Wimberley ISD

Strength. Innovation. Excellence.

CHILD NUTRITION PROGRAM (CNP) FINANCIAL MANAGEMENT & PROCUREMENT MANUAL

2020-2021

Revised September 21, 2020

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USDA Nondiscriminatory Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: How to File a Complaint, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

Wimberley ISD Administrative Review & Approval of Procedures, Handbook and Manuals

In accordance with Board Policy BP (Local), the Superintendent and administrative staff shall be responsible for developing and enforcing procedures for the operation of the District. These procedures shall constitute the administrative regulations of the District.

The Superintendent or designee shall ensure that administrative regulations are kept up to date and are consistent with Board policy. The Superintendent or designee shall resolve any discrepancies among conflicting administrative regulations. In case of conflict between administrative regulations and policy, policy shall prevail.

Administrative regulations are subject to Board review but shall not be adopted by the Board. The Superintendent shall review and approve all procedures, handbooks and manuals.

Handbook/Manual	Effective School Year	Revision Date
CNP Financial Management & Purchasing Handbook	2020-21	September 2020

Approved by: _____ Date: _____

Superintendent

Section 1 – General Information

The district has established fiscal procedures that apply to all financial transactions regardless of the funding source. The **State and Federal Grants Manual** provide overall guidance related to the financial management practices of the district such as general ledger maintenance, segregation of duties, retention of records, data system security and other financial management areas.

All federal grant funds are subject to the compliance with Administrative (EDGAR) and Programmatic (ESSA, IDEA, etc.) regulations for each federal grant award. The procedures contained within this document **(Child Nutrition Program (CNP) Financial Management & Procurement Procedures)** shall also comply with the USDA regulations and the Administrator's Reference Manual (ARM), Sections 14, 16 and 17 as they relate to financial management and procurement. **Note. If there is a regulatory conflict, the district (a contracting entity or CE) is required to follow the USDA regulations for all CNP fund (income, allowable costs and procurement.**

In accordance with School Board Policy, BP Local, the Superintendent and administrative staff shall be responsible for developing and enforcing procedures for the operation of the District. These procedures shall constitute the administrative regulations of the District and shall consist of guidelines, handbooks, manuals, forms, and any other documents defining standard operating procedures. The Superintendent shall approve the **Child Nutrition Program Financial Management & Procurement Procedures** on an annual basis, or as appropriate, if federal, state or local changes in regulations or policy warrant immediate changes. Administrative regulations [procedures] are subject to Board review but shall not be adopted by the Board.

Section 2 – Financial Management System

The District's financial management system, Skyward, shall be utilized to expend and track all CNP expenditures. The financial management system shall be maintained in a manner that provides adequate internal controls over the data integrity, security and accuracy of the financial data. The district's Internal Control Procedures shall apply to the management of CNP funds. The district's financial management procedures shall apply to all local, state and federal funds, including CNP funds. Most of the district's financial management procedures are posted on the Business Department webpage at https://www.wimberleyisd.net/Page/167.

- Accounts Payable
- Cash Management
- Contract Management
- Fixed Assets
- Incentives and Awards
- Purchasing
- Timekeeping
- Travel
- Vendor Management

The district shall utilize the Financial Accountability System Resource Guide (FASRG) Account Code Structure to record all payroll and non-payroll expenditures. Additional guidance regarding the FASRG

Account Code Structure is available on the TEA Website (www.tea.texas.gov) and the district's https://www.wimberleyisd.net/Page/167 under the Finance Forms and Publications link.

At the District level, managing the Child Nutrition Program shall be a collaborative process between the Finance (Accounting, Purchasing, Payroll, etc.), Human Resources and Child Nutrition Departments. Each respective department shall be responsible for their duties and responsibilities as they relate to the management of state and/or federal grants. The duties of each department are listed below in general terms. Additional, specific duties and responsibilities may be listed within an area of compliance within this Manual.

Finance Department (including Accounts Payable)

- Assisting the CNP Administrator with budgeting CNP funds. Preparing and posting the initial budget and all amendments to the general ledger.
- Assisting the Human Resources, Payroll and CNP departments with determining the payroll distribution code(s) for all CNP staff.
- Preparing all financial records for the annual financial audit and single audit, as appropriate.
- Ensuring compliance with the FASRG in coding all payroll and non-payroll expenditures.
- Adjust the general ledger as appropriate, if adjustments are necessary, and transfer non-federal operating funds to the CNP when necessary
- Developing and maintaining all salary schedules to ensure consistency between local and non-local pay rates (Includes base salaries, stipends and extra-duty rates of pay)
- Managing the day-to-day cash management functions such as depositing CNP funds, issuing payments to vendors, reconciling bank statements and posting accounts receivables.
- Managing all purchasing and contractual commitments in compliance with the allowable cost principles
- Retaining all financial records for the required length of time (5 years) for audit purposes
- Managing all fixed assets and ensuring compliance with the inventory and disposition CNP guidelines
- Prepare the Annual CNP Financial Report and provide to the CNP Administrator for final review, approval and submission.
- Assisting the CNP with preparation for Administrative Program Reviews.

