

MONTGOMERY COUNTY BOARD OF EDUCATION MINUTES

June 3, 2024

The Montgomery County Board of Education convened in a regular monthly meeting on Monday, June 3, 2024, at 6:30 pm in the Montgomery County Schools Boardroom. Board members present were Steve W. DeBerry – Chair, Anne Evans - Vice Chair, Angela Smith, Lynn Epps, Tommy Blake, and Cindy Taylor. Bryan Dozier was not present.

Chairman Steve DeBerry called the meeting to order. Mr. DeBerry moved to adopt the agenda as submitted. Anne Evans made the motion with Lynn Epps seconding. The agenda was accepted with unanimous approval from the board.

Chairman Steve DeBerry shared an opening devotional with a reading from Matthew 5:16. “In the same way, let your good deeds shine out for all to see, so that everyone will praise your heavenly father.” Too many people think they will get the respect they want if they drive the finest car, spend the most money or hang around with popular people. Somehow, we started respecting things that are not worthy of our respect, but true respect is earned through integrity, providing for your family, being involved in the community and working hard at an honest occupation. Seek the right kind of respect, one that comes from being honest, caring and hard working and seek it for the right reasons. True respect starts with the way you treat others and is earned over a lifetime of demonstrating kindness, honor, and dignity.

Chairman DeBerry led the Pledge of Allegiance to the Flag of the United States of America.

No one signed up to speak during the public comments section.

A Resolution of Esteem for Colin Michael Peters for his eighteen years of service with the Montgomery County Schools was presented to his family. Mr. Peters passed away on June 28, 2021. Chairman DeBerry read the resolution as follows:

MONTGOMERY COUNTY BOARD OF EDUCATION

RESOLUTION OF ESTEEM

FOR

Colin Michael Peters

WHEREAS our heavenly father, in His infinite love and wisdom, saw fit to call home Colin Michael Peters on June 28, 2021; and

WHEREAS his dedication to Montgomery County Schools for eighteen years as a teacher were a fitting testament of his integrity and skill; and

WHEREAS his loss will be deeply felt not only by those with whom he served, but also throughout the entire community and county;

NOW, THEREFORE, be it resolved that the Montgomery County Board of Education does on record, in expressing a sense of real loss and regret in his passing, that a copy of this resolution be conveyed to his family as an indication of our deep sympathy; and that a copy of the same be filed as a part of the permanent minutes of the Board of Education.

MONTGOMERY COUNTY BOARD OF EDUCATION


Steve W. DeBerry, Chairman


Anne Evans, Vice Chair

Tommy Blake - Bryan Dozier - Angela Smith
Anne Evans - Lynn Epps - Cindy Taylor

June 2024

A Resolution of Esteem for Della Renee Ingram for her twenty-six years of service with the Montgomery County School was presented to Ms. Ingram's husband Roy Ingram and her daughters. Ms. Ingram passed away on February 6, 2022. Chairman DeBerry read the resolution as follows:

MONTGOMERY COUNTY BOARD OF EDUCATION
RESOLUTION OF ESTEEM
FOR
Della Renee Ingram

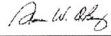
WHEREAS, our heavenly Father, in His infinite love and wisdom, saw fit to call home Della Renee Ingram on February 6, 2022, and

WHEREAS, her dedication to Montgomery County Schools for twenty-six years as a teacher, assistant principal, and principal were a living testament of her integrity and skill, and

WHEREAS, her loss will be deeply felt not only by those with whom she served, but also throughout her entire community and country,

NOW, THEREFORE, be it resolved that the Montgomery County Board of Education goes on record in expressing a sense of real loss and regret in her passing; that a copy of this resolution be conveyed to her family as an indication of our deep sympathy; and that a copy of the same be filed as a part of the permanent minutes of the Board of Education.

MONTGOMERY COUNTY BOARD OF EDUCATION

 Steven W. DeBerry, Chairman	 Dale Ellis, Secretary
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Tonya Blake - Bryan Dotter - Angela Smith
Annie Ewart - Lynn Epps - Cindy Taylor
JUL 2024

Chairman DeBerry called upon Dr. Dale Ellis for recognitions. Dr. Ellis then called upon Zach Shea, Director of Transportation, to recognize Teresa Robinson for receiving a State Bus Inspection Perfect Score. Due to a bus emergency, Ms. Robinson could not be present for the May board meeting so therefore we chose to repeat the recognition.

Dr. Dale Ellis then recognized the Teacher of the Year selections for each school. Elijah Templeton-Candor, Jamie Johnson-Green Ridge, Nicole Byrd-Mt. Gilead, Tamica Molloy-Page Street, Tammy Batten-Troy, Phil Bailey-Star, Grant Hinson-East Middle, Doris Cuthrell-West Middle, Seth Dunlap-Montgomery Central, J. Blake Frazier-Montgomery Early College, and Ruby Parsons-Montgomery Learning Academy. Dr. Ellis also noted that Ruby Parsons was selected as Montgomery County Schools District Teacher of the Year and Elijah Templeton was selected as runner-up.

Dr. Dale Ellis presented the Classified Employee of the Year recognitions. Those in attendance were presented with a plaque. Teacher Assistant of the Year-Naomi Drake (WMS), Data Manager of the Year-Bobbie Jo Bruton (WMS), Bus Driver of the Year-Mike Britt (GRES), Office Support of the Year-Shenelle Green (WMS), Instructional Support of the Year-Julie New (MCEC), Custodian of the Year-Walter Pegues (PSES), Child Nutrition of the Year-Renee Howell (MCEC/MCHS), and Auxiliary Services Employee of the Year-David Kellis (CO).

Dr. Ellis then called upon Dr. Emily Shaw to present the staff year-long perfect attendance for the 2023-2024 school year. Dodie Atkins (TES), Ruby Parsons (MLA), Alicia Legrande (MLA), Sharia Barber (MCEC), Adam Cycotte (MCEC), Rhonda Perkins (MCHS),

Lisa Wood (SES), Jennifer Nance (PSES), Tonia Thomas (CES), Betty Baldwin (EMS), Megan Strong (MGES), and Brandon Pemberton (MGES).

Chairman DeBerry stated the next item is the consent agenda. Dr. Ellis has requested to hold the consent agenda until after the closed session. The board approved unanimously.

Chairman DeBerry called upon Mr. Wade Auman for the Community Eligibility Provision Update Presentation. Mr. Auman stated this was presented to the Board about this time last year. It is a grant based program that is put out by the State and last year we were finally able to qualify and offer it to our students. CEP allows high-need schools to offer breakfast and lunch to all students for no costs. "Directly Certified" student data from DSS is utilized to determine school needs. There are no free and reduced lunch applications needed and once enrolled, districts remain CEP for four years at the current rate. Mr. Auman stated that per the Board's request he wanted to present the updated revenue reimbursement estimate and comparison since we received the grant. We have seen an increase of \$290,356.85 in revenue which is an increase of 13.8%. We have also seen an increase in participation with breakfast up 12.7% and lunch up 13.6%. We have benefited our children by providing more meals, the number of students participating has gone up, and we have also increased our revenue. The board suggested that we may want to remind parents at the beginning of the new school year that this is available.

Chairman DeBerry called upon Dr. Emily Shaw for Policies for approval. Mr. DeBerry asked for a motion for approval. Lynn Epps made the motion with Tommy Blake seconding. The motion carried unanimously with the board. Dr. Shaw also stated that there were two additional policies that were up for first read. These policy updates represent revisions and requirements from the State School Board Association. These will be up for approval at the July board meeting.

Chairman DeBerry then called upon Dr. Dale Ellis for the Superintendent's Comments. Dr. Ellis stated that we were able to recognize many employees here tonight. That is the one thing I tell people all the time, the strongest part of Montgomery County is not only our awesome kids but the fact that we have awesome employees. We are finishing up another school year and we will have our graduation for MLA Thursday evening and MCHS on Friday morning. I know a lot of people are starting to get tired this time of year, but our folks have continued to push through and have continued to work hard. I would just like to congratulate all of them. We cannot recognize everyone all the time, but we have recognized some awesome people here tonight. There are several hundred awesome people that were not here that do a tremendous job everyday whose only focus is doing what is best for the kids. The administration and the board appreciate you and thank you for a wonderful year.

