

Procurement Plan for Crowder School District

Crowder School District's plan for procuring items for use in the Child Nutrition Programs (CNP) is as follows and according to the attached Chart of Procedures.

Code of Conduct

The standards of conduct mentioned below will be maintained by Crowder School District's officers, employees, or agents who are engaged in the award and administration of contracts supported by CNP funds.

1. No employee, officer, or agent of Crowder School District shall participate in the selection of or in the award or administration of a contract supported by Program funds if a conflict of interest, real or apparent, would be involved.
2. Conflicts of interest arise when any 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 his immediate family
 - C. His or her partner
 - D. An organization that employs, or is about to employ, any of the above
 - E. Crowder School District's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub agreements.
 - F. Crowder School District's officers, employees, or their agents, or contractors, or the contractors' agents will be aware that violations of these procurement standards are subject to penalties as established by the Title 74 O.S. & 3401 et. Seq., also known as the Anti-Kickback Act of 1974.

Failure of any employee to abide by the above-stated code could result in a fine, suspension, or both, or dismissal. The Crowder SFA will not be responsible for any other explanation or interpretation that anyone presumes to make on behalf of the Board.

Method of Procurement

Crowder School District will use **small purchase procedures** to purchase goods, Equipment, and services where the aggregate of the aggregate amount.

Noncompetitive Proposal will be used only when the procurement is not feasible under Small purchase procedures, sealed bid (formal advertising), or competitive proposals.

Purchasing will be conducted at the most restrictive procurement threshold:

	Federal Procurement Thresholds	SFA/Sponsor Procurement Thresholds
Micro Purchasing	Less than \$10,000	Same

Equipment	Over \$5,000	Same
Small/Informal	Less than \$250,000	Same
Formal	Greater than \$150,000 or any total Food Service Management Contract	Same

Buy American Provision

Section 104(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1998 (Public Law 105-336) added a new provision, Section 12(n) of the NSLA (42 USC 1760(n)), requiring SFAs to purchase domestically grown and processed foods, to the maximum extent practicable. Purchases made in accordance with the Buy American Provision must still follow the applicable procurement rules calling for free and open competition. Two situations which may warrant a waiver to permit purchases of foreign food products include: 1) the product is not produced or manufactured in the U.S. in sufficient and reasonable available quantities of a satisfactory quality; and 2) competitive bids reveal the costs of a U.S. product is significantly higher than the foreign product.

Geographic Preference

The use of statutorily or administratively imposed in-state or local geographic preferences for procurements under USDA entitlement programs is prohibited, except for unprocessed locally grown or locally raised agricultural products. The Food, Conservation, and Energy Act of 2008 (Public Law 110-246, Section 4302) amended Section 9(j) of the NSLA to allow institutions receiving funds through CNP to apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products. When geographic preference is used, an SFA must still get quotes from several farmers when procuring unprocessed locally grown or locally raised agricultural products so that competitors have an opportunity to compete for the bid.

Protest Procedures

Protest procedures are required. SFAs will have protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to the awarding agency. A protester must exhaust all administrative remedies with the SFA before pursuing a protest with a federal agency. Reviews of protests by the federal agency will be limited to: (Reference USDA Policy Memo 2006-SNP-06)

1. Violations of federal law or regulations and the standard of 7 CFR §3016 (violations of state or local law will be under the jurisdiction of state or local authorities).
2. Violations of the SFA's protest procedures for failure to review a complaint or protest. Protests received by the federal agency other than those specified previously will be referred to the SFA.

Non kickback Affidavit

Please note that Oklahoma statute 62 O.S. §310.9 requires a signed and notarized non-kickback affidavit on every purchase order of \$25,000 or more. The affidavit is to be signed by the person or persons authorized to accept payment on behalf of the architect, contractor, engineer, or supplier.

Lobbying certification must be obtained for procurement contracts of more than \$100,000. Any vendor whose contract award is for more than \$150,000 must complete a Certification Regarding Lobbying form located on page P-53. The SFA must keep this signed certification statement on file with a copy of the vendor's contract.

Any SFA or its vendors who participate in lobbying activities must complete a Disclosure of Lobbying Activities form on page P-55. SFAs must submit this completed form to the State Agency. A vendor would submit its completed form to the SFA.

Debarment or Suspension

An SFA is prohibited from contracting with an individual or company that has been debarred or suspended in accordance with 2 CFR §180, as adopted and modified by USDA regulations at 2 CFR §417. This prohibition does not extend to contracts in existence at the time of the debarment or suspension or to most contracts under \$25,000. Rather, it applies to new contracts and extensions or renewals of existing contracts of \$25,000 or more and to contracts for audit services, regardless of amount.

Micro-Purchasing

SFA will take steps to assure that small, minority, and women's businesses enterprises and labor surplus firms are used when possible. [2 CFR 200.321]

If the amount of purchases for items is less than \$10,000, the following procedures will be used:

1. The price quotes will not be required. Competition is not required.
2. When practicable, micro purchases will be distributed equitably among qualified suppliers.
3. Documentation of purchases will be kept and maintained for three years plus the current year.
4. Purchases will not be separated into two or more purchases to meet or be below the \$10,000 threshold.

