

**PROCUREMENT PROCEDURES  
FOR  
SAU # 33 CHILD NUTRITION PROGRAM**

The procurement procedures contained on the following pages 2 through 6 will be implemented on July 1, 2017, 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 allow-ability and the allocation of costs.

SAU # 33 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, School Board of Education

\_\_\_\_\_  
Date

\_\_\_\_\_  
Superintendent of Schools, SAU # 33

\_\_\_\_\_  
Date

## SAU # 33 PROCUREMENT PROCEDURES

### Section A

1. SAU # 33'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.
  
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, if less, 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. 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	2 year bid, as part of New Hampshire Buying Group
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

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

Centralized System

Individual School

Multi-School Systems

State Contract

X Combination of above (specify):

Multi-School Systems and State Contracts when available

5. Because of the potential for purchasing more than \$10,000 it will be the responsibility of the Food Service Director to anticipate the amounts to be purchased so the correct method of procurement will be followed.

### **Section B Formal Purchases**

When a formal procurement method is indicated, if the products require a bid, the Raymond School District Policy – DJE BIDDING REQUIREMENTS will be followed. The complete policy is attached at the end of this document.

In situations where an RFP is indicated, 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.

- 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.
- 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.
- Food Service Director reviewing the procurement system to ensure compliance with applicable laws.
- Food Service Director responsible for documenting the actual product specified is received.
- Any time an accepted item is not available, the Food Service Director will select the acceptable alternate. The contractor must inform Food Service Director by the day prior to delivery 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 RFP 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 maintaining this documentation is the Food Service Director.

### **Section C Informal Purchases**

If the amount of purchases for items is less than the SAU #33's small purchase threshold of \$9,999.99, per Raymond School District Policy - DJE 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 3 vendors shall be contacted.
- The Food Service Director 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/or other factors appropriate to the product involved.
- The Food Service 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.
- The Food Service Director will be responsible for documenting that the actual product specified is received.
- 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.
- Bids will be awarded on the following criteria:
  - Price (highest weighted criteria)
  - Pack/ Quantity Availability
  - Delivery Availability
- The Food Service Director 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 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.

Non-Competitive proposals shall also 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 of non-

competitive negotiation purchases shall be maintained by the Food Service Director. 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 Business Administrator will approve, in advance, all procurements that result from non-competitive negotiations.

**Section E        Miscellaneous Provisions:**

1. New product evaluation procedures will include:
  - Food Service Director will gather input from site personnel and students testing the product
  - The Food Service Director will attempt to negotiate recurring price and delivery terms that meet the program’s needs.
2. The School Food Authority agrees that the reviewing official of each transaction will be the Food Service Director and Business Administrator.
3. Payment will be made to the vendor when the vendor has met the SFA’s procedures for payment. (If prompt payment is made, discounts, etc. are accepted.)
4. Specifications will be updated as needed.

**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 in accordance with Raymond School District Policy DJE, BIDDING REQUIREMENTS and Raymond School District Policy DJB- PURCHASING PROCEDURES. This will involve using a purchase order signed by the SFA’s Business Administrator. The following emergency procedures shall be followed.
  - All emergency procurements shall be approved by the Business Administrator.
  - At a minimum, the following emergency procurement procedures shall be documented:
    - Item name,
    - Dollar amount,
    - Vendor, and
    - Reason for Emergency
2. 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;
  - The basis for contractor selection;
  - The basis for award cost or price;
  - The terms and conditions of the contract
  - Billing and payment records;
  - A history of any contractor claims and/ or 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. These written standards of conduct include:

**Code of Conduct  
for  
SAU #33 School Food Authority**

**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 # 33, Raymond School District Purchasing Department.

**Procedures:** SAU # 33 Raymond 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 # 33 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 # 33, 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:	____ Ronald Brickett _____	____ 895-4299 x1110 _____
	Business Administrator	Telephone #
	____ Judy DiNatale _____	____ 895-6616 x2345 _____
	Food Service Director	Telephone #

## 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](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](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.