Chairman DeBerry then asked for a motion to go into closed session to discuss personnel and consult the board attorney. Anne Evans made the motion, with Tommy Blake seconding. The board approved entering closed session unanimously.

Following closed session, the board approved the following consent agenda with a motion by Tommy Blake and a second by Angela Smith.

The following items were approved:

- 1) Board Minutes from May 6, 2024
- 2) Budget Session Minutes from May 6, 2024
- 3) Personnel and Auxiliary Report

**MONTGOMERY COUNTY SCHOOLS
PERSONNEL REPORT
Emily Shaw, Assistant Superintendent of Human Resources
June 3, 2024**

a. Superintendent reports the acceptance of the following resignations/retirements:

<u>Resignation/Retirement</u>	<u>School/Assignment</u>	<u>Effective Date</u>
1) Dominique Elliott Resignation	East/West Middle Art Teacher	June 14, 2024
2) Terri Absher Retirement	Central Office Dir. of Elem. Curri. Support	September 1, 2024
3) Heather Miller Retirement	East Middle Math/S. Studies	June 30, 2024
4) Eric Spencer Resignation	Montg. Central High Social Studies Teacher	June 30, 2024
5) Naomi Drake Retirement	West Middle Teacher Assistant	June 14, 2024
6) Kate Clifford Resignation	Troy Elementary 2 nd Grade Teacher	June 29, 2024
7) Mary Lamonds Resignation	Candor Elementary Pre-K Teacher	June 13, 2024
8) Melanie Stewart Resignation	Star/Troy Elementary ESL Teacher	June 30, 2024
9) Rose Holder Resignation	Montg. Co. Early College Academic Coach	May 30, 2024
10) Lee Hoffert Resignation	Montg. Central High Senior AFJROTC Instructor	June 14, 2024
11) Joyca Cassidy Resignation	Candor Elementary Media Center Assistant	May 16, 2024

d. Upon recommendation, approval of principal recommendation for employment of the following one-year renewal contracts for the 2024-2025 school year as provided by General Statute 115C-325:

Green Ridge Elementary:	
Angela Cambell	Kimberly Cranford
Colby Garner	Jackson Garner
Sarah Thaxton	
Montgomery County Early College:	Sharia Barber
Montgomery Learning Academy:	Kimberly Turner
Mt. Gilead Elementary:	
Alexandria Ingram	Jessica Livingston
Justice Parker	Christian Pittman
Felicia Ridehour	Megan Strong
Page Street Elementary:	
Stephanie Andruski	Kristin Beck
Nikamia Rutliff	Madison Sperry
Melanie Taylor	
Star Elementary:	Dana Erickson
Troy Elementary:	
Abigail Amundson	Jessica Batten
Logan Russ	Tressie Sargent
Ashley Shea	Quynh Voorhees
Candor Elementary:	
Sara Connor	Carrie Lonsifer
Caitlin Singleton	Catherine Wooley
East Middle School:	
Hilcy Adkins	Jenna Black
Susie Barnes	Jack Carpenter
Amy Garner	Jasmine Golins
Kyle Greene	Jennifer Haywood
Grant Hinson	Jackie Jackson
Donald Mahe	Gabriel Moore
David Parsons	Sabel Robledo
Lashunda Ryan	Bernie Sides
Jocelyn Smith	Quentin Wall
Patrick Wichowski	

12) Sonia Johnston Retirement	Star/Candor G. Ridge Elem. Art Teacher	June 30, 2024
13) Sam Juhn Resignation	West Middle 7 th Grade Teacher	June 13, 2024

b. Superintendent reports the following rescinded retirement notice:

Ray Massey - Montgomery Central High School

c. Upon recommendation, approval of recommendation for employment of the following one-year contracts for the 2024-2025 school year as provided by General Statute 115C-325:

<u>Employee/ Effective Date</u>	<u>School/ Assignment</u>	<u>Record Check</u>	<u>Replacing</u>
1) Tyler Brown 8/19/2024	Montg. Central High S. Studies/Basketball Coach	Yes	Eric Spencer
2) Evelyn Woody 8/19/2024	Troy Elementary 1 st Grade Teacher	Yes	Tonya Little
3) Hannah Reynolds 8/19/2024	Montg. Learn. Academy English Teacher	Yes	
4) Shelby Williams 8/19/2024	Candor Elementary 1 st Grade Teacher	Pending	Ryan Ganians
5) Zachary Strong 8/19/2024	Montg. Central High Excep. Children Teacher	Pending	Jan Ray
6) Jeanette H-Williams 8/19/2024	East Middle Guidance Counselor	Pending	Mandy Lucas
7) Shannon Parsons 8/19/2024	Troy Elementary 2 nd Grade Teacher	Pending	Kate Clifford
8) Megan Kitchen 8/19/2023	Candor Elementary 2 nd Grade Teacher	Pending	Katharine Scsness
9) Rubi Almazan(EPI) 8/19/2024	Page Street Elementary 3 rd Grade Teacher	Yes	Amanda Currick
10) Charlene Balbin(EPI) 8/19/2024	Candor Elementary 5 th Grade Teacher	Yes	Sherry Anderson

West Middle School:	
Tracy Blake	Kristie Blankenship
Chris Callahan	Tashiana McBride
Raven Sheppard	Craig Wright
Montgomery Central High:	
Katharine Amundson	Scott Blue
Rebekah Callicutt	Randy Chappell
Francisco Cortes	Ryan Cushing
Amy Dahl	Danacia Dumas
Andrew Foster	Dan Jones
Page Lonsifer	Janie Lymbacum
Jodi McKenzie	Daniel Norwood
Rhonda Perkins	Caroline Steed
Rachel Temple	Mia Todarello
Chloe Vonneman	

e. Upon recommendation, approval of principal recommendation for employment of the following one-year renewal contracts for the 2024-2025 school year as provided by General Statute 115C-325:

Green Ridge Elementary:	
Maria Iman	Lauren Lear
Imya Morris	Rebecca Shepherd
Candor Elementary:	Cynthia Murray
East Middle:	Joanna Miller
Candor Elementary:	
Elijah Templeton	Elizabeth Templeton
Mt. Gilead Elementary:	Nicole Byrd
Page Street Elementary:	Alicia Laneberry
Green Ridge Elementary:	
Angela Avant	Hollie Ritter
Susan Strong	

West Middle School:	Shawanna Long
Montgomery County Early College:	
Heather Gordon	Blake Frazier
Julie New	
Montgomery Central High:	
Iris Carol	Stephanie Harvell

g. Upon recommendation of the superintendent, approval of re-employment of the following EPI teachers:

Candor Elementary	Kwesi Kari Fisher-Roberts
Page Street Elementary	Tamica Molloy
Page Street Elementary	Mary Tunlos

h. Report of the following transfers:

<u>Transfer/ Effective Date</u>	<u>From</u>	<u>To</u>	<u>Replacing</u>
1) Vera Richardson 8/1/2024	Mont. Cent. High Guidance Counselor	Central Office Exc. Child. Coord. Counselor	Margaret Terry
2) Frances Morris 8/1/2024	Mt. Gilead Elem Except. Children	Central Office Except. Child. Transition Coordinator	Lynne Terry
3) Stephanie Harrington 8/1/2024	Mont. Cen. High Teacher Assistant	Green Ridge Elem. Teacher Assistant	
4) Jasmine Goins 8/19/2024	East Middle Health PE	Montg. Cent. High Health PE	Danien Decatur
5) Aleric Carpenter 8/19/2024	Two Elem. P.T. One-on-One	Montg. Lear. Acad. P.T. One-on-One	
6) Roger Little 8/19/2024	Montg. Cent. High Child Nutrition	Star Elementary Custodian	Kathy Singleton
7) Kathy Singleton 8/19/2024	Star Elementary Custodian	Star Elementary Teacher Assistant	Sarah Hall
8) Samantha Aguilar 8/19/2024	Page Street Elem. P.T. STEM	Page Street Elem. Teacher Assistant/Bus Driver	

j. Upon recommendation, approval of the following administrative contracts:

Principal-Annual 12-month term commencing July 1, 2024, and ending June 30, 2028

- Janet Deaton, Star Elementary School
- Marvin Smith, East Middle School
- Adam Matthews, Candor Elementary School
- Enoc Robledo, West Middle School

Assistant Principal - Annual 11-month term commencing July 1, 2024, and ending June 30, 2028

- Jenna King, East Middle School
- Keshia Collins, West Middle School
- Mandy Hall, Green Ridge Elementary School

k. Upon recommendation of the superintendent, approval of the following interim position:

<u>Employee/ Term</u>	<u>School/ Assignment</u>	<u>Record Check</u>	<u>Replacing</u>
1) Rufus Sankin 6/10/24 – 6/30/24	Montg. Cent. High Interim Principal	Yes	Anne McLcan

l. Superintendent reports the following termination of employee:

<u>Employee</u>	<u>School/Assignment</u>	<u>Effective Date</u>
Elsie Smith	Montg. Central High School, Bus Monitor	May 9, 2024

m. Upon recommendation of the superintendent, the approval of the following bus monitor that is not a dual employee:

<u>Employee:</u>	<u>Record Check</u>
Karlinda Leake	Yes

n. Superintendent reports the following Educational Partner International contract fulfillment:

Karen Dumas - West Middle School, Math Teacher

9) Chloe Vancannon 8/19/2024	Montg. Central High Science Teacher	East-West Middle Art Teacher	Dominique Elliot
10) Enoc Robledo 7/1/2024	Candor Elementary Principal	West Middle Principal	Adam Matthews
11) Adam Matthews 7/1/2024	West Middle Principal	Candor Elementary Principal	Enoc Robledo
12) Tammy Lefebvre 8/19/2024	Star Elementary 1 st Grade Teacher	Star Elementary 1 st Teacher	Melanie Stewart

i. Upon recommendation of the superintendent, approval of recommendation for employment of the following non-certified personnel:

<u>Employee/ Effective Date</u>	<u>School/ Assignment</u>	<u>Record Check</u>	<u>Replacing</u>
1) Corrine Werlick 5/1/2024	Green Ridge Elementary P.T. After School Tutor	Yes	
2) Deandi Lewis 5/6/2024	Green Ridge Elem. P.T. After School Tutor	Yes	
3) Fabiola Anguiano 5/20/2024	Green Ridge Elem. P.T. After School Tutor	Yes	
4) Mary Drye 5/20/2024	Green Ridge Elem. P.T. After School Tutor	Yes	
5) Stacy Moore 5/20/2024	Candor Elementary CIS Student Supp. Spec.	Yes	Tanisha Bowden
6) Megan Kitchen 6/10/2024	Candor Elementary P.T. Summer Program	Pending	
7) Michelle Comer 6/10/2024	Candor Elementary P.T. Summer Program	Pending	

**MONTGOMERY COUNTY SCHOOLS
AUXILIARY REPORT
June 3, 2024**

The following overnight field trip is requested:

Montgomery Central High School
Travel Tracker 4808-Field Trip (2023 Skills USA State Conference and Skill Competition)
Sheraton Greensboro at Four Seasons - Greensboro, NC - 6/24/2024-6/29/2024

Upon recommendation, approval of release from Montgomery County Schools requested for the 2024-2025 school year:

Montgomery County Schools to Moore County Schools

Montgomery County Schools to Stanly County Schools

Montgomery County Schools to Randolph County Schools

To: Board of Education
From: Mitch Taylor
Date: June 3, 2024
Subject: Budget Amendment

Fiscal Year 2023/2024 Budget Amendment # 9

\$3000.00 increase to PRC 802.82 (Capital Outlay Expenses) – these funds were used to have the cabling installed for the video cameras at MCHS.

This amendment is an action item and will require a vote

Explanation: Adjustments made for actual revenues and expenditures.	
Total Appropriation in Current Budget	\$30,972,270.70
Amount of Increase	\$0.00
Total Appropriation in Current Amended Budget	\$30,972,270.70

Explanation: Adjustments made for actual revenues and expenditures.	
Total Appropriation in Current Budget	\$7,060,016.00
Amount of Increase	\$0.00
Total Appropriation in Current Amended Budget	\$7,060,016.00

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Explanation: Adjustments made for actual revenues and expenditures

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Explanation: Adjustments made for actual revenues and expenditures.

Explanation: Adjustments made for actual revenues and expenditures.

Previous Budget	\$67,180,339.73
State Budget Change	\$0.00
Local Budget Change	\$0.00
Federal Budget Change	31,381.75
Capital Outlay Budget Change	\$120,299.49
Child Nutrition Budget Change	\$50,493.00
Fund & Budget Change	\$458,358.03
Total Change in Budget	\$720,522.24
Current Budget	\$67,910,861.97

Passed by majority vote by the Board of Education of Montgomery County on the 3rd day of June, 2024.

Secretary Board of Education

To: Board of Education
From: Mitch Taylor
Date: June 3, 2024
Subject: Budget Amendment #8 Correction

Secretary, Board of Education

Correct
Version

incorrect
version

6) Interim Budget Resolution



441 Page Street • P.O. Box 427
Troy, North Carolina 27371-0427
PHONE: (910) 576-6511 • FAX: (910) 576-2044

To: Board of Education
From: Mitch Taylor
Date: June 3, 2024
Subject: Agenda Item (Section – Consent Agenda)

Interim Budget Resolution

The Board is being asked to adopt a 2024-2025 Interim Budget Resolution for Montgomery County Schools for the purpose of paying salaries and the usual ordinary expenses of the local school administrative unit for the interval between the beginning of the fiscal year on July 1st, 2024 and the adoption of the State Budget. Approval of the 2024-2025 Interim Budget Resolution will allow Montgomery County Schools to continue with normal business operations until enough information is available to present the final 2024-2025 Budget for approval. It is anticipated that this will occur at the September or October 2024 Montgomery County Board of Education Meeting.

I will be available to answer any questions you may have.

This resolution is an action item and will require a vote.

Chairman, Board of Education

Secretary, Board of Education

7) 2024-2025 Board of Education Meeting Schedule

2024-2025 MCBOE BOARD MEETINGS

Day	Date	Time	Location
Monday	July 1, 2024	6:30 pm	Boardroom
Monday	August 5, 2024	6:30 pm	Boardroom
Monday	September 9, 2024	6:30 pm	Boardroom
Monday	October 7, 2024	6:30 pm	Boardroom
Monday	November 4, 2024	6:30 pm	Boardroom
Monday	December 2, 2024	6:30 pm	Boardroom
Monday	January 6, 2025	6:30 pm	Boardroom
Monday	February 3, 2025	6:30 pm	Boardroom
Monday	March 3, 2025	6:30 pm	Boardroom
Monday	April 7, 2025	6:30 pm	Boardroom
Monday	May 5, 2025	6:30 pm	Boardroom
Monday	June 2, 2025	6:30 pm	Boardroom

2024-2025 MCBOE SCHOOL VISITS

Day	Date	Time	Location
Thursday	October 24, 2024	8:30 am	Mt. Gilead
Thursday	October 24, 2024	10:00 am	MLA
Thursday	October 24, 2024	11:00 am	Page Street (Lunch)
Thursday	January 9, 2025	8:30 am	Siar
Thursday	January 9, 2025	9:30 am	Green Ridge
Thursday	January 9, 2025	10:30 am	EMS
Thursday	January 9, 2025	11:30 am	Candler (Lunch)
Thursday	April 10, 2025	8:30 am	MCEC
Thursday	April 10, 2025	9:45 am	MCHS
Thursday	April 10, 2025	11:15 am	WMS (Lunch)
Thursday	April 10, 2025	12:15	Troy

Dates of Board visits to schools are tentative and based on MCS testing schedules as they are available for 2024-2025.

