PROCUREMENT PROCEDURES
FOR
SAU # 62 Mascoma Valley Regional School District
Federal Grant Funds and Child Nutrition Program

The procurement procedures contained on the following pages 2 through 10 follow 2 CFR 200.318-326. All procurements must maximize full and open competition. Source documentation must be available to determine open competition, the reasonableness, the allow-ability and the allocation of costs.

SAU # 62 intentionally seeks to prohibit conflicts of interest in all procurement of goods and services. The code of conduct is identified in section G herein.

_____ _____
Chair, Mascoma Valley Regional School Board Date

_____ _____
Superintendent of Schools, SAU # 62 Date

SAU #62
PROCUREMENT PROCEDURES

Section A

1. SAU #62's plan for procuring items for use in the Federal Grant and the Child Nutrition Program is as follows. The procurement procedures maximize full and open competition, transparency in transactions, comparability, and documentation of all procurement activities.

2. If the amount of purchases is more than the Federal small purchase threshold currently valued at $150,000 or the School Food Authority's (SFA) approved threshold of $50,000, formal procurement procedures will be used as required by 2 CFR 200.318-326. Informal procurement procedures (small purchase) will be required for purchases under the most restrictive small purchase threshold.

3. The following procedures will be used for all other purchases: Micro-purchase under $15,000 – no bid or quote process, Small purchase under $50,000 – District bid process, Purchase over $50,000 – Formal bid process.

4. Formal bid procedures will be applied on the basis of:

Category	Procurement Method	Evaluation Used	Contract Award Type	Contract Duration/Frequency
All perishable and non-perishable foods and Manual All Purpose Cleaning Supplies, Paper and Plastic Supplies	Formal	Bottom Line	Cost-reimbursable plus fixed fee	Annual with ____, one-year renewal options.
Dish Machine Chemicals	Formal	Bottom Line	Fixed price with price adjustment	July 1-June 30 annual
Small wares	Formal	Bottom line	Fixed price	Annual
Capital Equipment	Formal	Bottom line	Fixed price	Annual
Fresh Bread	Formal	Bottom line	Fixed price with price adjustment	July 1-June 30 annual
Milk and Dairy Products	Formal	Bottom line	Fixed price with price adjustment	July 1-June 30 annual
Office Supplies	District contract	Bottom line	Cost reimbursable plus fixed-fee	July 1-June 30 annual
Processing USDA Foods	Formal	Bottom line	Fixed price	July 1-June 30 Annual
Emergency	Micro-purchase/small purchase procedures (requires authorized PO)	Price Reasonable	No contract, equitable distribution, transactions limited to $3,500 or less	As needed

5. Formal bid procedures will be applied on the basis of a(n): (choose one)

   _____ Centralized System
   __X__ Individual School
   _____ Multi-School Systems
   _____ State Contract
   _____ Combination of above (specify):
   _____

6. Because of the potential for purchasing more than $50,000, it will be the responsibility of Business Administrator to document the amounts to be purchased so the correct method of procurement will be followed.

Section B Formal Purchases:

When a formal procurement method is required, the following competitive sealed bid or an Invitation for Bid (FB) or competitive proposal in the form of a Request for Proposal (RFP) procedures will apply:

- An announcement of an IFB or RFP will be placed in a state-wide paper (ie Union Leader) and the SAU # 62 website to publicize the intent of the SFA to purchase needed items. The advertisement for bids/proposals or legal notice will be run for four days over two weeks.
- An advertisement is required for all purchases over the SAU's small purchase threshold of $15,000. The announcement (advertisement or legal notice) will contain a:
  - General description of items to be purchase,
  - 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 applicable, and if attendance is a requirement for bid award
  - Deadline for submission of sealed bids or proposals, and
  - Address of location where complete specifications and bid forms may be obtained.
- In an IFB or RFP, each vendor will be given an opportunity to bid on the same specifications.
- The developer of written specifications or descriptions for procurements will be ***prohibited*** from submitting bids or proposals for such products or services.
- The IFB or RFP will clearly define the purchase conditions. The following list includes requirements, not exclusive, to be address in the procurement document:
  - Contract period,
  - SFA is responsible for all contracts awarded (statement),
  - Date, time, and location of IFB/RFP opening,
  - How vendor is to be informed of bid acceptance or rejection,
  - Delivery schedule,
  - Set forth requirements (terms and conditions) which bidder must fulfill in order for bid to be evaluated,
  - Benefits to which the SFA will be entitled if the contractor cannot or will not perform as required,
  - Statement assuring positive efforts will be made to involve minority and small business,
  - Statement regarding the return of purchase incentives, discounts, rebates and credits to the SFA's non-profit child nutrition account,