Human Resources Department

- Assisting the CNP Administrator with the recruitment and hiring of all CNP-funded staff
- Ensuring that all grant-funded staff have a job description with the grant-related duties and funding. (And, that all grant-funded staff sign a job description on an annual basis)
- Maintaining audit-ready HR employee files for financial audit or single audit purposes, as
- appropriate
- Retaining all personnel records for the required length of time for audit purposes

CNP Administrator [the role of CNP Administrator shall include the Cafeteria Manager or Cafeteria Supervisor, as appropriate]

- Working cooperatively with the campus administrative staff to ensure that all CNP activities are collaboratively planned and appropriate to each campus.
- Providing supporting documentation for budgeted CNP funds and submitting all budget amendments to the finance department.

- Assisting the Human Resources/Payroll department with determining the payroll distribution code(s) for all CNP-funded staff.
- Preparing all CNP-related reports such as monthly claims, annual financial report, inspections, etc.
- Ensuring compliance with the FASRG in coding all payroll and non-payroll expenditures.
- Receiving and monitoring the time and effort reports, as appropriate, and submitting adjustments, if any, to the finance department
- Reviewing and approving all purchasing and contractual commitments in compliance with appropriate federal regulations
- Track all procurements by method and document rationale for purchasing decision
- Review all vendor invoices for services, food, non-food, supplies and other goods to ensure that the invoiced amounts are in compliance with purchasing contracts, terms and pricing.
- Submit all invoices to the Accounts Payable department to ensure prompt payment in accordance with the Texas Prompt Payment Act.
- Retaining all application and programmatic CNP records for the required length of time (5 years) for audit purposes
- Verifying with the HR department that all CNP-funded staff have a job description with the CNP related duties and funding. (And, that all CNP-funded staff sign a job description on an annual basis)
- Preparing for Administrative Program Reviews to include collaboration with the finance department regarding revenues and expenditures recorded in the CN program.
- Review, approve and submit the Annual CNP Financial Report prepared by the finance department

Payroll Department

- Maintaining audit-ready payroll employee files for financial audit or single audit purposes, as appropriate
- Retaining all payroll records for the required length of time (5 years) for audit purposes
- Assisting the Human Resources & CNP departments with determining the payroll distribution code(s) for all CNP-funded staff.
- Receive and review Time and Effort documentation to compare to payroll distribution records.

Section 3 – Cash Management

The district Cash Management Procedures shall apply to the collection, deposit and reconciliation of all funds received by the Child Nutrition Program. The district shall comply with the general procurement requirement of the EDGAR (2 CFR 200), the USDA regulations, TDA Section 17 Procurement, procurement state laws and local policies and procedures.

The cash management procedures for CNP funds shall be as noted below:

Collected by Food Service Department - Cashiers

- Cash and checks collected by a Food Service Department cashier may include the following:
- Student payments for daily meals, a la carte purchases and pre-paid meal account funds

- Adult payments from District staff for daily meals, a la carte sales and pre-paid meal account funds
- Adult payments from non-employees for daily meals or a la carte purchases.
- The Food Service cashier(s) post all cash collections to the automated system, Titan.
- By the end of each day, the Food Service Department cashier shall reconcile the cash collected with the Titan's Daily Summary Report and submit the collections report to the Food Service Director for approv
- After approval, the Food Service cashier(s) shall deposit the cash and forward the Daily Summary Report to the Business Office.
- Deposits which cannot be made on the same day shall be stored in a food service department locked safe or cabinet until such time as the deposit can be made.
- A district-issued locking money bag shall be used to transfer the funds from the food service department to the Food Service Director. The bag shall be locked prior to delivering the bag to the Food Service Director.
- The Food Service Department cashier shall maintain a copy of the deposit receipt along with campus records.
- At the end of the fiscal year, the food service department shall prepare a Titan report with the balances in the pre-paid accounts by campus.
- At the end of the fiscal year (CNP year), the food service department shall prepare a Titan report with the uncollected amounts for meals.
- At the end of the fiscal year, the business department shall reclassify the uncollected amounts to the general ledger to transfer the funds from the general fund (199) to the child nutrition fund (240).
- The Food Service Department shall have a Change Account for each of the campuses as follows:
    - High School $150.00
    - Danforth Jr High $75.00
    - Jacob's Well Elementary $80.00
    - Scudder Elementary $25.00

Collected by Food Service Department – Titan

- The Food Service department shall prepare a Titan report and Basic Claim Report once a month in accordance with the established cut-offs that indicates the total amounts paid into student meal accounts through the Titan system.
- The Food Service department shall submit the Titan report to the business office within 3 business days of the close of the cut-off period.
- The business office shall post a receivable (1241) to the general ledger to indicate that a check is forthcoming.
- Upon receipt of the check from Titan, the business office shall post the cash receipt to the deferred revenue account using "LMN period covered" as the cash receipt description.
- At the of the fiscal year, the business office shall post and carry forward any remaining receivables to the next fiscal year.

