

**Triton Regional School District
112 Elm Street
Byfield, MA 01922**

**PROCUREMENT PROCEDURES
CHILD NUTRITION PROGRAM**

The procurement procedures contained on the following pages 1 through 9 will be implemented on **November 14, 2019** from that date forward until amended. All procurements must maximize full and open competition. Source documentation must be available to determine open competition, the reasonableness, the allowability and the allocation of costs.

The School Food Authority intentionally seeks to prohibit conflicts of interest in all procurement of goods and services. The code of conduct is identified herein.



Food Service Director

11/14/19

Date



Business Manager/CFO

11/14/2019

Date

(Rev. 07-06-17)

Triton Regional School District

Procurement 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.

These written standards of conduct include:

1. No employee, officer or agent of the Triton Regional School District shall participate in the selection or in the award or administration of a contract supported by program funds if a conflict of interest, real or apparent, would be involved.

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

- (1) The employee, officer or agent;
 - (2) Any member of the immediate family;
 - (3) His or her partner;
 - (4) An organization which employs or is about to employ one of the above.
2. The Triton Regional School District 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.
 3. Penalties for violation of the standards of code of conduct of the Triton Regional School District's School Child Nutrition Program should be:
 - a. Verbal and/or Written Reprimand by School Administration;
 - b. Suspension by School Administration;
 - c. Dismissal/Termination by School Administration;
 - d. Any legal action necessary.

Other local procurement requirements that may be required.

Procurement Procedures

- The Triton Regional School District's plan for procuring items for use in 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.
- If the amount of purchases is more than the small purchase Massachusetts threshold of \$50,000 (or SFA approved threshold if less), formal procurement procedures will be used as required by 2 CFR 200.318-.326 and MGL 30B Procurement Code and Regulations.

- If the amount of purchases is between \$10,001 and \$50,000 (or SFA approved threshold if less), informal procurement procedures (small purchase) will be required.
- Micropurchase method should be utilized for any procurement of \$10,000 or less (based upon more restrictive Federal guidelines).
- 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 2, one-year optional renewals
Dish machine Chemicals	Formal	Bottom line	Fixed price with price adjustment	July 1-June 30 annual
Small wares	Formal	Bottom line	Fixed price	annual, if budget available
Capital Equipment	Formal	Bottom line	Fixed price	annual, if budget available
Fresh Bread	Formal	Bottom line	Fixed price with price adjustment	Annual July 1-June 30
Milk and Dairy Products	Formal	Bottom line	Fixed price with price adjustment	Annual July 1- June 30
Office Supplies	District contract	Bottom line	Cost reimbursable plus fixed-fee	Annual July 1-June 30
Processing USDA Foods	Formal	Bottom line	Fixed price	Annual July 1 – June 30
Emergency	Micro-purchase/small purchase procedures (requires authorized PO)	Price reasonable	No contract, equitable distribution, transactions limited to \$10,000 each	As needed:

- Formal bid procedures will be applied on *the basis of a*:
 - _____ Centralized System
 - _____ Individual School
 - X Multi-School Systems
 - X State Contract
 - X Combination of above (specify):
 - Member of Metro North Collaboration
 - State Bids for purchasing other “non-bid” items.
- Because of the potential for purchasing more than \$50,000, it will be the responsibility of **Food Service Director** to document the amounts to be purchased so the correct method of procurement will be followed.

Formal Procurements

When a formal procurement method is required, the following *COMPETITIVE SEALED BID* or an *Invitation for Bid (IFB)* or *COMPETITIVE PROPOSAL* in the form of a *Request for Proposal (RFP)* procedures will apply:

- 1) An announcement of an *Invitation for Bid (IFB)* or a *Request for Proposal (RFP)* will be placed in the (Newspaper/media, SFA's Website, SFA's Office, COMMBUYS, Goods and Service Bulletin if \$100,000 or greater) to publicize the intent of the School Food Authority to purchase needed items. The advertisement for bids/proposals or legal notice must be published a minimum of 21 days (recommend allowing 4-6 weeks) prior to the time specified in the IFB/RFP for the receipt of bids.
- 2) An advertisement is required for all purchases over the small purchase threshold of \$50,000. The announcement (advertisement or legal notice) will contain a:
 - i) general description of items to be purchased
 - ii) deadline for submission of questions and the date written responses will be provided including addenda to bid specifications, terms and conditions as needed
 - iii) date of pre-bid meeting, if provided, and if attendance is a requirement for bid award
 - iv) deadline for submission of sealed bids or proposals, and
 - v) address of location where complete specifications and bid forms may be obtained.
- 3) In an IFB or RFP, each vendor will be given an opportunity to bid on the same specifications.
- 4) The developer of written specifications or descriptions for procurements will be prohibited from submitting bids or proposals for such products or services.
- 5) The IFB or RFP will clearly define the purchase conditions. The following list includes requirements, not exclusive, to be addressed 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 School Food Authority 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 School Food Authority'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)(1-10) and 7 CFR 250.53 for Food Service Management Company 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 invitation for bid are awarded to the lowest responsive and responsible bidder; requests for proposal are awarded to the most advantageous bidder/offeror with price as the primary factor among factors considered
- Method of award announcement and effective date (if intent to award is required by local procurement requirements)
- 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 School Food Authority, State Agency, United State Department of Agriculture, 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 *six* 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 contractor 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 of non-domestic product (s).

6) 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.

7) 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 **Food Service Director** and date specified.

8) The **Food Service Director** will be responsible for securing all bids or proposals.

