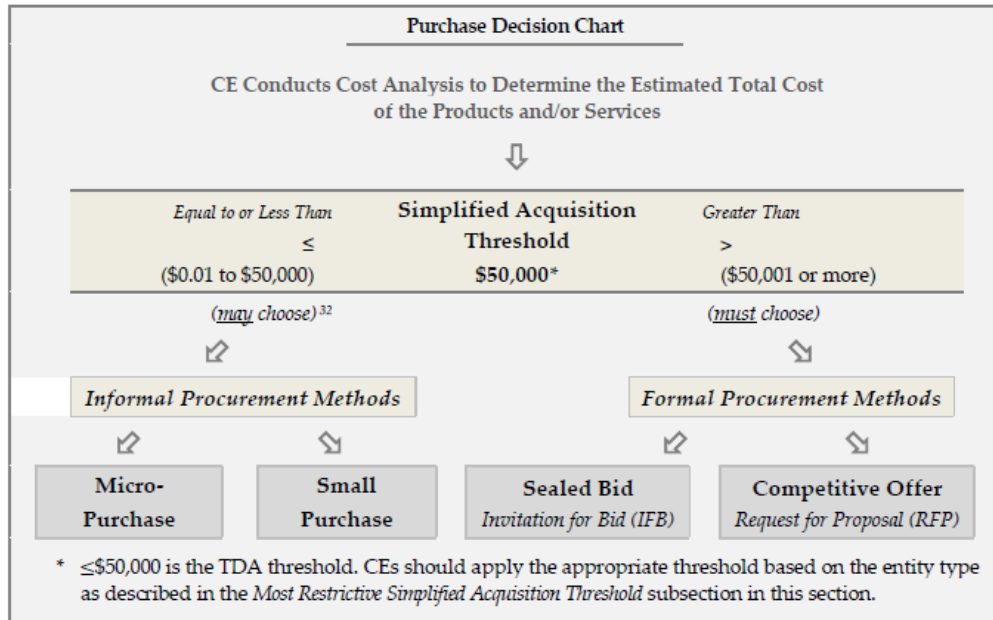
3. Formal Purchases
 - Simplified Purchase Acquisition: purchases that exceed \$50,000
 - Competitive Bid
 - Competitive Proposal
 - Non-Competitive Proposal. TDA “pre-award approval” required
 -

4. Purchase Orders
 - All items purchased from approved vendors shall be procured through the use of an approved purchase order. The purchase order shall be processed through the district’s financial software system.

5. Contracted Services
 - Food Services sometimes utilizes contracted services. The district requires a signed contract for these services.

Purchase Decision Chart (ARM)

The District shall utilize the ARM, Section 17, Purchase Decision Chart (below) to select the most appropriate method of purchase.



Georgetown 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(s) 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 product(s) or service(s) 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 response 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 extension 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 IFBs or RFBs.
 - iii. A single winner through evaluation criteria for Small Purchases and RFPs.
 - 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, if applicable:
 - 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 (2 CFR 200.320)

The following procurement methods will be used according to outlined procedures for each including conducting a cost analysis to determine the estimated cost for the products and/or services to be processed and all cost comparison documentation. All records will be retained as required.

NOTE: The district will 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.

Full and Open Competition

1. All procurement transactions paid with local and federal funds are conducted in a manner providing full and open competition consistent with 2 C.F.R.~200.319. In an environment of full and open competition, no proposer or bidder has a competitive advantage over another. All potential proposers and bidders must be provided the same information and have the same opportunity to submit a bid or proposal. Providing a competitive advantage to one or more potential proposers or bidders over another can open up the potential for disputes and lawsuits that can be costly and can significantly delay the completion of projects.
2. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals (RFP's) are excluded from competing for such procurements. The District does not engage in the following situations that may restrict full and open competition, including but not limited to:
 - a. Placing unreasonable requirements on firms in order for them to qualify to do business;
 - b. Requiring unnecessary experience and excessive bonding;
 - c. Noncompetitive contracts to consultants that are on retainer contracts;
 - d. Organizational conflicts of interest;
 - e. Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
 - f. Any arbitrary action in the procurement process. 2 CFR~200.319 (a)
 - g. The Director of Purchasing and the Purchasing Department reviews compliance with these requirements when reviewing bid specifications before advertising.
 - h. Each Georgetown ISD department director or staff member who is developing specifications must ensure that no information is provided to a potential contractor that will provide a competitive advantage. The directors must also ensure that any contractors that develop or draft information for an RFP are excluded from competing.
 - i. The District also complies with the following requirements in 2 CFR~200 to ensure full and open competition when purchasing with federal funds.