Collected from Texas Education Agency – NSLP Claims

- The Food Service department shall prepare the NSLP monthly claim in accordance with state and federal regulations.
- The food service department shall file the claim through the TX-UNPS system according to the established deadlines.
- The Food Service department shall forward a copy of the claim to the business office within one week after the close of the month for TRS reporting purposes and posting of the receivable(s) on the general ledger.
- The business office shall post a receivable (1241 – Due from Federal) to the general ledger to indicate that federal funds are forthcoming.
- Upon receipt of the funds from TEA, the business office shall post the JE to the receivable account using "NSLP Claim "month" as the JE description.
- The Food Service department shall review the CNP revenues to verify if the federal revenue has been posted to the appropriate account(s).
- As part of the End-of-Month (EOM) procedures, the business office will monitor aged receivables, including the CNP claim receivables, to ensure that the funds have been received on a timely basis.
- If the business office finds that an aged receivable for the CNP claim funds exists, the Food Service department will be notified to allow the department to follow up with TEA.
- At the end of the fiscal year, the business office shall post and carry forward any remaining receivables to the next fiscal year.

Collected from Other Sources

- The business department shall ensure that all proceeds from the sale of surplus or obsolete NSLP fixed assets are deposited and recorded as miscellaneous revenue in the CNP.
- The business department shall ensure that interest income, if any, shall be allocated and posted to the CNP on a monthly or annual basis, as appropriate.
- The CNP Administrator shall submit a monthly invoice to the business department for all district-paid meals.
- The business department shall ensure that all revenues from campus/department catering or other meal service are posted as local revenue to the CNP.

The finance department shall be responsible for reconciling all bank accounts and recording cash balances on the general ledger on a monthly basis.

Section 4 – Disbursement of CNP Funds

All expenditures in the CN program shall be direct charges to the program. The district Accounts Payable Procedures shall apply to the disbursement of CNP funds such as vendor payments for goods and services.

All invoices shall be reviewed, approved, signed and submitted by the CNP Administrator within 5 days, but no longer than two weeks, of receipt of an invoice for individual purchases and ongoing food/non-food purchases.

All invoices must be entered in the Skyward System for payment. All credits and discounts must be entered and calculated properly. The CNP Administrator shall acknowledge with the signature of approval that the invoices are in compliance with the cooperative purchasing vendor selection and pricing.

The business office shall ensure issue vendor checks on a weekly basis and shall comply with Accounts Payable Procedures.

Section 5 – General Procurement Standards

The district shall comply with the general procurement requirement of the EDGAR (2 CFR 200), the USDA regulations, TDA Section 17 Procurement, procurement state laws and local policies and procedures.

To ensure consistency with the EDGAR, the district shall utilize the acronyms and definitions included in the EDGAR for general terms related to the management of federal grant funds. The EDGAR Acronyms and Definitions can be found in CFR 200.0 through 200.99. In addition, the district shall also utilize the definitions in the ARM, Section 17.

The district shall utilize a purchase order and encumbrance system to manage the expenditure of CNP funds unless other methods such as P-Cards, petty cash, direct payments, etc. are authorized prior to the purchase. When a P-Card or petty cash is used to make a purchase, the vendor details shall be recorded on the general ledger to provide adequate documentation of the specific purchase.

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.

Regardless of the procurement method, the following factors shall be determined regarding the allowability of costs:

- Be necessary and reasonable for proper and efficient administration of the Child Nutrition program (2 CFR 200.404)
- Be allocable to federal awards applicable to the administration of the CN program (2 CFR 200.403)
- Be authorized and not prohibited under state and local laws

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.