Equipment

If the amount of purchases for equipment is greater than \$5,000, the following procedures 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.

3. The price quotes will receive appropriate confidentiality before award.
4. If using USDA funding for the purchase, the SFA/sponsor will seek prior approval from Oklahoma CNP unless the equipment is placed on the Equipment Preapproval List located in the Child Nutrition Manual.
5. Quotes will be awarded by Cafeteria Manager. Quotes awarded will be to the lowest and best quote based upon quality, service availability, price, and any other criteria deemed pertinent to the specific purchase.
6. The Cafeteria Manager will be responsible for documentation of records to show selection of vendor, reasons for selection, names of all vendors, price quotes from each vendor, and written specifications.
7. The Cafeteria Manager will be responsible for documentation that the actual product specified is received. Equipment means tangible personal property 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 nonfederal entity for financial statement purposes or \$5,000.

Small/Informal Procurement

If the amount of purchases for items is greater than \$10,000 and less than \$250,000, small purchase procedures must be followed. There are two methods of small purchasing allowed, either quotes and/or a Market Basket Study. We will use the quotes method.

Quotes Method

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 vendors shall be contacted.
3. The Cafeteria 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 Cafeteria Manager. Quotes awarded will be to the lowest and best quote based upon quality, service availability, price, and any other criteria deemed pertinent to the specific purchase.
6. The Cafeteria Manager 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 Cafeteria Manager will be responsible for documentation that the actual product specified is received.
8. Anytime an accepted item is not available, the Cafeteria Manager will select the acceptable alternate. Full documentation will be made available as to the selection of the acceptable item. Substituted items will not be made at the vendor's discretion.

Formal Procurement

If the amount of purchases is greater than \$150,000 or for a Food Service Management Contract, formal procurement procedures will be used as required by 2 CFR Part 200.318- 326, formerly 7 CFR §3016.36.

Because of the potential for purchasing more than \$150,000, it will be the responsibility of Cafeteria Manager to document the amounts to be purchased so the correct method of procurement will be followed.

Noncompetitive Negotiation

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, the following NONCOMPETITIVE NEGOTIATION procedures will be used:

1. Written specifications will be prepared and provided to the vendor. Oklahoma State Department of Education Procurement Section, July 2017 P-71
2. The Cafeteria Manager will be responsible for the documentation of records to fully explain the decision to use the noncompetitive negotiation. The records will be available for audit and review.
3. The Cafeteria Manager will be responsible for documentation that the actual product or service specified was received.
4. The Cafeteria Manager will be responsible for reviewing the procedures to be certain that all requirements for using single source or noncompetitive negotiation are met.
5. Noncompetitive negotiations shall 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 noncompetitive negotiation purchases shall be maintained by the Cafeteria Manager. The record of noncompetitive purchases shall include, at a minimum, the following:
 - A. Item name
 - B. Dollar amount
 - C. Vendor
 - D. Reason for noncompetitive procurement

NOTE: Due to the rural location of the district, it is feasible the school will only receive one responsible and responsive response.

Emergency Purchasing

If it is necessary to make a one-time emergency procurement to continue service to obtain goods, the purchase shall be made and a log of all such purchases shall be maintained by the Cafeteria Manager. The following emergency procedures shall be followed:

1. At a minimum, the following emergency procurement procedures shall be documented:
 - A. Item name
 - B. Dollar amount
 - C. Vendor
 - D. Reason for emergency
2. If the emergency purchasing need requires a contract, all books, records, and other documents relative to the award of the contract must be retained for three

years after final payment. Specifically, the SFA/sponsor 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
- 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 cost or price
- H. The terms and conditions of the contract
- I. Any changes to the contract and negotiation history
- J. Billing and payment records
- K. A history of any contractor claims
- L. A history of any contractor breaches

Changes in this Procurement Plan will be made as conditions warrant upon the approval of the SFA.

This plan adopted by the Board of the Crowder Public School at the regularly scheduled meeting on this, the 10th day of September in the year 2018.

Signature Freda Shipley
SFA Official

Elizabeth Jamison
Clerk of the Board

CHART OF PROCEDURES

The Crowder School District will purchase the following products or group of products and services per the stated purchase period using the identified procurement method. **Price quote time frame** period is defined as the time frame for which bids or quotes are obtained and awarded.

PRODUCT	PRICE QUOTE TIME FRAME	PROCUREMENT METHOD USED
Milk	Annually	Small Informal
Bread	Annually	Small Informal
Canned fruits	Annually	Small Informal
Canned vegetables	Annually	Small Informal
Frozen fruits	Annually	Small Informal
Frozen vegetables	Annually	Small Informal
Pre-prepared fruits/vegetables	Annually	Small Informal
Fresh fruits	Annually	Small Informal
Fresh vegetables	Annually	Small Informal
Meats	Annually	Small Informal
Paper products	Annually	Small Informal
Chemicals	Annually	Small Informal
Small equipment	Annually	Small Informal
Large equipment	Annually	Equipment Purchase
Pest control	Annually	Noncompetitive