8) School Nutrition Services and Rollovers 2024-2025



441 Page Street • P.O. Box 427
Troy, North Carolina 27371-0427
PHONE: (910) 576-6511 • FAX: (910) 576-2844

TO: Board of Education
Cc: Dr. Dale Ellis
FROM: Donnie Lynthacum
Director of Child Nutrition
DATE: June 3, 2024
Re: 2024-2025 School Nutrition Services and Rollovers
SUBJECT: CONSENT AGENDA

1. mail:
U.S. Department of Agriculture
Office of Civil Rights
1400 Independence Avenue, SW
Washington, DC 20250-6413, or
2. fax:
(833) 785-1668 or (202) 696-7442, or
3. email:
usdoj-civilrights@usdoj.gov

This information is an equal opportunity program.

My recommendation for the following:

Food, Supplies & Snack Bid: Sysco Foods
Milk: Midway Dairy
Food Service & Sanitation Service: SFS PAC
Ice Cream: Hershey Creamery
Bread: Bakers Bakery of Jamestown, LLC
Pest Control: Montgomery Pest Control
Grease Trap Service: Kearney Plumbing Service
Produce: R & H Produce Co., Inc.

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or marital or residential status for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program of USDA's TARGET Center at (202) 720-2600 (voice and TTY), or e-mail: USDA-TargetCenter@usda.gov through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/officeofcivilrights/USDA-CivilRights2024/Complaint-Form-6598-600-2-608-11-28>. USDOJ also provides a USDA online, by calling (866) 632-9910, or by visiting a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

9) Child Nutrition Procurement Plan

MONTGOMERY COUNTY BOARD OF EDUCATION 2024-2025 PROCUREMENT PLAN SCHOOL NUTRITION PROGRAM

The procurement plan described on the following pages (pages 1 through 25) was adopted by the Montgomery County Board of Education (BOE) on the date signed below and will be effective immediately and from that date forward until amended. All procurement processes and activities will be consistent with the principles of free and open competition. The SFA will avoid unreasonable conditions that restrict competition. All reasonable efforts will be made to solicit bids, proposals and/or quotes from as many qualified vendors as possible. All qualified vendors are invited to respond to solicitations.

The procurement of all goods and services using School Nutrition funds will be carefully documented during each phase of the procurement process. The BOE shall award contracts to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed solicitation. The BOE will restrict awards, sub-awards and contracts with any party that is debarred, suspended or otherwise excluded from participation in Federal assistance programs or activities. All parties involved in the procurement process involving School Nutrition funds will comply with a written code of ethics/conduct, which includes a conflict of interest policy. Adherence with the code of ethics/conduct and conflict of interest policies is fundamental to the integrity of the procurement process.

Chair, Board of Education/Directors _____ Date _____
Superintendent of Schools _____ Date _____

Montgomery County Board of Education PROCUREMENT PLAN

The Montgomery County Board of Education (herein after referred to as the School Food Authority (SFA)) plan for procuring goods and services for use in the School Nutrition Program is described in detail herein. The plan includes all Federal food-assistance programs administered by the SFA. Adhering with the procurement plan is intended to ensure free and open competition, in an environment that promotes transparency in all transactions, documented comparability for ethical decision-making, and adequate documentation to substantiate the allowable use of School Nutrition funds.

Part I: Code of Ethics/Conduct governing the procurement of goods and services using School Nutrition Funds

A. The following conduct will be expected of all persons who are engaged in the award and administration of contracts supported by School Nutrition funds.

1. No employee, officer or agent of the Local Education Agency (LEA) shall participate in the development of a solicitation, selection of a recipient, and/or administration of a contract supported by School Nutrition funds if a conflict of interest, real or apparent, would be involved.
2. Conflicts of interest arise when a member of the LEA or SFA has a financial or other interest in the contractor selected for the award. Conflicts of interest would include:
 - a. Any employee, officer or agent of the contractor;
 - b. Any member of the immediate family of the contractor;
 - c. The contractor's partner; and/or
 - d. An organization which employs or is about to employ one of the above.
3. Employees, officers or agents of the LEA and SFA shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. (*Note: the SFA may establish local policy indicating School Nutrition personnel may accept an unsolicited item of nominal value where the exact value is established and recorded in this procurement plan or participate in a group event where the financial interest is not significant and the event is open to all attendees or participants.)
4. It is acknowledged that the penalty for violation of the Code of Ethics/Conduct may include any of the following:
 - a. Reprimand by Board of Education or
 - b. Dismissal by Board of Education; or
 - c. Any legal action necessary.

B. The Montgomery County Board of Education Code of Ethics and Conflict of Interest Policies are shown in Attachment A.

Part II: Procurement Methods used to Purchase Goods and Services using School Nutrition funds

A combination of formal and informal purchasing methods will be used to procure all goods and services on behalf of the non-profit School Food Authority (SFA). Formal purchasing methods will include the use of an Invitation for Bid (IFB) or a Request for Proposal (RFP). As required by 2 CFR 200.317 – 200.326 and NC General Statute, Article 8, Chapter 143, formal purchasing methods will always be used for any purchase that exceeds the lesser of the State's small purchase threshold of \$90,000.00 or the SFA's board-approved small purchase or simplified acquisition threshold. For purchases below the lesser of the State's simplified acquisition threshold of \$90,000 or the board-approved simplified acquisition threshold, informal procurement procedures involving a documented Request for Quote (RFQ) will be utilized when seeking competitive pricing. Micro-purchase procedures as defined in 2 CFR 200.320 may be used for goods or services reflecting separate or aggregate purchases in an amount equal to or less than \$3,500.00 in aggregate on an annual basis. Non-competitive negotiation or sole source procurement, is rare and requires the prior written approval of the North Carolina Department of Public Instruction (NCDPI) prior to purchase and/or contract execution. Contracts will be awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the base solicitation; consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance and financial and technical resources. All procurement transactions (formal, informal, sole source and emergency) will be thoroughly documented and available for review and/or audit by Federal, State and local authorities upon request.

The SFA will make all efforts to avoid the acquisition of unnecessary or duplicative items. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach, including purchases made using existing contracts that were competitively procured by the State of North Carolina and in accordance with State General Statute. Where feasible, the SFA will consider the purchase of gently-used or surplus equipment in lieu of purchasing new equipment.

Overly-prescriptive specifications will be avoided to promote competition. When it is impractical to make a clear, definitive description, a "brand name or equivalent" description will be used as a means to define a product or service. In this case, the specific features of the named brand, which must be met by contractors, must be clearly stated. In order to ensure objective contractor performance, any potential contractor that develops or drafts specifications, requirements, statements of work or other solicitation documents or resources, will be excluded from competing for such procurements. All solicitation documents will identify the specific requirements which the contractor must fulfill and any other factors that will be considered when evaluating quotes, bids, or proposals.

instructions may be obtained and the contact person to whom questions may be addressed.

An announcement of an Invitation for Bid (IFB) or a Request for Proposal (RFP) will be placed in the name of Major Newspaper/media, IPS Website, other widely publicized communication to publicize the intent of the School Food Authority to purchase needed items. The legal notice of advertisement for bids/proposals will be run in these media outlets for five days.

2. In an IFB or RFP, each vendor will be given an opportunity to submit a bid or proposal using the same complete, adequate and realistic specifications.
3. Specifications will be developed and provided to all potential contractors desiring to submit bids or proposals for the products or services requested. Vendors will be selected to receive the solicitation using the following methods:
 - a. Prior acceptable service with the SFA.
 - b. Quality of products.
 - c. Services available.

Any party that assists the SFA in the development of the written specifications, product descriptions or services to be provided, will be disqualified from submitting bids or proposals for such products or services. Potential vendors are prohibited from developing or assisting in the development of specifications, product descriptions or services to be provided.