Wimberley 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.
    NOTE: All capital expenditures in excess of $5,000 for a single item must be submitted to TDA for approval prior to purchasing using TDA's Procedure to Request a Capital Expenditure Form or via TX-UNP). Capital expenditures include the purchase of (1) fixed asset items or equipment (2) improvements, additions, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life (ARM Section 14.54).
    c. Wimberley ISD does not have a more restrictive Small Purchase threshold
3. Formal Purchases
    a. Competitive Bid (IFB-Invitation for Bid)
    b. Competitive Proposal (RFP-Request for Proposal)
    c. Non-Competitive Proposal. TDA "pre-award approval" required

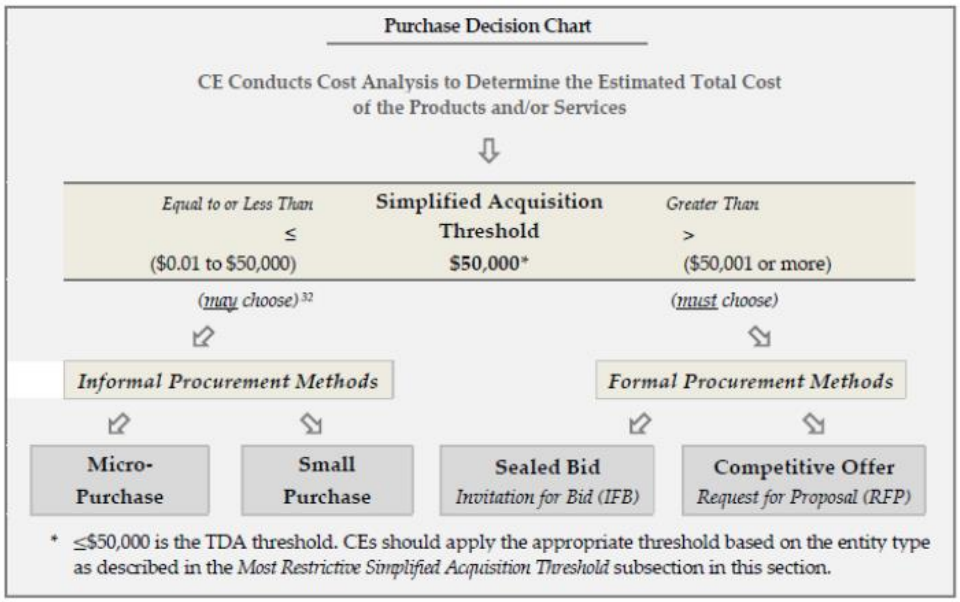
Purchasing will be conducted at the most restrictive procurement threshold:

	Federal Procurement Thresholds	CE Procurement Thresholds
Micro Purchase	$10,000* or less	$10,000 or less
Equipment	$5,000 or more	$5,000 or more
Small Informal	$50,000 or less	$50,000 or less
Formal	$50,000 or more	$50,000 or more

* Effective January 1, 2019

Purchase Decision Chart (ARM)

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



Procurement Phases

Wimberley 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 noncompetitive 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 Procurement Methods:

A micro-purchase is a single purchase or transaction that has a total aggregate cost that is equal to or less than $10,000. 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
- CNP small equipment and supplies such as utensils, containers, etc.
- Emergency or contracted services for repairs (unless the total aggregate exceeds $10,000)

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

1. Cafeteria Director/Supervisor
2. Accounting or Chief Financial Officer

Eligible vendors shall include:

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

Approved payment methods shall include (In order of preference):

a. Credit card (district-issued P-Card)
b. Petty cash
c. Personal cash, credit card or debit card to be reimbursed by the business office.

The CNP Administrator shall complete and submit a completed TDA Procurement Micro-Purchase Log to the business office with requisitions and/or invoices made under this procurement method.

A small purchase is a single purchase or transaction that has a total aggregate cost that is equal to or less than the simplified acquisition threshold ($50,000). The District must contact a minimum of 3 potential suppliers and attempt to get a minimum of 2 quotes. The district may make single/one-time purchases or multiple purchases of same or similar products (like-items) or services from an approved vendor.

The district has defined the following regular purchases as eligible for a small purchase but may elect to purchase using a formal procurement 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)

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

1. Identify potential suppliers; who to contact for quotes; what is available on the market.
2. Write the product and/or service specification to include details but not restrictive as to exclude competition.
3. Draft the solicitation to include contract terms and conditions, invoice methods, delivery and/or service requirements, and duration of contract.
4. Contact a minimum of 3 vendors (if possible), formally or informally and provide each one with the same information to include all details of the solicitation. Emailed or faxed documents is the preferred method but verbal delivery of solicitation details is allowed.
5. Document vendor responses to include:
    a. Vendor name and contact with email address and phone
    b. Contact method
    c. Price quoted to include the date received
    d. Duration of the price quote
    e. If less than 3 quotes are received, explanation of why this occurred will be included in the documentation
6. 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 whose financial, technical, and other resources indicate an ability to perform the services required.

7. All documentation should be forwarded to the business office along with the request for purchase form as support documentation to be scanned into Skyward.

The following employee positions have permission to make a Small Purchase:

1. Cafeteria Director/Supervisor
2. Accounting/Finance Specialist or Chief Financial Officer

Eligible vendors shall include:

1. All district-approved and qualified vendors
2. All suppliers that have been identified as potential bidders
3. Vendors approved on a purchasing cooperative.

