




Winston County Schools Procurement Plan for Child Nutrition Program


All procurements of food, supplies, goods, and other services with the Child Nutrition Program will be consistent with federal, state, and local laws and regulations. Source documentation will be available to determine open competition, the reasonableness, and the allocation of costs. This Procurement Plan coincides with the Winston County Schools Financial Department Procurement Plans. This document simply details the responsibilities and guidelines for the Child Nutrition Program.



Superintendent
Winston County Schools

07/29/2024

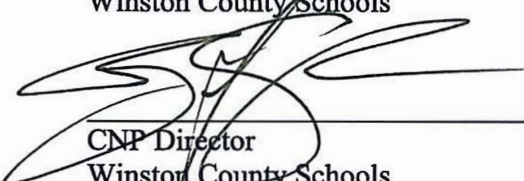
Date



Chief School Financial Officer
Winston County Schools

07/29/2024

Date



CNP Director
Winston County Schools

7/29/24

Date

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SECTION I - PROCUREMENT PLAN GENERAL REQUIREMENTS

- A. This plan is adopted as a condition of Winston County Schools’ participation in the USDA Child Nutrition Programs. Winston County Schools uses procurement procedures that reflect state and local law, while also ensuring compliance with applicable federal law.
- B. The Child Nutrition Program Director is primarily responsible for overseeing all procurement for Winston County Schools food service department, including any procurement conducted on behalf of Child Nutrition Program. This responsibility includes, but is not limited to, the responsibilities set forth below:
 - a. Ensures that all Winston County Schools procurement transactions are conducted on a manner that provides full and open competition in accordance with federal law.
 - b. Manages contracts and oversees vendors and/or ensuring that vendors perform in accordance with the terms, conditions, and specifications of vendor contracts and/or purchase orders.
 - c. Ensures that vendors who develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals are *excluded* from competing for such contracts and/or purchase orders.
 - d. Ensures that all contractual and administrative issues arising out of procurements for the Winston County Schools’ food service department are handled in accordance with good administrative practice and sound business judgment.
 - e. Ensures that all sufficient records detailing Winston County School’s CNP procurement history, as well as the procurement history of all other entities procuring on behalf of Winston County Schools CNP, are maintained.
 - a. The records maintained for contracts include, at a minimum, the following records:
 - 1) Rationale for methods of procurement
 - 2) Selection of procurement type
 - 3) Selection or rejection of vendor
 - 4) Basis for contract price
 - b. These records are maintained for at least seven (7) years after submission of the final claim for Reimbursement for the fiscal year or longer if otherwise required by law.
- C. Purchasing will be conducted at the most restrictive procurement threshold:

	Federal Procurement Thresholds	State of Alabama Procurement Thresholds
Micro-purchasing	\$0 - \$50,000	Less than \$10,000
Equipment	Over \$5,000	Over \$5,000
Small/Informal	Over \$50,000 – Less than \$250,000	Over \$10,000 – less than \$40,000
Formal	\$250,000 +	\$40,000 + (Exceptions: *Alabama Farm to School Act *Alabama Joint Cooperative Act *Exemption to Alabama Bid Law Act)

- D. The following records will be maintained for six years plus the current year:

- E. The SFA takes necessary affirmative steps to ensure that small businesses, minority firms, women's business enterprises, and labor surplus area firms are used when possible.
- F. The following Code of Conduct will be expected of all persons who are engaged in the awarding and administration of contracts supported by the Child Nutrition reimbursement funds. These written standards of conduct include:
 - a) Conflicts of Interest
 - 1) No employee, officer, or agent shall purchase or establish a contract if a conflict of interest, real or implied, would be involved.
 - 2) Conflicts of interest arise when one of the following has a financial or other interest in the firm selected for the award.
 - i. The employee, officer, or agent.
 - ii. Any member of the immediate family
 - iii. His or her partner
 - iv. An organization that employs or is about to employ one of the above
 - b) Disciplinary Action
 - 1) Penalties for violation of the standards of the Code of Conduct may include any of the following:
 - i. Reprimand
 - ii. Dismissal
 - iii. Any legal action necessary
 - c) Gratuities, Favors, and Gifts
 - 1) Employees, officers, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.
 - 2) Staff are allowed to accept gifts of de minimis value as defined by the Alabama Ethics Law such as promotional items commonly distributed to the general public.

SECTION II – MICRO PURCHASING

If the amount of purchases for items up to and including \$10,000, the following procedure will be used.

1. Purchases will not be separated to meet or stay below the \$10,000 threshold.
2. The price quotes will not be required. Competition is not required.
3. When practicable, micro-purchases will be distributed equitably among qualified suppliers.
4. Documentation of purchases will be kept and maintained for a minimum of 6 years plus the current year.
5. The CNP Director will be responsible for documentation of purchases.

SECTION III –PURCHASING CAPITAL EQUIPMENT

If the amount of purchases for equipment is greater than \$5,000, the following procedure will be used.