Procurement Methods

1. Informal Purchases

a. **Micro-Purchase**

A micro-purchase is a single purchase or transaction that has a total aggregate cost equal to or less than \$10,000. The total aggregate cost may consist of one product and/or service or multiple products and/or services. Separate aggregate purchases may occur weekly, monthly, or annually.

The District has defined the following infrequent purchases as eligible for a micro-purchase but may elect to purchase using the small purchase method if a cooperative purchasing contract is available.

- Emergency food shortages
 - Staff training and expenses
 - Printing services
 - Small equipment and supplies such as utensils, containers, etc.
 - Emergency or contracted services for repairs (unless the total aggregate exceeds \$10,000)
- i. The following employee positions have permission to make a Micro-Purchase:
 1. Director of Food and Nutrition Services
 2. Assistant Superintendent of Business & Operations
 3. Director of Purchasing
 - ii. Eligible vendors shall include:
 1. All district-awarded vendors
 2. Equitable distribution of purchases will be made to all suppliers within an appropriate proximity to the District's school sites
 3. Vendors awarded on a purchasing cooperative
 - iii. Approved payment methods shall include (in order of preference):
 1. District issued purchase order
 2. Personal cash, credit card or debit card to be reimbursed by the Business Office.

b. **Small Purchase**

A small purchase may be used when products and/or services have an aggregate total for a single or total purchase that is between \$10,000 and \$49,999. The District may make single/one-time purchases or multiple purchases of same or similar products (like-items) or services from an awarded vendor.

The District has defined the following infrequent purchases as eligible for a micro-purchase but may elect to purchase using the small purchase method if a cooperative purchasing contract is available.

- Food
- Non-Food
- Produce
- Contracted services for repairs (if the total aggregate is between \$10,000 and \$50,000)

i. Georgetown ISD will use the following steps to make a Small Purchase (2 CFR 200.320 [b])

1. Identify potential suppliers; who to contact for bids; what is available on the market.
2. Contact a minimum of 3 vendors (if possible) and provide each one with the same information to include all details, including product or service details / part numbers, term (if appropriate), evaluation criteria (if any). Emailed or faxed documents are the preferred method but verbal delivery of solicitation details is allowed.
 - a. Document vendor responses to include:
 - i. Vendor name and contact with email address and phone
 - ii. Contact method
 - iii. Price quoted to include the date received
 - iv. Duration of the price quote
 - v. If less than 3 quotes are received, explanation of why this occurred will be included in the documentation
3. Award will go to the most responsive and responsible vendor with the lowest price or highest evaluation score if used.
4. A District issued quote number will be assigned. All documentation will be kept in the Purchasing Departments files and attached to the requisition(s).

ii. The following employee positions have permission to make a Micro-Purchase:

1. Director of Food and Nutrition Services or Administrative Assistant
2. Assistant Superintendent of Business & Operations
3. Director of Purchasing

iii. Eligible vendors shall include:

1. All district-awarded vendors
2. Equitable distribution of purchases will be made to all suppliers within an appropriate proximity to the District's school sites
3. Vendors awarded on a purchasing cooperative

iv. Approved payment methods shall include (in order of preference):

1. District issued purchase order
2. Personal cash, credit card or debit card to be reimbursed by the Business Office.

2. **Simplified Purchase** Acquisition - Formal Purchasing

The simplified purchase acquisition threshold is \$50,000 (ARM 17.33 and Texas Education Code 44.031); there-fore a formal procurement method must be used per single transaction.

a. **Competitive Sealed Bidding (Invitation for Bid (IFB) or Request for Bid (RFB))**

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.