Approved payment methods shall include (In order of preference):

a. Credit card (district-issued P-Card)
b. Purchase order approved by the business department. Open Purchase Orders for a specified time period such as a month, quarter, etc. shall be allowable.

Formal Procurement Methods:

Either the Sealed Bid or Competitive Offer method must be used when the total estimated cost of products and/or services exceeds the simplified acquisition threshold ($50,000). The district has defined the following regular purchases as eligible for a small purchase.

- Food

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 district may choose to use only of the two (2) formal procurement methods listed below, as appropriate.

1. 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. 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.

Wimberley ISD will ensure the following conditions:

a. A complete, adequate, and realistic specification or purchase description will be made available
b. 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
c. 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

Wimberley ISD will adhere to the following requirements:

a. The solicitation will be publicly advertised
b. 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
c. Provide product and/or service specifications that allow multiple responses
d. 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.
e. Any or all bids may be rejected if there is a sound documented reason.

The following employee positions shall work collaboratively to make IFB Formal Procurements:

a. Cafeteria Manager or Cafeteria Supervisor
    i. Write produce or service specifications
    ii. Write the solicitation document
    iii. Send the IFB to potential suppliers
    iv. Participate in the opening of the submitted bid quotes and determine the winner.
b. Accounting or Chief Financial Officer
    i. Monitor the solicitation development process, to include the required advertisement of the procurement
    ii. Record the procurement method
    iii. Schedule and conduct the IFB opening
    iv. Submit the procurement recommendation to the Superintendent and School Board for approval in accordance with Board Policy CH Local.

Eligible vendors shall include:

a. All district-approved and qualified vendors
b. All suppliers that have been identified as potential bidders
c. Vendors approved on a purchasing cooperative.

Approved payment methods shall include (In order of preference):

a. Credit card (district-issued P-Card)

b. Purchase order approved by the business department. Open Purchase Orders for a specified time period such as a month, quarter, etc. shall be allowable.

2. 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.

Wimberley ISD will ensure the following conditions:

a. A complete, adequate, and realistic specification or purchase description will be made available
b. The procurement lends itself to a firm fixed price contract or cost reimbursable price
c. The selection of the successful bidder will be made after an evaluation of criteria with price being the "heaviest weighted factor"
d. Negotiation of price or best value will be handled with complete fairness and integrity

Wimberley ISD will adhere to the following requirements and required documents (2 CFR 200.316 - 328):

a. The solicitation will be publicly advertised
b. Solicitation document will include a cover sheet with the RFP description, contact information, issue date, closing date and opening date
c. Written instructions and bidder information sheet to be completed by the proposer
d. Clear product and/or service specifications
e. Clear description of district demographics and product usage (as relevant)
f. Clearly stated evaluation criteria to include scoring rubric
g. Standard and/or Special Terms and Conditions of the contract
h. Discounts, Rebates, and/or credits provisions where applicable
i. Questionnaires as appropriate
j. Reference Sheet
k. Provisions per Appendix II to Part 200 of 2 CFR 200:
    i. Equal Employment Opportunity
    ii. Davis-Beacon Act
    iii. Contact Work Hours and Safety Standards
    iv. Rights to Inventions Made Under a Contract or Agreement
    v. Clean Air Act and Federal Water Pollution Control Act
    vi. Mandatory standards in compliance with the Energy Policy and Conservation Act
    vii. Debarment and Suspension
    viii. Byrd Anti-Lobbying Amendment

l. Other Certifications and Affidavits to be included in the RFP:
    i. Texas Family Code
    ii. Employment Verification
    iii. Records Retention Requirements
    iv. Certification of Compliance with EPA Regulations
    v. Certification of Compliance with Buy American Provisions
    vi. Non-Collusion Affidavit
    vii. Certification of HUB (Historically Underutilized Business)
    viii. Terrorist Organizations and Boycotting of Israel
    ix. Food/Product Recall and HACCP Procedures
    x. Health and Safety Certificates, Licensing, and Regulation
m. Awarding of the contract:
    i. Evaluation will consist of product quality, services, or past performance, but not limited to, along with price as the heaviest weighted factor
    ii. Cost plus percentage of cost will not be allowed as a basis for award (2 CFR 200.320)
n. Any or all bids may be rejected if there is a sound documented reason

The following employee positions shall work collaboratively to make RFP Formal Procurements:

a. Food Service Manager or Food Service Supervisor
    i. Write produce or service specifications
    ii. Write the solicitation document
    iii. Send the RFP to potential suppliers
    iv. Participate in the opening of the submitted bid quotes and determine the winner.
b. Accounting or Chief Financial Officer
    i. Monitor the solicitation development process, to include the required advertisement of the procurement
    ii. Record the procurement method
    iii. Schedule and conduct the RFP opening
    iv. Submit the procurement recommendation to the Superintendent and School Board for approval in accordance with Board Policy CH Local

Eligible vendors shall include:

a. All district-approved and qualified vendors
b. All suppliers that have been identified as potential bidders
c. Vendors approved on a purchasing cooperative.