    - Contract provisions as required in Appendix II to 2 CFR 200,
    - Contract provisions as required in 7 CFR 210.21(f) for all cost reimbursable contracts,
    - Contract provisions as required in 7 CFR 210.16(a)(1-1)) and 7 CFR 250.53 for Food Service Management Company (FSMC) contracts,
    - Procuring instrument to be used are purchase orders from firm fixed prices after formal bidding,
    - Price adjustment clause (tied to a standard index) (*Consumer Price Index, or other as stated in terms and conditions for pricing and price adjustments*),
    - Method of evaluation and type of contract to be awarded (solicitations using an IFB are awarded to the lowest responsive and responsible bidder; RFP are awarded to the most advantageous bidder/offeror with price as the primary factor among factors considered),
    - Method of award announcement and effective date,
    - Specific bid protest procedures including contact information of person and address, and the date by which a written protest must be received,
    - Provision requiring access by duly authorized representatives of the SFA, State Agency, USDA or Comptroller General to any books, documents, papers and records of the contractor which are directly pertinent to all negotiated contracts,
    - Method of shipment or delivery upon contract award,
    - Provision requiring contractor to maintain all required records for three years after final payment and all other pending matters (audits) are closed for all negotiated contracts,
    - Description of process for enabling vendors to receive or pick up orders upon contract award,
    - Provision requiring the contract to recognize mandatory standards/policies related to energy efficiency contained in the State energy Plan issued in compliance with the Energy Policy and Conservation Act (PL 94-165),
    - Signed statement of non-collusion
    - Signed Debarment/Suspension Certificate, or statement included in contract, or copy of Excluded Parties List System (EPLS),
    - Provision requiring "Buy American" as outlined in 7 CFR Part 210.21(d); specific instructions for prior approval of all non-domestic product(s).
- Specifications and estimated quantities of products and services prepared by SFA and provided to potential contractors desiring to submit bids/proposals for the products or services requested.
- If any potential vendor is in doubt as to the true meaning of specifications or purchase conditions, interpretation will be provided in writing to all potential bidders by Business Administrator and date specified.
- The Business Administrator will be responsible for securing all bids or proposals.
- The Business Administrator will be responsible to ensure all SFA procurements are conducted in compliance with applicable Federal, State and local procurement regulations.
- The following criteria will be used in awarding contracts as a result of bids/proposals:
    - Price
    - Ability to provide product/service
    - Quality
    - School Board approval

In awarding a RFP, a set of award criterion in the form of a weighted evaluation sheet will be provided to each bidder in the initial bid document materials. Price alone is not the sole basis for award, but remains the primary consideration among all factors when awarding a contract. Following evaluation and negotiations, a firm fixed price or cost reimbursable contract is awarded.

- The contracts will be awarded to the responsible bidder/proposer whose bid or proposal is responsive to the invitation and is most advantageous to the SFA, price as the primary and other factors considered. Any and all bids or proposals may be rejected in accordance with law.
- The Business Administrator is required to sign on the bid tabulation of competitive sealed bids or the evaluation criterion score sheet of competitive proposals signifying a review and approval of the selections.
- The Business Administrator will review the procurement system to ensure compliance with applicable laws.
- The Business Administrator is responsible for documenting the actual product specified is received.
- Any time an accepted item is not available, the Business Administrator will select the acceptable alternate. The contractor must inform the Business Administrator by email when a product is not available. In the event a non-domestic agricultural product is to be provided to the SFA, the contract must obtain, in advance, the written approval of the product. The Business Administrator must comply with the Buy American provision.
- Full documentation as to the reason an accepted item was unavailable, and to the procedure used in determining acceptable alternates, will be available for audit and review. The person responsible for this documentation is the Business Administrator
- The Business Administrator is responsible for maintaining all procurement documentation.

Section C Informal Purchases:

If the amount of purchases for items is less than SAU #62's small purchase threshold, the following, SMALL PURCHASE PROCEDURES, including quotes, will be used. Quotes from an adequate number of qualified sources will be required.

- Written Specifications will be prepared and provided to the vendor.
- Each vendor will be contacted and given an opportunity to provide a price quote on the same specifications. A minimum of three vendors shall be contacted.
- The Business Administrator will be responsible for contacting potential vendors when price quotes are needed.
- The price quotes will receive appropriate confidentiality before award.
- Purchases will be awarded by the Business Administrator. Purchases will be awarded to the lowest and best quote based upon quality, service availability, price and school board approval.
- The Business Administrator 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.
- The Business Administrator will be responsible for documenting that the actual product specified is received.
- Any time an accepted item is not available, the Business Administrator will select the acceptable alternate. Full documentation will be made available as to the selection of the acceptable item.
- Bids will be awarded on the following criteria:

    - Price
    - Ability to provide product/service
    - Quality
    - School Board approval
    - Ability to provide product/service
    - Quality
    - School Board approval
- The Business Administrator is required to sign all quote tabulations, signifying a review and approval of the selections.

Section D Non-Competitive Purchases:

If items are available only from a single source when the award of a contract is not feasible under small purchase, sealed bid or competitive negotiation, NON-COMPETITIVE PROPOSAL procedures will be used:

1. Written Specifications will be prepared and provided to the vendor.
2. The Business Administrator will be responsible for the documentation of records to fully explain the decision to use the non-competitive proposal. The records will be available for audit and review.
3. The Business Administrator will be responsible for documentation that the actual product or service specified was received.
4. The Business Administrator will be responsible for reviewing the procedures to be certain all requirements for using single source or non-competitive proposals are met.