4. If any potential vendor is in doubt as to the true meaning of the specifications or purchase conditions, an interpretation will be provided by School Nutrition Administrator. If a single vendor requests clarification on an item in an IFB, RFP, or other solicitation, a response will be provided to all potential vendors that originally requested and/or received the solicitation.
5. The IFB or RFP will clearly define the purchase conditions. The following shall be addressed in the solicitation and final contract documents:
 - a. Intent of the procurement activity
 - b. Contract period
 - c. SFA is responsible for all contracts awarded (statement)
 - d. Date, time and location of pre-bid or pre-proposal meeting (if any)
 - e. Date, time and location of bid opening and bid/proposal submission procedures with SFA contact information
 - f. How the vendor is to be informed of bid/proposal acceptance or rejection
 - g. Type of contract (i.e. fixed price with firm price for delivery, etc.)
 - h. Specific requirements potential contractor must fulfill in order for the bid or proposal to be evaluated

A. Formal Procurement Methods

Formal methods of procurement including an Invitation for Bid (IFB) or a Request for Proposal (RFP) will be used for any and all purchases in excess of the SFA's simplified acquisition (or small purchase) threshold OR the State simplified acquisition (or small purchase) threshold of \$90,000.00, whichever is less.

The SFA's Simplified Acquisition Threshold is \$90,000.00; this amount will be used to determine whether formal or informal purchasing methods will be used.

Formal procurement methods will be applied on the basis of a/an.

- * Centralized or administrative office purchase
- * Individual school purchase
- * Multi-School systems purchases
- * Previously competitively-procured State contract
- * Combination of above (specify)

An IFB will be used when the sole criteria for awarding a contract to the most responsive responsible bidder is the cost of goods or services. A RFP will be used when other factors, objective and subjective, will be used to award the contract. When using an RFP, cost will be a significant factor in the contract award along with other evaluation criteria. The specific evaluation criteria will be provided as part of the original solicitation to enable all potential contractors to clearly understand the basis of the award.

Given the potential to purchase more products and services above the SFA's Simplified Acquisition Threshold of \$90,000.00 using School Nutrition funds, it will be the responsibility of the School Nutrition Administrator to document the specific cost of a purchase to determine and document which formal procurement method will be used and the justification for doing so.

The School Nutrition Administrator will perform a cost analysis for every procurement action in excess of the SFA's simplified acquisition threshold where formal procurement methods will be used; the documentation of the cost analysis will be kept on file with other procurement documents and will be subject to review and/or audit.

When a formal procurement method is required, the following procedures shall apply.

1. A public advertisement is required to solicit bids or proposals for all purchases over the Local Education Agency's (LEA) simplified acquisition (or small purchase) threshold of \$90,000.00. The announcement (advertisement or legal notice) will contain a general description of items to be purchased, specific procedures for submission of a bid or proposal, deadline for submission of sealed bids or proposals and the address where complete specifications an bid/proposal
 - i. Statement indicating any and all bids or proposals may be rejected at the discretion of the SFA
 - j. Benefits to which the SFA will be entitled if the contractor cannot or will not perform as required in accordance with the terms and conditions of the contract
 - k. Statement regarding any contract extension or "rollover" options based upon the mutual agreement of both parties
 - l. Statement concerning any intent for piggybacking should a reasonable need emerge
 - m. Statement regarding the return of rebates, discounts and other purchase incentives to the SFA's non-profit School Nutrition account
 - n. Historically Underused Businesses (HUB) Statement to involve minority businesses where possible
 - o. Remedy for non-performance/termination of contract, termination provisions and the basis for any settlement for all purchases and service contracts over \$10,000.00
 - p. Non-collusion statement
 - q. Assurance of ethical practices statement
 - r. Bid/proposal protest procedures
 - s. Provision requiring compliance with Executive Order 11246 entitled "Equal Employment Opportunity" as amended by Executive Order 11375 and as supplemented in the Department of Labor regulations required for all contracts over \$10,000.00
 - t. Instrument to be used for obtaining goods or services (such as a purchase order or other system of ordering) to be described by the SFA in detail, including how the contractor will be notified using the purchase instrument
 - u. Escalation/de-escalation clause for future contract renewal periods (should such be allowed) based on appropriate standard or cost index
 - v. Statement of assurance of protection under Civil Rights laws
 - w. Provision requiring access by duly authorized representatives of the SFA, State agency, United States Department of Agriculture, or Comptroller General to any books, documents, papers and records of the contractor which are directly pertinent to all negotiated contracts
 - x. Method of payment (invoices, statements, etc.)
 - y. Method of shipment or delivery upon contract award
 - z. Delivery schedule and delivery requirements
 - aa. Provision requiring contractor to maintain all required records for three years plus the current year (and any contract periods open as a result of unresolved matter) after final payment and all other pending matters are closed for all negotiated contracts
 - bb. Bid/proposal Certification form
 - cc. Specifications that are sufficient to obtain the exact goods or services needed, but not so detailed as to restrict competition
 - dd. Product/service specifications to include approved brand or equivalent quantity, quality, packaging, pricing (unit and extended), procedures for documenting/pre-approving any substitutions or deviations

- cc. Provision requiring the contractor to recognize mandatory standards and policies related to energy efficiency which are contained in the State Energy Plan
 - ff. Provision requiring the contractor to recognize mandatory standards and policies related to energy efficiency which are contained in the State Energy Plan issued in compliance with the Energy Policy and Conservation Act (PL 94-165)
 - gg. All contracts over \$100,000.00 will require compliance with the Clean Air Act issued under Section 306, Executive Order 11738
 - hh. Signed Certificate of Lobbying for all contracts over \$100,000.00
 - ii. Signed Statement of non-collusion
 - jj. Signed Debarment/Suspension Certificate or statement included in contract or copy of Excluded Parties List System (EPLS)
 - kk. Provision requiring "Buy American" as outlined in Policy Memorandum SP 38 - 2017; specific instructions for prior approval of any and all of non-domestic products
 - ll. Provision requiring the Contractor to abide with the Jessica Lunsford Act (sample language is attached with this document)
 - mm. Provision indicating the SFA has complied with the Iran Divestment Act of 2015 (as modified) and has provided documentation the SFA is not doing business with an entity that does business with Iran.
6. The School Nutrition Administrator will be responsible for publicly advertising and coordinating the procurement process for all purchases using School Nutrition funds. The School Nutrition Administrator will be responsible for receiving and securing all bids, proposals, quotes and other collateral documents if indicated as part of the solicitation process.
7. The School Nutrition Administrator will be responsible to ensure all SFA procurements are conducted in compliance with applicable Federal regulations, State General Statutes or policies of the local Board of Education and that the Procurement Checklist shown at the end of this document will be completed for each formal procurement, signed and dated by the person named above and maintained on file with the original procurement documents.
8. The following criteria will be used to award contracts (based on bids or proposals):
- a. Price.
 - b. Prior contract performance
 - c. Quality of product.
 - d. Customer Service.
9. In awarding RFP a set of award criteria in the form of a weighted objective evaluation tool will be provided to each potential vendor in the initial solicitation documents/materials. Price alone will not be the sole basis for award, but

17. When appropriate and approved by School Nutrition Administrator, the SFA will exercise its option to purchase items that were previously competitively procured by the North Carolina Department of Administration, Purchase and Contract Division using a duly awarded, active State Term Contract.

B. Informal Procurement Procedures

1. When the cost of products or services is less than the LEA's small purchase threshold of \$90,000.00, or the Federal micro-purchasing threshold of \$3,500, informal purchasing procedures including the Request for Quotes (RFQ) and Micro-purchasing Procedures (MPP) will be utilized.
2. When using a RFQ, the following procedures will apply:
 - a. Clearly written specifications will be prepared and provided to each potential vendor, the SFA's approval terms and conditions will also be provided to each potential vendor
 - b. Each vendor will be contacted and given an opportunity to provide a price quote on the same specifications. A minimum of three (3) vendors shall be contacted.
 - c. The School Nutrition Administrator will be responsible for communicating with potential vendors when price quotes are required
 - d. Price quotes will receive appropriate confidentiality before awarding a contract.
 - e. Quotes will be awarded by School Nutrition Administrator. Quotes awarded will be to the lowest and best quote based upon quality, service, availability, and price.
 - f. The School Nutrition Administrator will be responsible for documentation of procedures to show selection of vendor, reasons for selection, names of all vendors contacted, price quotes from each vendor, and written specifications.
 - g. The School Nutrition Administrator will be responsible for documentation that the actual product(s) or service(s) specified is received.
 - h. Any time an accepted item is not available, the School Nutrition Administrator will select and approve an acceptable alternate. Full documentation will be made available as to the selection of the acceptable item.
 - i. Bids will be awarded on the following criteria:

- remains the primary consideration when awarding the contract. Following evaluation and competitive negotiations, a firm fixed-price contract will be awarded to the successful vendor.
10. Contracts will be awarded to the most responsible bidder/proposer whose bid or proposal is most responsive to the solicitation and is most advantageous to the SFA, price, and other factors considered. Any and all quotes, bids or proposals may be rejected at the discretion of the SFA and/or LEA or appropriate governing body.
 11. The School Nutrition Administrator is required to sign the bid tabulation of competitive, sealed bids or the evaluation criterion score form of competitive proposals signifying a fair and impartial review and approval of the successful bidder/proposer.
 12. The School Nutrition Administrator will annually review the SFA's Written Procurement Plan in the context of current local, State and Federal regulations to ensure compliance with applicable laws. This individual will also be responsible to update the School Nutrition Procurement Plan as often as required to reflect current Federal, State and local procurement policies.
 13. The School Nutrition Administrator will be responsible for documentation that the actual product(s) or service(s) specified are received.
 14. Any time a previously agreed upon item is not available, the School Nutrition Administrator will review, select and approve the acceptable alternate. The contractor must inform School Nutrition Administrator no later than 24 hours that a product is not available and that a substitute item may be considered. The School Nutrition Administrator shall review and approve all product/service substitutions in advance and in writing to the contractor. No product or service shall be used in the School Nutrition program that was not approved, in writing, in advance by the School Nutrition Administrator. In the event a non-domestic agricultural product is to be provided to the SFA, the contractor must obtain, in advance, the written approval of the product from the School Nutrition Administrator. The School Nutrition Administrator will oversee compliance with the Buy American Provision.
 15. Full documentation as to the reason an accepted item was unavailable, and the procedure used in determining acceptable alternates, will be available for audit and review. The person responsible for preparing and maintaining this documentation is School Nutrition Administrator.
 16. The School Nutrition Administrator will be responsible for maintaining all documentation of the procurement process and making documents available for review during announced and unannounced program reviews.

1. Price.
2. Quality of product.
3. Delivery service.
4. Customer service.

- j. The School Nutrition Administrator is required to sign all quote tabulations, signifying a fair and equitable review and approval of the selections.
- k. Quotes from an adequate number of qualified sources will be obtained. Where only one (1) quote is received, the district will provide written documentation as to why there were fewer than three (3) qualified quotes.
- l. When appropriate and approved by School Nutrition Administrator, the SFA will purchase items that were previously competitively procured by the North Carolina Department of Administration, Purchase and Contract Division, using a duly awarded, active State Term Contract.
- 3. When using MPP, the following will apply:
 - a. The School Nutrition Administrator will determine whether the aggregate amount of purchases for goods and/or services does not exceed the micro-purchase threshold of (equal to or less than) \$3,500, a micro-purchasing procedure may be utilized. In so doing, the School Nutrition Administrator will be responsible to ensure that, under no condition, will purchases be subdivided into amounts of \$3,500 or less in order to circumvent the formal and informal purchasing requirements.
 - b. Purchase orders may be solicited without quotes if the School Nutrition Administrator determines such practice is consistent with micro-purchasing regulations and consistent with the SFA's written Procurement Plan.
 - c. The School Nutrition Administrator may purchase products and services (similar or dissimilar, purchased at once, as a single, collective unit whose aggregate cost is less than or equal to \$3,500 in a single transaction without obtaining competitive quotes as long as the School Nutrition Administrator determines the price to be reasonable.
 - d. The School Nutrition Administrator shall ensure competition is achieved by distributing purchase transactions equitably among qualified sources where the price is reasonable. The School Nutrition Administrator will document all micro-purchases on a Micro-purchase Tracking Form.
 - e. For purposes of micro-purchasing, a transaction shall be defined as "an occurrence in which two (2) or more entities exchange goods, services or

money between or among them under an agreement formed for their mutual benefit."

- f. The School Nutrition Administrator agrees to contact the State agency with any questions about allowable/unallowable micro-purchases, and further agrees to maintain all documentation to substantiate micro-purchases including the following:
 1. Rationale for using micro-purchasing;
 2. Estimated cost of the item/service to be procured (indicating a one-time purchase of \$3,500 or less);
 3. Name and address of the vendor;
 4. Documentation that purchases are made from a variety of potential vendors as opposed to a single vendor for the majority of micro-purchases;
 5. All micro-purchases were approved by the School Nutrition Administrator prior to the initiation of a single micro-purchase.
- g. The School Nutrition Administrator will be responsible for the documentation of records to fully explain the decision to use micro-purchasing and to document the micro-purchasing process and outcomes. Such records will be available for audit and review.
- h. The School Nutrition Administrator will be responsible for documentation that the actual product or service as specified or required was purchased and received.

C. Sole Source of Non-competitive Procurement

When it is determined and documented that a product or service is available only from a single source and when the award of a contract is not feasible under small purchase, sealed bid or competitive negotiation, sole source or non-competitive negotiation procedures will be used and the following procedures shall apply:

1. Written specifications for the product or service will be prepared by the SFA.
2. The School Nutrition Administrator will be responsible to prepare and issue a request for information (RFI) or other information collection tool to objectively determine whether the product or service, as described in the written specification is available from one or more sources.
3. The School Nutrition Administrator determines the product or services specified qualifies as a sole source procurement, s/he will be responsible for reviewing the procedures to ensure all requirements for using sole source or non-competitive negotiations are met; this individual shall also be responsible for preparing appropriate documents to fully explain the decision to

use the sole source procurement process, including evidence indicating the goods or services were not available from other sources. The records will be available for audit and review.

4. A member or representative of the local Board of Education or Governing Board will approve, in advance, all procurements, with the exception of product testing purchases, that result from a sole source or non-competitive negotiation.
5. School Nutrition Administrator will be responsible for obtaining prior written State agency approval of the sole source or non-competitive negotiation before entering into the purchase of a good or service and will also be responsible for maintaining such documentation on file.
6. Sole source procurement may be used for one time purchases of a new food for product testing for which there is no brand equivalent in order to obtain product samples for conducting student taste acceptance. A record of non-competitive negotiation purchase shall be maintained by the School Nutrition Administrator. The record of non-competitive purchases shall include, at a minimum, the following:
 - a. Item name.
 - b. Dollar amount.
 - c. Vendor name and address.
 - d. Written justification for non-competitive procurement.
7. The School Nutrition Administrator will be responsible for documentation that the actual product or service specified was received.

D. Emergency or "Pressing Need" Purchases

If it is necessary to make a one-time emergency procurement as a result of a serious, unforeseen event that requires an immediate response in order to obtain goods or services to continue meal service, protect students, personnel or SFA resources, for other purposes that support program accountability and integrity, an emergency purchase shall be made and a log of such purchases will be maintained by the School Nutrition Administrator. The following emergency procedures shall be followed:

1. All emergency procurements shall be approved by the School Nutrition Administrator. At a minimum, the following emergency procurement procedures shall be documented:
 - a. Reason for the emergency.
 - b. Good or service required.
 - c. Cost (all costs to be included, shipping, installation, warranty, etc.).
 - d. Vendor name and address.
 - e. Approval of the LEA official, if required.

2. If it is necessary, in the course of a pressing need, to make an emergency purchase by means of "piggybacking" on the solicitation of another SFA, the following conditions must exist and approved procedures must be followed and appropriately documented as follows:

- a. The SFA that originated the solicitation must have included a "piggyback provision" in the original solicitation.
- b. Documentation that a "pressing need" exists that requires piggybacking on another SFA's bid will be obtained.
- c. Approval from the SFA's governing board will be obtained and documented.
- d. Approval from the SFA that originated the IFB will be obtained and documented.
- e. Approval from the vendor that was awarded the Contract (as a result of the IFB) will be obtained and documented.
- f. A public notice of the district's "Intent to Waive Competitive Bidding" will be issued at least 10 days prior to the regularly scheduled governing board meeting.
- g. Approval to piggyback will be obtained and documented from the governing board during a regularly scheduled meeting following the public notice;
- h. Notification to the vendor of final approval will be issued; and
- i. A contract with the vendor will be developed.