Approved payment methods shall include (In order of preference):

a. Credit card (district-issued P-Card)
b. Purchase order approved by the business department. Open Purchase Orders for a specified time period such as a month, quarter, etc. shall be allowable.

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.

TEXAS20 Food Purchasing Cooperative

The Texas20 Purchasing Cooperative and the district have shared responsibility and roles in complying with all requirements of procurement with CNP funds and using UDSA Processed Foods.

An overview of responsibilities outlined in the Inter-Local Agreement are noted below. The list is not all-inclusive.

Area of Responsibility or Oversight	Texas20 Purchasing Cooperative	Wimberley ISD (CNP Administrator)
Procurement timeline	Develops Timelines	Comply with Deadlines
Procurement Information	Maintains procurement files and records (Texas20 Co-Op)	Maintains procurement files and records (local procurements)
Procurement Projections	Monitor actual quantities purchased	Submit description of items and quantity projections
Procurement Solicitations	Distribute and receive invitations to qualified vendors	
Procurement Awards	Award and publish contracts on Texas20 website	Comply with and honor the contracts awarded by Texas20
Procurement Oversight	Monitor contracts awarded for federal and state compliance	Report any issues and concerns with vendors and products

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. **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.**

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

1. Inadequate competition in a formal procurement method
2. Public emergency exists
3. Goods or services are only available from on manufacturer through only one supplier

Wimberley 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.

The following employee positions shall work collaboratively to make Non-Competitive Procurements:

1. Food Service Manager or Food Service Supervisor
   a. Determine that a non-competitive procurement is applicable
   b. Submit the request to purchase using the non-competitive procurement method to TDA for approval through the TX-UNPS.
2. Accounting or Chief Financial Officer
   a. Obtain a copy of TDA's approval of a non-competitive procurement from the CNP administrator(s).
   b. Submit the procurement recommendation to the Superintendent and School Board for approval in accordance with Board Policy CH Local.

Other Procurement Guidelines

Regardless of the procurement method, the district shall encourage small, minority, woman-owned and labor surplus area firms to compete with other qualified vendors.

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

Buy American Provisions

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.

Wimberley 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.

Wimberley ISD will maintain all documentation in regard to any food purchases that are deemed "nondomestic" 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."

Purchase of Capital Assets

Purchases for equipment with a one-time cost of $5,000 or more will require TDA approval. The CNP Administrator shall obtain TDA approval and submit documentation (approval of the Capital Expenditure Request) with the requisition. Wimberley ISD will submit a request for approval prior to purchasing the item via email to TDA including:

1. District Name, CE ID, and contact information (phone and email address)
2. Description of the equipment, including the purpose and how it supports the operation or maintenance of the District
3. Provide an estimated cost and whether or not we have sought bid pricing
4. 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
5. Acknowledge that any equipment purchased will be used exclusively (100%) by the District

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.

For all purchases that exceed the Simplified Acquisition Threshold of $50,000, the district shall perform a cost or price analysis with every procurement. Secondly, all purchases that exceed this threshold shall comply with federal bonding requirements such as:

- Bid guarantee from each bidder of five percent (5%) of the contract price
- Performance bond on the part of the contractor for 100% of the contract price
- Payment bond on the part of the contractor for 100% of the contract price.

The Chief Financial Officer shall be responsible to ensure that all purchases above this threshold are guaranteed with the appropriate bid guarantee, performance bond and payment bond.

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 in sufficient and reasonable improprieties in the administration of the contract.

Wimberley 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.

Wimberley 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]).

Wimberley 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. Wimberley 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.

Wimberley 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. Wimberley 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

Wimberley 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 Wimberley 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 Wimberley ISD upon request.

Small and Minority Businesses, Women Business Enterprises, and Labor Surplus Area Firms and/or Disabled Veteran Business Enterprise (MWDVBE)

Wimberley 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. Wimberley 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. Wimberley 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

Wimberley 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.

Wimberley 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.

When purchasing local sourced products, Wimberley 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, Wimberley 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

Wimberley 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.

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

Wimberley 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, Wimberley ISD will obtain all final bids/requests for proposal documentation from the cooperative or lead district. When utilizing a "piggyback" contract, Wimberley 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 Wimberley 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

Wimberley 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

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

1. The Cafeteria Manager or Cafeteria Supervisor 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 use

Purchasing Efficiency Strategies

All purchases with federal grant funds shall be in accordance with federal regulations, specifically CFR 200.318. All purchases shall be purchased from a variety of qualified vendors with the ability to perform successfully under the terms and conditions of a proposed procurement. The district shall strive to avoid acquisition of unnecessary or duplicative items.