9) The **Food Service Director** will be responsible to ensure all SFA procurements are conducted in compliance with applicable Federal, State, and local procurement regulations.

10) The following criteria will be used in awarding contracts as a result of bids/proposals.

- i) Price
- ii) _____ (Ex.: quality, delivery, service, etc.)
- iii) _____

(1) In awarding a RFP, a set of award criterion in the form of an 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.

- 11) 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.
- 12) **Food Service Director** 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.
- 13) **Food Service Director** reviewing the procurement system to ensure compliance with applicable laws.
- 14) **Food Service Director** responsible for documentation the actual product specified is received.
- 15) Any time an accepted item is not available, the **Food Service Director** will select the acceptable alternate. The contractor must inform **Food Service Director** **within 7 days** a product is not available. 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. The **Food Service Director** must comply with the Buy American Provision.
- 16) 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 **Food Service Director**.
- 17) The **Food Service Director** responsible for maintaining all procurement documentation.

Small Purchase Procurements

If the amount of purchases for items is less than the most restrictive small purchase threshold, the following *small purchase procedures, including written quotes*, will be used. Quotes from an adequate number of qualified sources will be required.

1. Written Specifications will be prepared and provided to the vendor.
2. Each vendor will be contacted and given an opportunity to provide a written price quote on the same specifications. A minimum of three vendors shall be contacted.
3. The **Food Service Director** will be responsible for contacting potential vendors when price quotes are needed.
4. The price quotes will receive appropriate confidentiality before award.
5. Quotes will be awarded by **Food Service Director**. Quotes awarded will be to the lowest and best quote based upon quality, service availability, price, and/or delivery time frame.
6. The **Food Service Director** will be responsible for documentation of records to show written solicitation specifications were sent to a minimum of 3 vendors, selection of vendor, reasons for selection, names of all vendors contacted, and written price quotes from each vendor.
7. The **Food Service Director** will be responsible for documentation that the actual product specified is received.

8. Any time an accepted item is not available, the **Food Service Director** will select the acceptable alternate. Full documentation will be made available as to the selection of the acceptable item.

9. Bids will be awarded on the following criteria:

- i. Price _____ (Ex.: quality, delivery, service, etc.)
- ii. _____
- iii. _____

10. The **Food Service Director** is required to sign all quote tabulations, signifying a review and approval of the selections.

11. If the value of the purchase is greater than \$10,000, a contract will be required. A purchase order containing all material terms and **signed by both the awarding authority and the vendor** will suffice as a written contract under Chapter 30B.

Micropurchases

If the purchase amount is \$10,000 or less, the purchase can be made without soliciting competitive quotations if price is reasonable and purchases are distributed equitably among qualified suppliers

Non-Competitive Procurements

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.

Please note: a member of the Massachusetts Dept of Elementary and Secondary Education, Office for Food and Nutrition Programs, will approve, in advance, all procurements that result from non-competitive negotiations.

1. Written Specifications will be prepared and provided to the vendor.
2. The **Food Service Director** 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 **Food Service Director** will be responsible for documentation that the actual product or service specified was received.
4. The **Food Service Director** will be responsible for reviewing the procedures to be certain all requirements for using single source or non-competitive proposals are met.
5. Non-competitive proposals can be used for one-time purchases of a new food item in order to determine food acceptance by students and for samples for testing purposes. A record of non-competitive negotiation purchase shall be maintained by the **Food Service Director**. The record of non-competitive purchases shall include, at a minimum, the following:
 - a. item name
 - b. dollar amount
 - c. vendor, and
 - d. reason for non-competitive procurement

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 **School Business Administrator**. The following emergency procedures shall be followed. All emergency procurements shall be approved by the **Food Service Director**.
2. At a minimum, the following emergency procurement procedures shall be documented:
 - a. item name
 - b. dollar amount
 - c. vendor, and
 - d. reason for emergency
3. 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:
 - a. The SFA originating the competitive procurement must have a "piggyback provision" in the original solicitation;
 - b. Documentation of the emergency requiring the piggybacking must be maintained;
 - c. Approval from the purchasing SFA's governing board will be obtained and documented;
 - d. Approval from the SFA that originated the competitive procurement will be obtained and documented;
 - e. Approval from the Vendor that was awarded the Contract (original solicitation) will be obtained and documented;
 - f. Approval to piggyback will be obtained and documented from the governing board during a regularly scheduled meeting following the public notice;
 - g. Notification to the Vendor of final approval will be documented and issued;
 - h. A contract with the Vendor will be developed including:
 - i. The contractor shall agree to retain all books, records and other documents relative to the contract agreement for six (6) years after final payment, or until audited by SFA, whichever is sooner. The SFA, its authorized agents, and/or State and/or USDA auditors shall have full access to and the right to examine any of said materials during said period.

Record Keeping Requirements applicable to ALL Procurements

The SFA shall agree to retain all books, records and other documents relative to the award of the contract for six (6) years after final payment from the contract. Specifically the SFA shall maintain, at a minimum, the following documents:

1. Written rationale for the method of procurement;
2. A copy of the original solicitation;
3. The selection of contract type;
4. The bidding and negotiation history and working papers;

5. The basis for contractor selection;
6. Approval from the State agency to support a lack of competition when competitive bids or offers are not obtained;
7. The basis for award cost or price;
8. The terms and conditions of the contract;
9. Any changes to the contract and negotiation history;
10. Billing and payment records;
11. A history of any contractor claims; and
12. A history of any contractor breaches.