Raymond School District Policy - DJB

PURCHASING PROCEDURES

Procedures for purchasing will be developed by the Superintendent or his/her designee.

Purchasing procedures will be designed to avoid assumption of risk and to ensure the best possible price for the desired products and services.

These procedures will require that all purchases are made on properly approved purchase orders and that for items not put to bid, price quotations will be solicited.

Special arrangements may be made for ordering perishable and emergency supplies.

Adopted: April 18, 2002



## Raymond School District Policy - DJE

### BIDDING REQUIREMENTS

When it is determined that the bidding process or the solicitation of price quotations are viable methods of obtaining the best purchase arrangement for the School District, the following procedure should be followed:

1. A notice of the School Board's intention to solicit bids or price quotations on a particular product or service should be made to providers of the same. The notice should be made in the following ways:
  - a. During the month of April of each year an announcement shall be made in a local newspaper and in a newspaper with statewide circulation inviting suppliers of goods and services to have their names placed on mailing lists to receive invitations to bid or provide price quotations for the following school year. This announcement will also be posted during the month of April in three (3) designated public locations within the town of Raymond. The designated public locations are the SAU Office, Town Hall, and all of the schools.
2. Purchase of products or services involving an expenditure up to \$9,999.99.
  - a. The Superintendent may make the decision as to the selection of the vendor in all price quotations of \$9,999.99 or less. With a minimum of three price quotations.
3. Purchase of products or services involving the expenditure of \$10,000.00 or more.
  - a. For the purchase of products or services involving the expenditure or \$10,000.00 or more, advertisements will be placed in a local newspaper and in a newspaper with statewide circulation, soliciting bids or price quotations. In addition, notices will be posted in three (3) designated public locations within the town of Raymond. The designated locations are the SAU Office, Town Hall and all of the schools.
  - b. When specifications are prepared, they will be mailed to all merchants, firms, and individuals in New Hampshire who have indicated an interest in bidding or providing price quotations. Invitations to bid will be mailed to all others on the mailing list in the appropriate category.
4. In providing notice of the Raymond School Board's intention to receive bids, the notice shall contain the following:
  - a. Description of the kind of product or service sought.
  - b. Time frame for bidders or persons who quote prices, to respond, including the location and person to whom the bids or price quotations should be submitted.

- c. All bids or price quotations of \$10,000.00 or more must be submitted in sealed envelopes, addressed to the Superintendent with the title of the product or project on the exterior of the envelope.

## BIDDING REQUIREMENTS

(continued)

- d. The date, time and location at which sealed bids will be opened. Bids shall be opened at the time and location specified, and all bidders and other interested parties shall be invited to be present.
- e. The Raymond School Board reserves the right to reject any and all bids or price quotations, or any part thereof. If all bids or price quotations are rejected, the Raymond School Board will implement the bidding process one more time. The Board reserves the right to accept that bid which appears to be in the best interest of the District. Any bid may be withdrawn prior to the scheduled time for the opening of bids. Any bid received after the time and date specified shall not be considered. The Board also reserves the right to negotiate with a bidder when all bids exceed the budgeted appropriation.
- f. Certificates of Insurance, when required by the Board, must be received prior to the implementation of a contract or order for goods or services.
- g. The solicitation of three or more bids or price quotes is waived in certain situations. This list, while not all inclusive, shall provide guidance when the bidding process need not be utilized. The following are examples of these situations when the bidding process may not apply:
  1. An emergency repair situation. Every consideration will be given to local businesses in cases of emergency situations.
  2. When the product being purchased is available through the State's contract or through Seacoast Educational Services.
  3. When curriculum development materials are to be purchased. The negotiation of price will be implemented with said supplier.
  4. Special education contracted services, consultants, etc.
  5. Personnel
  6. Legal counsel
  7. Fuel

Adopted: March 11, 1991

R/R: 4/16/92

Revised: April 18, 2002