The district shall implement the following strategies to maximize federal grant funds:

- Full and open competition
- Buy America provisions to the extent practicable
- Consolidation of purchases to obtain volume pricing, as appropriate
- Evaluate the cost efficiencies of leases versus purchases of equipment
- Utilize cooperative purchasing agreements, as appropriate, to obtain volume pricing

- Develop vendor selection criteria to select the best vendor
- Equitable distribution of micro-purchasers among suppliers
- Utilization of a pricing structure that does not include cost plus percentage of cost (unallowable with federal and CNP funds).
- Forecasting strategies for future purchases
- Develop a tracking system of all informal and formal procurements
- Monitor vendor performance to ensure that good or services are provided as requested
- Ensure that all contract and vendor disputes are resolved in the most advantageous manner
- Minimize the risk of jurisdictional issues by ensuring that all contracts would be litigated in a court within the county, city and/or state, as appropriate

As part of the purchasing efficiencies strategies the district has elected to minimize the use of micro-purchases and maximize the use of cooperative purchasing programs. Due to constraints such as district size and location the use of cooperative purchasing programs has been effective and has negated the competitive procurement of goods.

Purchasing Ethics

In accordance with Board Policy CAA Local Financial Ethics, all Trustees, employees, vendors, contractors, agents, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources.

Fraud and financial impropriety shall include but not be limited to:

- Forgery or unauthorized alteration of any document or account belong to the District.
- Forgery or unauthorized alteration of a check, bank draft, or any financial document.
- Misappropriation of funds, securities, supplies, or other District assets, including employee time.
- Impropriety in the handling of money or reporting of District financial transactions
- Profiteering as a result of insider knowledge of District information or activities.
- Unauthorized disclosure of confidential or proprietary information to outside parties.
- Unauthorized disclosure of investment activities engages in or contemplated by the District.
- Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the District, except as otherwise permitted by law or District policy. [See CB, DBD}
- Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.
- Failure to provide financial records required by federal, state, or local entities.
- Failure to disclose conflicts of interest as required by law or District policy.
- Any other dishonest act regarding the finances of the District.
- Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

In coordination with legal counsel and other internal or external departments or agencies, as appropriate, the Superintendent, Board President, or Chief Financial Officer shall promptly investigate reports of potential fraud or financial impropriety.

Conflict of Interest

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. In addition, no employee, officer, or agent of the district may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontractors.

All employees shall comply with the Educators' Code of Ethics (DH Exhibit).

Violators of the Code of Ethics shall be subject to disciplinary action, including but not limited to, termination of employment with the district.

Vendor Selection and Management

The finance/purchasing department shall be responsible for maintaining the approved vendor database. The Vendor Management Procedures shall be used to ensure a systematic process of adding and renewing vendors on the finance database. The process is designed to meet local, state and federal guidelines related to vendor relations and procurement by the district. The vendor selection process shall ensure that the district does not restrict competition among qualified vendors.

Contract Management

All contracts for services and/or goods purchased with CNP funds shall be subjected to the same review and approval process as all other district contracts. The Contract Management Procedures are applicable to all federally funded contracts.

Section 6 – Preparation for Annual Financial Audit and Single Audit

The Financial Management and EOY Procedures shall apply to the management of CNP funds. Financial Management is a year-long process that includes daily, weekly, monthly and annual tasks. Completing all periodic tasks should ensure a smooth and efficient End-of-Year Finance Process and Preparation for the Annual Financial Audit and Single Audit.

The Finance End of Year (EOY) should be processed within 30 days after the end of the fiscal year, or earlier dependent upon audit field work schedules.

In preparation for the Annual Financial Audit and Single Audit, the CNP Administrator shall (within 20 days after the end of the fiscal year):

- Conduct a physical inventory of all assets (over $5,000 per unit) and submit the inventory to the finance department for reconciliation with the general ledger
- Ensure that all cash deposits have been submitted to the business office
- Ensure that all invoices for the current year have been submitted to the business office
- Ensure that end-of-year documents such as prepaid meals, uncollectible daily meal receipts, and NSLP claims have been submitted to the business office

- Ensure that end-of-the-year inventories of food, non-food and commodities on hand have been submitted to the business office
- Monitor the CNP fund reserves and plan accordingly if the reserves are in excess of the maximum thresholds (3 months of operating expenditures).