- i. 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.
- ii. The District shall post the advertisement on the website or a trade website as well as email or make phone calls as a means of advertising to potential bidders.
- iii. Georgetown ISD will use the following conditions:
 1. A complete, adequate, and realistic specification or purchase description will be made available.
 2. 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.
 3. Evaluation criteria will be included in the solicitation in regard to determining a winner if the same price has been received from two (2) or more different vendors.
- iv. Georgetown ISD will adhere to the following requirements:
 1. The solicitation will be publicly advertised.
 2. 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.
 3. Provide product and/or service specifications that allow multiple response.
 4. 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.
 5. Any or all bids may be rejected if there is a sound documented reason.
- v. The following employee positions will participate in the IFB/RFB Procurement Method:
 1. Director of Food and Nutrition Services or Administrative Assistant
 - a. Write product or service specifications
 - b. Write the solicitation document
 - c. Participate in the opening of the submitted responses and determine a winner
 2. Director of Purchasing; Assistant Superintendent of Business & Operations
 - a. Monitor the solicitation development process, to include the required advertisement of the procurement
 - b. Record the procurement method
 - c. Send IFB / RFB to potential bidders
 - d. Schedule and conduct the IFB opening
 - e. Submit the procurement recommendation to the Superintendent and School Board for approval in accordance with Board Policy CH Local.

- vi. Eligible vendors shall include:
 1. Suppliers that have been identified as potential bidders
 2. All district-awarded vendors
- vii. Approved payment method
 1. District issued purchase order created prior to the invoice payment

b. *Request for Competitive Proposals (RFP)*

A Request for Proposal is a “Formal Procurement Method” used for purchases when an IFB or RFB is not appropriate.

- i. An RFP describes in a general way what is needed and requests that vendors submit a proposal for servicing the needs of the district.
- ii. 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.
- iii. Price is to remain the major consideration but can be one of many evaluation factors used to determine the most advantageous winner.
- iv. The RFP also allows for negotiation as a means to obtain the best value or price.
- v. Georgetown ISD will adhere to the following conditions:
 1. A complete, adequate, and realistic specification or purchase description will be made available.
 2. The procurement lends itself to a firm fixed price contract or cost reimbursable price.
 3. The selection of the successful bidder will be made after an evaluation of criteria with price being the “heaviest weighted factor”.
 4. Negotiation of price or best value will be handled with complete fairness and integrity.
- vi. Georgetown ISD will adhere to the following requirements and required documents (2 CFR 200.316 – 328):
 1. The solicitation will be publicly advertised
 2. Solicitation document will include a cover sheet with the RFP description, contact information, issue date, closing date and opening date
 3. Written instructions and bidder information sheet to be completed by the proposer
 4. Clear product and/or service specifications
 5. Clear description of district demographics and product usage (as relevant)
 6. Clearly stated evaluation criteria to include scoring rubric
 7. Standard and/or Special Terms and Conditions of the contract
 8. Discounts, Rebates, and/or credits provisions where applicable
 9. Questionnaires as appropriate
 10. Reference Sheet
 11. Provisions per Appendix II to Part 200 of 2 CFR 200:
 - a. Equal Employment Opportunity
 - b. Davis-Bacon Act
 - c. Contract Work Hours and Safety Standards
 - d. Rights to Inventions Made Under a Contract or Agreement
 - e. Clean Air Act and Federal Water Pollution Control Act

- f. Mandatory standards in compliance with the Energy Policy and Conservation Act
 - g. Debarment and Suspension
 - h. Byrd Anti-Lobbying Amendment
12. Other Certifications and Affidavits to be included in the RFP:
- a. Employment Verification
 - b. Records Retention Requirements
 - c. Certification of Compliance with EPA Regulations
 - d. Certification of Compliance with Buy American Provisions
 - e. Non-Collusion Affidavit
 - f. Certification of HUB (Historically Underutilized Business)
 - g. Terrorist Organizations and Boycotting of Israel
 - h. Food/Product Recall and HACCP Procedures
 - i. Health and Safety Certificates, Licensing, and Regulation
13. Awarding of the contract:
- a. Evaluation will consist of product quality, services, or past performance, but not limited to, along with price as the heaviest weighted factor
 - b. Cost plus percentage of cost will not be allowed as a basis for award (2 CFR 200.320)
14. Any or all bids may be rejected if there is a sound documented reason
- vii. The following employee positions will participate in the RFP Procurement Method:
- 1. Director of Food and Nutrition Services or Administrative Assistant
 - a. Write product or service specifications
 - b. Write the solicitation document
 - c. Participate in the opening of the submitted responses and determine a winner
 - 2. Director of Purchasing; Assistant Superintendent of Business & Operations
 - a. Monitor the solicitation development process, to include the required advertisement of the procurement
 - b. Record the procurement method
 - c. Send IFB / RFB to potential bidders
 - d. Schedule and conduct the IFB opening
 - e. Submit the procurement recommendation to the Superintendent and School Board for approval in accordance with Board Policy CH Local.
- viii. Eligible vendors shall include:
- 1. Suppliers that have been identified as potential bidders
 - 2. All district-awarded vendors
- ix. Approved payment method
- 1. District issued purchase order created prior to the invoice payment

3. Evaluation of RFP/Bids

- a. The following tool is an *example* for food and product items. Other evaluation tools may be applicable for specific goods and services.