Non-Competitive proposals shall be used for one-time purchase of a new food item in order to determine food acceptance by students and for samples for testing purposes. A record o non-competitive negotiation purchase shall be maintained by the (SFA Official). The record of non-competitive purchases shall include, at a minimum, the following:

- Item name,
- Dollar Amount,
- Vendor, and
- Reason for Non-Competitive Procurement

The Mascoma Valley Regional School Board shall approve, in advance, all procurements that result from non-competitive negotiations.

Section E Miscellaneous Provisions:

1. New product evaluation procedures will include:
    - Price
    - Quality
    - Availability
2. The School Food Authority agrees that the reviewing official of each transaction will be the Business Administrator
3. Payment will be made to the vendor when the contract has been met and verified and has met the SFA's procedures for payment. (If prompt payment is made, discounts, etc. are accepted.)

4. Specifications will be updated as needed.
5. If product is not as specified, the following procedure will take place:
    - The vendor will be contacted to rectify

Section F Emergency or "Pressing Need" Purchases:

1. If it is necessary to make a one-time emergency procurement to continue service or obtain goods, the purchase must be authorized using a purchase order signed by the SFA's Business Official. The following emergency procedures shall be followed.
    - All emergency procurements shall be approved by the SFA Official.
    - At a minimum, the following emergency procurement procedures shall be documented:
        - Item name,
        - Dollar amount,
        - Vendor, and
        - Reason for Emergency
2. If it is necessary, in the course of a pressing need, to make an emergency purchase by means of "piggybacking" on the bid of another district, the following conditions must exist and approved procedures must be followed and appropriately documented as follows:
    - The SFA originating the competitive procurement must have a "piggyback provision" in the original solicitation;
    - Documentation of the emergency requiring the piggybacking must be maintained;
    - Approval from the purchasing SFA's governing board will be obtained and documented;
    - Approval from the SFA that originated the competitive procurement will be obtained and documented;
    - Approval from the Vendor that was awarded the contract (original solicitation) will be obtained and documented;
    - Approval to piggyback will be obtained and documented from the governing board during a regularly scheduled meeting following the public notice;
    - Notification to the Vendor of final approval will be documented and issued;
    - A contract with the Vendor will be developed including:
    - The contractor shall agree to retain all books, records and other documents relative to the contract agreement for three (3) years after final payment, or until audited by SFA, whichever is sooner. The SFA, its authorized agents, and/or State and/or USDA auditors and/or reviewers shall have full access to and the right to examine any of said materials during said period.
3. The SFA shall agree to retain all books, records and other documents relative to the award of the contract for three (3) years after final payment. Specifically, the SFA shall maintain, at a minimum, the following documents:
    - Written rationale for the method of procurement;
    - A copy of the original solicitation;
    - The selection of contract type;
    - The bidding and negotiation history and working papers;
    - The basis for contractor selection;
    - Approval from the State Agency to support a lack of competition when competitive bids or offers are not obtained;
    - The basis for award cost or price;
    - The terms and conditions of the contract;

- Any changes to the contract and negotiation history;
- Billing and payment records;
- A history of any contractor claims; and
- A history of any contractor breaches.

G. Code of Conduct:

The following conduct will be expected of all persons who are engaged in the awarding and administration of contracts supported by School Food and Nutrition Program funds and Federal Grant funds. These written standards of conduct include: *The Code of Ethics and Code of Conduct for New Hampshire Educators* and Mascoma Valley Regional School District *Policy GBEA Staff Ethics*.

Code of Conduct
for
SAU #62 Mascoma Valley Regional School District

Policy Name: Written Code of Conduct

Regulations: 2 CFR Part 200.318, formerly 7 CFR Part 3016.36(b)(3), State Procurement Code and Regulations, and SAU # 62, Mascoma Valley Regional School District Purchasing Department.

Procedures: SAU # 62, Mascoma Valley Regional School District seeks to conduct all procurement procedures:

- in compliance with stated regulations; and
- to prohibit conflicts of interest and actions of employees engaged in the selection, award and administration of contracts.

No employee, officer, or agent of SAU # 62 will participate in the selection, award, or administration of a contract supported by a Federal, State or local award if he or she has a real or apparent conflict of interest.

Conflicts of interest arise when one of the following has a financial or other interest in the firm selected for the award:

a) The employee, officer or agent;
b) Any member of their immediate family;
c) His or her partner; or
d) An organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in, or a tangible personal benefit from, a firm considered for a contract.

Officers, employees and agents of SAU #62, a non-Federal entity, may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

Disciplinary actions will be applied for violations of such standards by officers, employees, or agents of the non-Federal entity. Based on the severity of the infraction, the penalties could include a written reprimand to their personnel file, a suspension with or without pay, termination or any necessary legal action.

For questions and concerns regarding procurement solicitations, contract evaluations and award, contact:

Purchasing Contacts:	Michelle Lockwood Business Administrator	603.632.5563 ext 3002
	Anton Prikazchikov Food Service Director	603.632.4308 ext 2048

USDA Nondiscrimination Statement

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

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

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

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

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

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

This institution is an equal opportunity provider.

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