In preparation for the Annual Financial Audit and Single Audit, the finance department shall:

- Post all end of year accounts receivables, accounts payables, deferred revenues and payroll accrued wages and liabilities
- Post indirect costs, if any, to the general ledger. Note. The district has opted to not record indirect costs for the CNP.
- Reconcile the end-of-the-year inventory balances according to the physical inventories submitted by the CNP Administrator and adjust the ending inventory balances (1310) on the general ledger.
- Calculate the end-of-year reconciliation of revenues and expenditures and transfer funds from the general fund (199) to the child nutrition fund (240) if the current year operations resulted in a deficit.
- Calculate the CNP fund reserves for future needs and notify the CNP Administrator if the reserves are in excess of the maximum thresholds (3 months of operating expenditures).
- Maintain all financial records for audit and records retention purposes in accordance with the Retention Schedule.

Section 7 – Code of Conduct [Adapted from ESC 10 Template]

This Code of Conduct has been created to establish and maintain effective oversight over the Wimberley ISD Food Services Department's financial management system that provides reasonable assurance that the Wimberley 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 Wimberley ISD Food Services 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 the Wimberley ISD.

The following Code of Conduct shall govern the performance, behavior and actions of the Wimberley ISD Food Services 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.

Code of Conduct

- No employee, administrator or agent of the Wimberley ISD Food Services 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, administrator or agent of the Wimberley ISD Food Services Department has a financial, family or any other beneficial interest in the vendor selected or considered for an award.
- No employee, administrator or agent of the Wimberley ISD Food Services 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 the Wimberley ISD, the Superintendent's Cabinet shall determine whether the conflict is material under the circumstances.
- The Wimberley ISD Food Services Department employees, administrators, 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, Wimberley ISD Food Services Department employees; officials; agents acting on the Wimberley ISD Food Services Department behalf; any member of the immediate family of the Wimberley ISD Food Services Department employee, officer, or agent acting on the Wimberley ISD Food Services Department behalf; or business partner of the employee, officer, or agent acting on Wimberley ISD Food Services 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 Wimberley ISD Food Services 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.

Wimberley ISD will apply disciplinary actions for violations of above stated standards by Wimberley ISD Food Services Department employees, officers, or agents acting on the Wimberley ISD Food Services Department behalf.

Wimberley ISD Food Services Department will provide guidance to each employee, officer, or agent acting on the Wimberley ISD Food Services Department's behalf at the time of hire on how to avoid undue influence. Wimberley ISD Food Services Department will offer training and provide all employees, officers, and agents acting on behalf of Wimberley ISD Food Services Department a copy of Wimberley ISD's Employee Manual that addresses professional and ethical standards.

Wimberley ISD Food Services Department requires any employee, officer, or agent acting on behalf of Wimberley ISD Food Services Department to disclose in writing any possible situations where there is an appearance of incentives, gratuities, or kickbacks being received.

Wimberley 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

Wimberley ISD Food Services Department employees; officials; agents acting on the Wimberley ISD Food Services Department behalf; any member of the immediate family of the Wimberley ISD Food Services Department employee, officer, or agent acting on the Wimberley ISD Food Services Department's behalf; or business partner of the Wimberley ISD Food Services Department employee, officer, or agent acting on Wimberley ISD Food Services 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 Wimberley ISD Food Services Department. Under no condition can the incentive become the property of an individual.

The Wimberley ISD Food Services Department uses the following written procedures on how it will avoid unallowable practices based on benefits received:

1. A **Donation Form** shall be used to record any unsolicited donation to the district.

Certification Regarding Lobbying

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

Wimberley ISD Food Services Department uses the following procedures:

1. **Documentation:** Wimberley ISD Food Services Department will take actions to ensure that the proper documentation is prepared, shared as required, and retained.
2. **Use of Funds:** Wimberley ISD Food Services Department requires that federal funds must not be paid by or behalf of the Wimberley ISD Food Services 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

Wimberley 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.

- Wimberley ISD Food Services Management Department will Include the following debarment and suspension certification in every written agreement with subcontractors: "{name of subcontracting organization} certifies that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this Agreement by any federal department or agency or by the State of Texas. {name of subcontracting organization} shall immediately provide written notice to Wimberley ISD Food Services Management Department if at any time the {name of subcontracting organization} learns that this certification was erroneous when submitted or has become erroneous by reason of changed circumstances. Wimberley ISD may rely upon a certification of a subcontractor that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered contract, unless it knows that the certification is erroneous.
- Wimberley 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.
- Wimberley 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/portal/SAM/#1

Staff Purchase of Items on Awarded Contracts

Wimberley ISD Food Service Management Department <u>does not</u> allow any employee, officer or agent acting on behalf of Wimberley ISD Food Service Management Department to take advantage of Wimberley 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.
  - Wimberley 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

Wimberley ISD Food Service Management Department does not allow any employee, officer, or agent acting on behalf of the Wimberley 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.

The Support Services Coordinator shall be responsible to monitor the proper disposal of all surplus or damaged food items.