Part III: Purchasing Cooperatives

The SFA shall be a voluntary participant in the North Carolina School Nutrition Procurement Alliance (NCPA). In doing so, the SFA shall agree to the terms and conditions established and subsequently modified by the NCPA's elected Board of Directors. The original signed agreement between the SFA and the NCPA shall remain on file in the office of the School Nutrition Administrator.

Part IV: Additional Procurement Provisions

1. In order to evaluate a new product, the following methods will be used:
 - a. Food product specifications will be reviewed to determine compliance with USDA guidelines for meal patterns.
 - b. Existing contracts will be reviewed to determine if a product is already available at a contracted price.
 - c. Price quotes will be requested from available vendors.
 - d. Samples will be requested or purchased from the appropriate vendors.
 - e. Samples will be tested with students and staff at appropriate times.
2. Payment will be made to the contractor when all terms and conditions of the contract

have been met and verified as stipulated in the contract. (If value added features are available, payment will be based on the mutually agreed upon value added feature. For example, if prompt payment is made, discounts, etc. are allowable.)

3. Specifications will be updated by School Nutrition Administrator as products change.
4. If a product or service is not received as specified, the following procedure will be implemented:
 - a. Documentation will be made by the manager or director.
 - b. Vendor will be notified.
 - c. Returns, credits, or replacements will be handled according to contract terms and conditions.
5. If the SFA chooses to use the services of an entity to maximize allowable rebates, the following procedures will be implemented:
 - a. Entity will be provided with information on contracted vendor.
 - b. Entity will be provided with a list of eligible products.
6. School Nutrition Administrator will oversee the process of managing rebates provided by a third party participant and will track all interactions with and rebates provided by said third party.
 - a. Provide written documentation to the third-party rebate provider that all rebates must accrue to the non-profit School Nutrition Account. All rebate checks must be made payable to the SFA's School Nutrition account.
 - b. Document the deposit of all rebates into the non-profit School Nutrition account.
7. The SFA will designate an individual to monitor each contract to ensure the Contractor and the SFA adhere to all terms and conditions of the contract.
8. All contracts shall result in a fixed, firm price contract and/or cost plus fixed fee contract.

Part V: Documentation and Records Retention

In all transactions except micro-purchases, the contractor shall agree to retain all invoices, records and other documents relative to the contract for a period of three (3) years after final payment plus the current year. The SFA, its authorized agents, and/or USDA auditors shall have full access to and the right to examine any of said materials during said period.

The SFA shall agree to retain all books, journals, records and other documents relative to

the award of the contract agreement for three (3) years after final payment. Specifically the SFA shall maintain, at a minimum, the following documents:

- a. Written rationale for the method of procurement;
- b. A copy of the original solicitation;
- c. The selection of contract type;
- d. The bidding and negotiation history and working papers;
- e. The basis for contractor selection; and/or rejection;
- f. Approval from the State agency to support a lack of competition when competitive bids or offers are not obtained;
- g. The basis for award where cost or price is not the primary factor for the decision;
- h. The terms and conditions of the contract;
- i. Any and all contract amendments or modifications;
- j. Billing and payment records;
- k. Any history of any contractor claims; and
- l. Any history of any contractor breaches.

The SFA will complete the most current *School Nutrition Procurement Checklist* for all purchases using School Nutrition funds. The checklist should remain on file with the district's procurement documents as an indicator the SFA has taken all reasonable efforts to procure goods and services in a manner that is consistent with Federal regulations and policy. The checklist is shown in Attachment B.

Part VI: Other Procurement Requirements

- A. All contractors must agree to abide with the terms and conditions of the Jessica Lunsford Act. The vendor acknowledges that N.C. General Statute 14-208.18 prohibits anyone required to register as a sex offender under Article 27A of Chapter 14 of the General Statutes from knowingly being on the premises of any school. This prohibition applies to persons required to register under Article 27A who have committed any offense in Article 7A of Chapter 14 or any offense where the victim of the offense was under the age of 16 years at the time of the offense.
- B. The SFA will make all reasonable efforts to ensure that minority businesses, women's business enterprises and labor surplus area firms are engaged in solicitations and awarded contracts when possible.
- C. The SFA and its contractors shall comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000, procuring solid waste management services in a manner that maximizes energy and resource

recovery, and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

- D. All Contractors must agree to abide with the requirement for Criminal Background Checks. The vendor shall conduct criminal background checks on each of its employees who, pursuant to this Agreement, engage in any services on Montgomery County Board of Education property or at Montgomery County Board of Education events. The Contractor shall provide documentation that criminal background checks were conducted on each of its employees prior to hiring, and shall refuse employment to any person convicted of a felony or any other crime, whether misdemeanor or felony, that indicates the person poses a threat to the physical safety of students, school personnel or others. Such checks shall include an annual check of the State Sex Offender and Public Protection Registration Program, the State Sexually Violent Predator Registration Program, and the National Sex Offender Registry. The vendor shall not assign any employee or agent to provide services pursuant to this contract if (1) said worker appears on any of the listed registries; (2) said worker has been convicted of a felony; (3) said worker has been convicted of any crime, whether misdemeanor or felony, involving sex, violence, or drugs; or (4) said worker has engaged in any crime or conduct indicating that the worker may pose a threat to the safety or well-being of student or school personnel. The Montgomery County Board of Education reserves the right to prohibit any individual employee of the vendor from providing services on Montgomery County Board of Education property or at any Montgomery County Board of Education events if Montgomery County Board of Education determines, in its sole discretion, that such employee poses a threat to the safety or well-being of students, school personnel or others.

- E. The SFA must agree to abide with the IRAN DIVESTMENT ACT (as modified) N.C.G.S. 147-86.59 which stipulates that before entering into any contract, the SFA must determine whether the contracting entity appears on the State Treasurer's List of Prohibited Vendors. The list is routinely updated by the Office of the State Treasurer. You can access the list at:

<https://www.ncstate.com/inside-the-government/Office-of-the-State-Treasurer/Divestment-Act-Resources.aspx>

The Final Divestment List includes the names of vendors who appear to be engaged in "investment activities in Iran" based on Federal sanctions and other publicly available credible information. Vendors that appear on this list are ineligible to contract with the State of North Carolina or any subdivision of the State, including the School Nutrition Program. Prior to entering into a contract with a vendor, the SFA will check the Iran Final Divestment List to determine the potential vendor does not appear on the list. If however, the vendor does appear on the list, the SFA is prohibited from doing business with the vendor as required by N.C.G.S. 143-6A.4.

The SFA will document that any vendor with whom they enter into a contract does not appear on this list. To document this requirement, the SFA will print a copy of the most

current Iran Final Divestment List as it appears on the State Treasurer's website, print the one-page document and attach it to the solicitation document/contract prior to executing the contract.

- F. Should the Montgomery County Board of Education BOD determine it is in the best interest of the SFA to outsource the preparation of meals to a qualified catering company, the SFA agrees to notify the department before procuring the services of a catering company and to use the NC Department of Public Instruction's (NCDPI) RFP Template/Contract to solicit, evaluate, negotiate and contract with the successful vendor.
- G. Should the Montgomery County Board of Education determine it is in the best interest of the SFA to seek a for-profit Management Company to operate its non-profit School Nutrition Program, the Montgomery County Board of Education shall notify the NCDPI of its intent to outsource the program no later than six months prior to the desired date of the contract. Further, the LFA agrees to and agrees to use the solicitation/contract template required by the NCDPI and shall comply with the State and Federal guidelines for contracting with Management Companies. The BOD further agrees to appoint a qualified employee of the LFA to monitor the contract between the LFA and the Management Company on daily basis.