EXAMPLE:

Criteria	Possible Points
Cost	35
Product Specification Requirements	20
Product Testing/Student Acceptability	30
Historical Performance of Vendor	15
Total	100

4. Purchase of Capital Assets

Purchases for equipment with a one-time cost of \$5,000 or more will require TDA approval. The Food and Nutrition Services Department Administrator shall obtain TDA approval and submit documentation (approval of the Capital Expenditure Request) with the requisition.

- a. Georgetown ISD will submit a request for approval prior to purchasing the item via email to TDA including:
 - i. District Name, 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. 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

- b. All capital assets (defined as equipment with a unit value of \$5,000 or more) shall be recorded on the general ledger with an object code 6639 in accordance with the FASRG.

Noncompetitive Procurement Method

The district shall utilize the noncompetitive method only when there is inadequate competition, a public emergency or unexpected emergency situation, sole source or TDA authorization in special situations. All noncompetitive purchases shall be adequately documented to ensure that the reason(s) met one or more of the noncompetitive purchasing reasons.

- 1. 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 on manufacturer through only one supplier

- 2. Georgetown 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.**

3. The following employee positions shall work collaboratively to make Non-Competitive Procurements:
 - a. Director of Food and Nutrition Services and Director of Purchasing
 - i. Determine that a non-competitive procurement is applicable
 - ii. Submit the request to purchase using the non-competitive procurement method to TDA for approval through the TX-UNPS.
 - b. Assistant Superintendent of Business & Operations and Director of Purchasing
 - i. Obtain a copy of TDA's approval of a non-competitive procurement from the CNP administrator(s).
 - ii. 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:

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

Georgetown 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.

Georgetown ISD will address all respondent protests within 24 hours of the bid award and shall 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]).

Georgetown 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. Georgetown 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 the 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 of the School Lunch Programs.

Georgetown 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 NSLA is Federally Funded, geographic preferences cannot be restrictive to local definitions such as city, county, or state lines. Georgetown ISD determines local as "within the United States territory and a distance of **50 miles** from the Districts' main campus" (mileage may vary for items dependent on bidding preference).

Discounts, Rebates, and Credits

Georgetown 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 Georgetown 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 Georgetown ISD upon request.

Buy American Provision

All purchases made with SNP funds will comply with the Buy American provisions. Purchases made in accordance with the Buy American provision must follow the applicable procurement regulations calling for full and open competition.

Georgetown ISD shall purchase domestic food products per the Buy American Provision unless:

1. The product needed is not produced or manufactured in the US in sufficient and reasonable available quantities or of a satisfactory quality, or
2. Competitive bids reveal the costs of a US product are significantly higher than the non-domestic product of equal value and quality.

Georgetown 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)

Georgetown 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. Georgetown 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. Georgetown 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

Locally Grown Products: Farm to School Initiative

Georgetown 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.

Georgetown ISD defines "Local Sources Products" as products that are grown within the State of Texas, with preference to sources located within **50 miles** of the school's main campus.

Georgetown ISD may purchase locally grown products for their school nutrition program. Commonly used local products include, but are not limited to: fruits, vegetables, beans, grains and flour, meat, poultry, fish, condiments, herbs, eggs, and dairy.

TDA has developed Texas Farm Fresh to promote the use of local products. The Texas Far Fresh website provides information on strategies for offering local products, various programs that support the use of local products, best practices, success stories, a seasonal product availability tool, and more. The Texas Farm Fresh website is located at: www.squaremeals.org/FandNResources/TexasFarmFresh.aspx.

When purchasing local sourced products, Georgetown 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, Georgetown 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

Georgetown 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."

Georgetown ISD does participate in multiple purchasing cooperatives when it is determined to be in the best interest of the district. As a governmental agency, Georgetown ISD has the option to legally join a "governmental agency or Education Service Center (ESC) agency" purchasing cooperative through an Interlocal or Interagency Agreement.

