

Washington-Parks Academy (WPA)

Procurement Procedures

A. General Procurement

1. The WPA's plan for procuring items for use in the Child Nutrition Programs 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 service threshold currently valued at \$250,000 or Sponsor approved threshold if less, formal procurement procedures will be used as required by 2 CFR 200.318-326 and any local procurement code and regulations. Informal procurement procedures (small purchase) will be required for purchases under the most restrictive small purchase threshold.
3. When purchasing, 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.

B. Formal Procurement

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 a well-publicized local newspaper/ media outlet for the legally required time to publicize the intent of the Sponsor to purchase needed items. The advertisement for bids/proposals or legal notice will be run for 7 days prior to the scheduled bid packet release date.
2. An advertisement is required for all purchases over the WPA's
3. If the small purchase threshold is \$250,000, the announcement (advertisement or legal notice) will contain:
 - 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 of sealed bids or proposals
 - Address of location where complete specifications and bid forms may be obtained

3. In an Invitation for Bid (IFB) or Request for Proposal (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 Invitation for Bid (IFB) or Request for Proposal (RFP) will clearly define the purchase conditions. The following list includes requirements, not exclusive, to be addressed in the procurement document:
 - Contract period
 - WPA 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
 - Requirements (terms and conditions) that bidder must fulfill for the bid to be evaluated
 - Benefits to which the WPA 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 WPA's nonprofit school food service 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, i.e., 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; solicitations using an 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 (if intent to award is required by state or 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 Sponsor, MDE, United State Department of Agriculture, or Business Personnel 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 contractor to recognize mandatory standards/policies related to energy efficiency contained in the [Energy Policy and Conservation Act \(PL 94-163\)](#)
 - Signed statement of non-collusion
 - Signed Debarment/Suspension Certificate, clause in the contract or a copy of search results from the [System for Award Management \(SAM\)](#)
 - Provision requiring “Buy American” as outlined in [7 CFR Part 210.21\(d\)](#) and USDA Memo [SP 38-2017](#)
 - Specifications and estimated quantities of products and services prepared by the WPA and provided to potential contractors desiring to submit bids/proposals for the products or services requested
6. 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 the Food Service Director and will specify the deadline for all questions.
- The Food Service Director will be responsible for securing all bids or proposals.
 - The Food Service Director will be responsible to ensure all WPA procurements are conducted in compliance with applicable federal, state, and local procurement regulations.
 - Price must be the highest weighted criteria. Examples of other possible criteria include quality, service, delivery, and availability.
7. In awarding a Request for Proposal (RFP), a set of award criteria 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 contract will be awarded to the responsible bidder/proposer whose bid or proposal is responsive to the invitation and is most advantageous to the WPA price as the primary and other factors considered. All bids or proposals may be rejected in accordance with the law.
 - The Food Service Director is responsible for maintaining all procurement documentation.

C. Small Purchase Procedures

If the dollar amount of purchases for items is less than the Sponsor’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.

1. Written specifications will be prepared and provided to the vendor/contractor.
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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 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 the Food Service Director. Quotes will be awarded to the lowest and best quote based upon price, quality, service, delivery, availability, and alignment with our mission.
6. 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.

D. Noncompetitive Proposal Procedures

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, noncompetitive 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 noncompetitive proposal. The records will be available for audit and review.
3. The Food Service Director will be responsible for reviewing the procedures to be certain all requirements for using single source or noncompetitive proposals are met.
4. Noncompetitive proposals shall be used for one-time purchases of a new food item to determine food acceptance by students and provide samples for testing purposes. A record of noncompetitive negotiation purchase shall be maintained by the Food Service Director. At a minimum, the record of noncompetitive purchases shall include:
 - Item name
 - Dollar amount
 - Vendor
 - Reason for noncompetitive procurement

E. Emergency Purchases

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 Food Service Director. All emergency procurements shall be approved by the CFO. All emergency purchase documentation must include the following:

- Item name
- Dollar amount
- Vendor
- Reason for emergency

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:

1. The Sponsor originating the competitive procurement must have a “piggyback provision” in the original solicitation
2. Documentation of the emergency requiring the piggybacking must be maintained
3. Approval from the purchasing Sponsor’s governing board will be obtained and documented
4. Approval from the Sponsor that originated the competitive procurement will be obtained and documented
5. Approval from the vendor that was awarded the contract (original solicitation) will be obtained and documented
6. Approval to piggyback will be obtained and documented from the governing board during a regularly scheduled meeting following the public notice
7. Notification to the vendor of final approval will be documented and issued
8. A contract with the vendor will be developed. The vendor/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 the Sponsor, whichever is sooner. The Sponsor, 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

The Sponsor shall agree to retain all books, records, and other documents relative to the award of the contract for three (3) years after final payment. If there are audit findings that have not been resolved, the records shall be retained beyond the 3-year period as long as required for the resolution of the issues raised by the audit. Specifically, the Sponsor 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
12. A history of any contractor breaches

G. Micro-Purchases

Micro-purchase means a purchase of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchase procedures comprise a subset of a non-federal entity's small purchase procedures. The non-federal entity uses such procedures in order to expedite the completion of its lowest-dollar small purchase transactions and minimize the associated administrative burden and cost. The micro-purchase threshold is set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 (Definitions). It is \$10,000 except as otherwise discussed in Subpart 2.1 of that regulation, but this threshold is periodically adjusted for inflation.

H. Code of Conduct

Regulations: 2 CFR Part 200.318, State Procurement Code and Regulations, and WPA Department of Purchasing.

Procedures: The WPA seeks to conduct all procurement procedures:

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

No employee, officer, or agent of the WPA 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:

- The employee/officer
- Agent
- Any member of the immediate family
- His or her partner
- 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

WPA's 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. However,

non-federal entities may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value.

The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-federal entity.

Penalties for violation of the standards of code of conduct of the WPA's nutrition programs should be:

- Reprimand by board of education
- Dismissal by board of education
- Any legal action necessary

WPA procedures seek to avoid acquisition of unnecessary or duplicative items. Consideration is given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made to determine the most economical approach.