Part VII: Contract Oversight

- A. The School Nutrition Administrator shall designate an individual by name and title who will oversee each contract using School Nutrition funds to ensure all terms, conditions and deliverables are adhered to in a manner that is consistent with the contract.
- B. Each contract will be monitored on a frequency that is established at the beginning of the contract period; any failure of the contractor to abide with the terms and conditions of the contract will be reported to the School Nutrition Administrator immediately and immediate, documented corrective action will be required and/or contract termination proceedings will begin.
- C. The SFA alone will be responsible, in accordance with good administrative practice and sound business judgment, of the settlement of all contractual and administrative issues arising out of procurements using School Nutrition funds. These issues include, but are not limited to, source evaluation, protests, disputes and claims. These standards do not relieve the SFA of any contractual responsibilities under its contracts.
- D. It is understood by the SFA and LEA that, neither the US Department of Agriculture nor the North Carolina Department of Public Instruction will substitute their judgment for that of the SFA and LEA unless the matter is primarily a Federal or State concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.

Attachment A Code of Ethics and/or Conflict of Interest Policy of the Montgomery County School Board of Education

Attachment B

Specific Procurement Procedures for the purchase of all goods and services by the SEA

Category of Items to be Purchased	Procurement Method to be Used	Method of Award (line item, bottom line, market basket etc.)	Frequency of Purchase
Food and Non-Food Supplies	NC Alliance Formal	Bottom Line	Annually
Produce	NC Alliance Formal	Bottom Line	Annually
Snacks	NC Alliance Formal	Bottom Line	Annually
Water and Beverages	NC Alliance Formal	Line Item	Annually
Ice Cream	Formal	Bottom Line	Annually
Chemicals for Cleaning Purposes	Formal-RFP	Competitive Negotiation	Annually
Bread	Formal	Bottom Line	Annually
Milk	Formal	Bottom Line	Annually
Pest Control/Services	Formal-RFP	Competitive Negotiation	Annually
Oil Removal	Formal-RFP	Competitive Negotiation	Annually
Equipment	In-Formal	Bottom Line	As Needed 1

Note: All categories of purchases used by the SFA must be included in the table shown above.

Attachment C

Attachment C Procurement Checklist

Goods/Services to be procured:

Procurement date: _____

Person overseeing procurement process: _____

This checklist will be used when preparing solicitation documents, conducting informal and formal procurements, evaluating bids and proposals and executing contracts that involve the use of School Nutrition Funds.

Procurement Plan:

- _____ Written procurement plan
- _____ Authorized purchaser(s) specified
- _____ Detailed procurement methods to be used (quotes, IFB, RFP, micro-purchasing, non-competitive negotiation) including detailed procedures for each purchasing method
- _____ Advertising procedures
- _____ Award method clearly described (i.e., line item, bottom line, market basket analysis) or written evaluation of product/service
- _____ Vendor notification of award/non-award of contract
- _____ Code of ethics/conflict of interest policy
- _____ Instructions for documentation and record-keeping
- _____ Assignment for Contract oversight
- _____ Assurance of compliance with all Federal procurement policies
- _____ Assurance of compliance with all State procurement policies
- _____ Other local requirements.

Procurement Procedures:

- _____ Letter of invitation
_____ Intent of procurement activity
_____ Contract time-period
_____ Bid/proposal/quote submission procedures (i.e. sealed bid, written, etc.)
_____ Pre-bid/proposal meeting date/time/location (if applicable)
_____ Bid opening date/time/location; Proposal opening procedures
_____ Contact information
_____ Civil Rights Statement
_____ Other local requirements

Terms and Conditions:

- _____ Certification regarding disclosure of lobbying (\$100,000+)
 _____ Debarment/suspension certification form (\$25,000+)
 _____ Non-collusion statement
 _____ Assurance of ethical practices

Procurement Checklist (continued)

- _____ Escalation/De-escalation clause
- _____ Price determination statement (fixed, fixed with firm price for delivery, etc.)
- _____ Contract Extension or "roll-over" clause if warranted
- _____ Buy American statement or instructions
- _____ Bid/proposal protest procedures
- _____ Remedy for non-performance/termination of contract
- _____ HUB statement to involve minority business where possible
- _____ "Equal Employment Opportunity" compliance statement (\$10,000+)
- _____ Energy Policy and Conservation Act statement
- _____ Clean Air/Water Act statement (\$100,000+)
- _____ Civil Rights Act statement
- _____ Compliance with the Jessica Lauter Act
- _____ Return of Discounts, Credits and Rebates to SFA statement
- _____ Record retention and record access requirements (records maintained for three years (plus the current year) from final payment of contract and/or renewal; all base solicitations must be maintained for three years after the final payment on the contract)
- _____ Method of shipment/delivery requirements
- _____ Method of payment, invoices, statements, etc.
- _____ Purchase instrument to be used and how vendor will receive purchase orders
- _____ Bid certification form
- _____ Other State or local requirements
- _____ Specifications that are sufficiently detailed to get what is needed but not so specific as to restrict competition
- _____ Product specifications (approved brand and/or equivalent)
- _____ Quantity
- _____ Quality
- _____ Packaging
- _____ Pricing (unit and extended)
- _____ Procedure for documenting/pre-approving any substitutions and/or deviations
- _____ Other local jurisdiction

Documentation and Records:

- Documentation and Records:**
- _____ All IFB/RFI/RFQs with appropriate documentation and signatures of authorized purchasers maintained on the original solicitations
 - _____ Comparison charts to document procurement decisions and contract awards
 - _____ Record of public bid openings and/or proposal openings if proposals will be publicly opened
 - _____ Copies of contract award/non-award letters
 - _____ Copies of advertisements for solicitation of goods/services
 - _____ Determination/document of correct procurement method used
 - _____ Evaluation of escalation/de escalation clause
 - _____ Evaluation of Contract Extension/Amendment (roll-over clause)

Procurement Checklist (continued)

Evaluation/documentation of contract re-negotiations/changes to original contract at the timelines and under the same conditions specified in the original solicitation document

Evaluation of refund of discounts, credits and rebates (as applicable) and detailed procedure indicating how/when the discounts, rebates and credits would be assigned to the SFA by the contractor

Evaluation of whether procurement methods/activities are consistent with the SFA's approved valid procurement plan

Evaluation of procedures for ensuring records retention requirements are met and whether all documents relating to the solicitation and contract/contact assignments will be maintained

Non-competitive purchases (sole source, emergency, etc.) are appropriately documented and have received approval from State agency or governing board prior to award, including purchases through means of *passbook* into another SFA's solicitation document

Invoices/payments for items purchased with school/university funds

Documentation of any contractor performance or breach of contract from vendors

Provision requiring the SFA to abide with the Iran Divestment Act of 2015, as amended

Other *local* requirements

USDA Non-Discrimination Statement

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY). For contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-3566-0002-508-11-28-17Fax2Mail.pdf>

from any USDA office, by calling (866) 622-6992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights.

(USCIs) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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. 20253-9410;
2. **fax:**
(855) 255-1050 or (202) 690-7442; or
3. **email:** prostate.intel@usda.gov

This institution is an equal opportunity provider.

10) MCHS Early Graduates-Additional



441 Page Street • P.O. Box 427
Troy, North Carolina 27371-0427
PHONE: (919) 576-6511 • FAX: (919) 576-2044

TO: Board of Education
FROM: Wade Auman
DATE: June 3, 2024
SUBJ: CONSENT AGENDA ITEM (883) Early Graduation

The following students have requested early graduation from Montgomery County Schools:

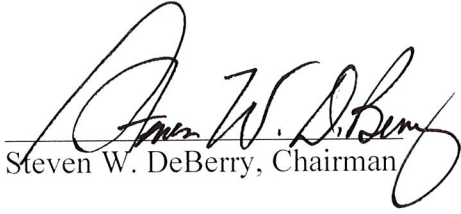
Montgomery Central High School:

All students on this list have received a thorough transcript audit to ensure they meet the North Carolina High School Graduation requirements for the completion of high school.

I am available to answer any questions you might have.

Following closed session, Chairman DeBerry asked for a motion to adjourn the meeting. Lynn Epps made the motion with Cindy Taylor seconding; the meeting was duly adjourned.

The next regular meeting will be held on Monday, July 1, at 6:30 pm at the Montgomery County Central Office.



Steven W. DeBerry, Chairman



Dale Ellis, Ed. D., Secretary