If required, Georgetown ISD will submit a written request to the awarded vendor of the bid/RFP to piggy back on a specific agency/co-op's bid. If approved by awarded vendor, Georgetown ISD will obtain all final bids/requests for proposal documentation from the cooperative or lead district. When utilizing a "piggyback" contract, Georgetown 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 Georgetown 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

Georgetown 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

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

1. The Director of Food and Nutrition Services and Administrative Assistant 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

Other Procurement Guidelines

The district shall comply with the federal regulations related to the procurement of recovered materials (CFR 200.322) and the Solid Waste Disposal Act.

Purchasing Ethics

Through its Purchasing Department, Georgetown ISD is committed to procurement process that fosters fair and open competition, conducts business under the highest ethical standards and enjoys the confidence of the public. Purchasing professionals, as well as supplier stakeholders, must have a highly developed sense of professional ethics to protect their own and their organization's business activities and reputation.

The Purchasing Department subscribes to the district's Ethical Conduct Guidelines; Georgetown ISD outlines the following ethical guidelines related to purchasing:

The education of the students of this district requires the most efficient and sound expenditure of monies. Poor planning waste and fraud directly impacts and substantially reduces the district's ability to meet the needs of students. Imprecise processes and haphazard procedures not only result in waste but also result in the general public having a lack of confidence in the district's fiscal management.

All stakeholders must have the confidence to know that the district effectively plans for meeting its needs, buys only what is needed, pays for its purchases timely, uses its materials efficiently, and adhere to the highest standards of fiscal accountability. These positive behaviors contribute to a healthy business community which supports our students and their families. Employees must conduct business with vendors openly and consistently and must avoid behavior which would appear to be motivated to serve the employee's self-interest. Any expenditure of public monies which does not serve the financial interest of the district is prohibited.

Ethical Standards (Code of Conduct)

Employees Standards of Conduct/State Requirements:

State law relating to violation of purchasing requirements imposes upon violators certain criminal penalties, which are found in Section 44.032, Texas Education Code and Chapter 271.029 Local Government Code.

The following common standards of ethics shall govern the conduct of District employees involved in the purchasing function:

1. It is a breach of ethics to attempt to realize personal gain through public employment with a school district by any conduct inconsistent with the proper discharge of the employee's duties.
2. It is a breach of ethics to attempt to influence any public employee of a school district to breach the standards of ethical conduct set forth in this code.
3. It is a breach of ethics for any employee of a school district to participate directly or indirectly in procurement when the employee knows that:
 - a. The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement.
 - b. A business or organization in which the employee, or any member of the employee's immediate family, has financial interest pertaining to the procurement; or
 - c. Any other person, business or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.
 - d. Gratuities: It is a breach of ethics to offer, give or agree to give any employee or former employee of a school district, or for any employee or former employee of a school district to solicit, demand, accept, or agree to accept from another person, gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or any other advisory capacity in a proceeding or application, request for ruling, determination, claim or controversy, or other particular matter pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefore pending before this government. Acceptance of gratuities may be construed as a criminal offense.

- e. In addition, Texas law makes a gift (an item valued at \$50 or more, cash of any amount, or a negotiable instrument of any value) to a public employee a Class A misdemeanor if the employee is someone who exercises some influence in the purchasing process of the governmental body. (Texas Penal Code, 36.09[d] and [h]). Items such as pens, pencils or calendars with vendors imprinted name and logo are acceptable.
4. Kickbacks: It is a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor for any contract of a school district, or any person associated therewith, as an inducement for the award of the subcontractor or order.
5. Contract Clause: The prohibition against gratuities and kickbacks prescribed above should be conspicuously set forth in every contract and solicitation therefore.
6. It is a breach of ethics for any employee or former employee of a school district to knowingly use confidential information for actual or anticipated person gain or for the actual or anticipated gain of any person.

Conflict of Interest

In purchasing activities, Georgetown ISD public employees, officers and agents should take reasonable steps to ensure that their relationships with anyone doing business are done honestly. Conflict of interest situations should be avoided by not giving preferential treatment to any outside interest group, company, or individual over another.

- Conflict of Interest Questionnaire
- Disclosure of Interest Parties Form

Certification Regarding Lobbying

Food Services requires certification regarding lobbying forms and documents in any formal procurement method.

Debarment and Suspension

Food Services requires debarment and suspension forms and document in any formal procurement method.