1. Written specifications will be prepared and provided to vendors.
2. Each vendor will be contacted and given an opportunity to provide a price quote on the same specifications. A minimum of two vendors shall be contacted (if available).
3. The price quote will receive appropriate confidentiality before the award.
4. If the item being purchased is not included on the CNP Capital Equipment **Pre-Approved List** (attachment), Winston County Schools will seek prior approval from the Child Nutrition Director at the Alabama State Department of Education (ALSDE) by completing the Equipment Request Form. The request should be submitted and pre-approval granted from ALSDE **before** the school board can vote to approve any purchases of \$5,000 or more.
5. Quotes will be awarded by the Child Nutrition Program Department. It is not the policy of the Winston County Schools to purchase based on low bid only. Quality, conformity with specifications, the purpose for which required, terms of delivery, transportation charges, and dates of delivery are factors that may be used to determine the low responsible bidder.
6. The CNP Director will be responsible for documentation of records to show selection of vendor, reasons for selection, names of all vendors contacted, price quotes from each vendor, and **written specifications**.
7. The CNP Director will be responsible for documentation that the actual product specified is received.

Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000. See also §§200.12 Capital assets, 200.20 Computing devices, 200.48 General purpose equipment, 200.58 Information technology systems, 200.89 Special purpose equipment, and 200.94 Supplies.

SECTION IV – SMALL PURCHASES

If the amount of purchases for items is greater than \$10,000 and less than or including \$40,000, Small Purchase Procedures will be utilized. There are two methods of Small Purchasing allowed, either Quotes and/or a Market Basket Study. Quotes documented from an adequate number of qualified sources will be required.

Method 1- Quotes:

1. Written specifications will be prepared and provided to the vendor.
2. Each vendor will be contacted and given an opportunity to provide a price quote on the same specifications. A minimum of two to ~~three~~ vendors shall be contacted.
3. The CNP Director will be responsible for contacting potential vendors when price quotes are needed.
4. Confidentiality for price quotes will be maintained until the purchase is made.
5. Quotes will be awarded by the CNP Director. It is not the policy of the Winston County Board of Education to purchase based on low bid only. Quality, conformity with specifications, the purpose for which required, terms of delivery, transportation charges, and dates of delivery are factors that may be used to determine the low responsible bidder. Bidders must abide by the provisions of the Americans with Disabilities Act of 1990 in order to provide goods or services to the Winston County Board of Education.
6. The CNP Director will be responsible for documentation of records to show selection of vendor, reasons for selection, names of all vendors contacted, price quotes from each vendor, and *written specifications*.
7. The CNP Director will be responsible for documentation that the actual product specified is received.
8. Any time an accepted item is not available, the CNP Director may select the acceptable alternative. Full documentation will be made available as to the selection of the acceptable item. Substituted items will not be made solely at the vendor's discretion.
9. Purchasing will be based on the following criteria:
 - a) Price - Example: quality, delivery, service, etc.
 - b) Request Requirements
 - c) If two quotes are equal, consideration may be given to the vendor which was last awarded a bid from Winston County Schools
10. If the purchase is below the most restrictive micro purchase threshold, small purchase may be used.

Price Escalation/De-escalation. All price increases/decreases shall be based on new published manufacturer's selling price for the goods (milk and produce) specified herein.

Method 2- Market Basket Study: Milk and Produce

1. The Market Basket Study list of products must be created annually.
2. The Market Basket Study must include no less than twenty product items that are:
 - a. most frequently purchased
 - b. products that make up the largest part of the budget
3. Prices must be obtained for the products on the Market-basket Study for two or more vendors.
4. Food (produce and milk) items will be purchased from the vendor/store based on the results of the current Market Basket Study. Non-processed agricultural products exceeding \$250,000 will require formal procurement as well.

5. SFAs may use clauses for milk bid contracts, allowing for price escalation/de-escalation according to a raw milk index. Approved index reports enable price adjustments based on inflation, product availability, and other factors. The USDA currently references three index reports:
 - a. Raw Milk Index
 - b. Consumer Price Index (CPI): Adjusts according to current inflation rates.
 - c. Agricultural Market Services (AMS): Adjusts according to the current agricultural market.

For instance, if the SFA's current fresh produce bid includes a clause allowing price adjustments based on the Consumer Price Index (CPI) for inflation, the SFA can renew the contract with supporting CPI documentation as of the renewal date. If the inflation rate is 3% at the time of renewal, the vendor may increase the product price by up to 3% from the initial firm fixed price without it being considered a material change. Additionally, if the Agricultural Market Services (AMS) clause is included in the original bid contract, the renewal would allow price adjustments according to the current AMS index for each item. For example, if peaches are initially bid at \$30.00 per case and the CPI inflation rate is 3% while the AMS index for peaches is 1%, the vendor may increase the price to \$31.20 ($\$30 \times 4\% = \1.20), which is allowable without being a material change. However, such adjustments are permissible only if the original contract includes the index clause. An SFA may not arbitrarily allow price increases or decreases without an approved index. Statements permitting a 10% annual price increase are not allowable; adjustments must be tied to a verifiable index documented at the time of renewal.

6. The CNP Director will be responsible for obtaining prices from vendors or stores annually.
7. Vendor/store selection will be to the lowest and best quote based upon quality, service availability, price, and/or delivery.
8. The CNP Director will be responsible for documentation of records to show selection of vendor, reasons for selection, names of all vendors contacted, price quotes from each vendor, and **written specifications**.
9. The CNP Director will be responsible for documentation that the actual product specified is received.
10. Non-food service items not included in the Market Basket Study should follow standard Informal Procurement requirements by obtaining two or more quotes.

SECTION V – FORMAL PROCUREMENT (BID)

Purchases over \$40,000 or greater

1. If the amount of purchases is \$40,000 or greater, formal procurement procedures will be used. Responsibilities include, but are not limited to, the following:

- Ensuring that contracts are awarded to the bid or proposal that is responsive to the solicitation and most advantageous to Winston County Schools.
- Ensuring that, when weighed criteria is used as part of the solicitation, a weighted evaluation sheet is provided to each bidder in the initial bid document materials; price and other factors are considered with price receiving the highest weight; and a firm fixed price or cost reimbursable contract is awarded following evaluation and / or negotiation (as applicable.)
- Ensuring that the bid tabulation or the evaluation criterion score sheet is signed signifying a review and approval of the selections.
- Monitoring the formal procurement system to ensure compliance with applicable laws.
- Ensuring that all procurement documentation relating to formal procurement is maintained.
- An advertisement by the Child Nutrition/Finance department is required for all purchases over the district's small purchase threshold of \$40,000. Ensuring that the initial procurement solicitation and the final awarded contract include all required contract language and meet the requirements of local, state, and federal law.
- Ensuring compliance with the Buy American Provision.
- Ensuring that a vendor obtains, in advance, written approval for any non-domestic agricultural product supplied to Winston County Schools.
- Ensuring that full documentation is received documenting why an accepted item is unavailable.
- Ensuring that vendor documentation is reviewed and audited before Winston County Schools selects an acceptable alternative.
- Selects an acceptable alternative when a product is not available.
- Ensuring that the solicitation is advertised by the CNP Director to publicize the SFA's intent to purchase needed items.
- An advertisement is required for all purchases over the district's small purchase threshold of \$40,000. The announcement will contain a:
 - General description of items to be purchased
 - Deadline for submission of questions and the date written responses will be provided including addenda to bid specifications, terms, and conditions as needed
 - Date of pre-bid meeting, if provided, and if attendance is a requirement for bid award
 - Deadline for submission for bids or proposals; and
 - Address of location where complete specifications and bid / proposal forms may be obtained.
- Ensuring that advertisements run for a minimum of 10 business days.
- Ensuring that vendors are given the same opportunity to bid on the same product specifications.
- Ensuring that purchase conditions are clearly defined in the solicitation.
- Ensuring that the initial procurement solicitation and the final awarded contract include all required contract language and meets the requirements of local, state, and federal law.
- The developer of written specifications or descriptions for procurements will be *prohibited* from submitting bids or proposals for such products or services.

For all other FNS nutrition assistance programs, state or local agencies, and their subrecipients, must post the following Nondiscrimination 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) or 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/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, 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 (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:

1. **mail:**
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
Program.Intake@usda.gov

This institution is an equal opportunity provider.

Documentation of Non-Domestic Products:

Vendor Name: _____

Domestic Agricultural Product: _____

Storage Area for Product: (Circle all that Apply) Dry Cooler/refrigerator
Freeze

Country of Origin of Non-domestic substitution:

Select Reason for Exception: (Choose One)

1. The food or food product is not produced or manufactured in the United States in sufficient and reasonably available quantities of satisfactory quality
2. Competitive bids reveal the cost of the United States food or food product is significantly higher than the non-domestic product.

a. Price of the original domestic food product as bid has increase significantly above the Agricultural Marketing Services (AMS) and/or Consumer Price Index (CPI); and

b. The non-domestic product meets the required specifications of the domestic product.

Date range for the substitution:

Beginning Date:

Ending Date:

Supporting Documentation Provided: (Attach as needed)

A. Documentation that the product is not produced or manufactured in the United States in sufficient and reasonably available quantities of satisfactory quality

B. Documentation that the price of the original domestic food product as bid has increase significantly above the Agricultural Marketing Services (AMS) and/or Consumer Price Index (CPI)

Vendor Representative's Name (Print)
(Signature)

Vendor Representative's Name

Date: _____

SFA Representative's Name (Print)

SFA Representative's Name (Signature)

Date: _____