PROCUREMENT in the 21st CENTURY

North Carolina
Department of Public Instruction
Summer Food Service Program
&

INSTITUTE OF
child nutrition
RESOURCES • TRAINING • RESEARCH

"USDA is an equal opportunity provider and employer."

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Government Wide Regulation

2 CFR Parts 200.317-326, Appendix II & CFR 225.17

http://www.ecfr.gov

- Title 2 Grants and Agreement
- Chapter II – 200-299 -Office of Management and Budget Guidance
- Part 200 Uniform Administration Requirements Cost Principles and Audit Requirement for Federal Award

National Food Service Management Institute

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Procurement

- A multi-step process for obtaining goods, products, and/or services at the best possible price
- Proper planning is worthwhile and critical
- Systematic approach

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Principles of Good Procurement

- Free and open competition
- Fairness and integrity
- Responsive and responsible vendors

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Buy American

- Purchase domestic commodities and products that are
  - processed in the US, or
  - processed using agricultural commodities produced in the US.
- Sponsors must follow procurement rules.

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Competition

- Secures the best price for the best quality product or service
- Allows companies to differentiate
  - Prices
  - Services
  - Innovation

Free and Open Competition

- Level playing field
- Same opportunity to compete

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Restrictive Competition

Procurement procedures may never unjustifiably restrict or eliminate competition.

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Restrictive Competition Examples

- Placing unreasonable requirements on distributors in order to qualify
- Having organizational conflicts of interest
- Having unnecessary bonding and experience requirements
- Specifying only a brand name product instead of allowing a preapproved equal product to be offered

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Fairness and Integrity

Critical to achieving free and open competition

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The following are examples of good practices of fairness and integrity:

The following are examples of good practices of fairness and integrity:

- using the procurement process to obtain high-quality goods or services at the lowest possible price
- developing a solicitation that contains specifications that are clear and not unduly restrictive;
- publicizing the solicitation appropriately to the widest possible audience to foster maximum free and open competition;

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The following are examples of good practices of fairness and integrity:

- writing clear evaluation criteria that are not unduly restrictive;
- allowing adequate time for respondents to prepare responsive bids or proposals, ensuring transparency in the opening and evaluating of bids and proposals, and documenting the entire process; and
- procuring within the awarded scope (i.e., quantity of goods and services) identified in the solicitation.

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Accountable

- The effective use of Summer Food Service Program(SFSP)funds
- NCDPI and SFSP Sponsors who administer the SFSP are accountable to taxpayers.

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Transparent

- Clear
- Forthright
- Out in the open

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Ethics

- Important to fair competition
- Moral standards used to guide decisions in personal and professional lives
- Practices that promote free and open competition
- Unethical practices can damage reputations of the person and company

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Conflicts of Interest

A conflict of interest is any action that allows a person to benefit at the expense of the public interest or the expense of their employer.

Conflict of interest exists when:

- an employee, immediate family member, partner or organization which employs any of the above has any financial or controlling interest in the company with which you are doing business

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Conflicts of Interest

- Maintain written code of standards of conduct for SFSP employees
- Excuse yourself if involved in the conflict of interest
- Check district requirements for signing conflict of interest statement
- Employees will neither solicit nor accept gifts or favors

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Unacceptable and Illegal Practices

- Showing preference to suppliers because of pressure from management
- Allowing personality to enter into purchasing decisions
- Giving preference to suppliers based on long-term business relationships or political connections
- Allowing anyone involved in manufacturing or selling the product to help with writing bid specifications or bid provisions

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Confidentiality

- Providing confidential information to any person or entity that was not designated to be privy to that information is unethical.
- Pricing of bids may not be made public until after the award process.

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Responsive and Responsible

- Consistent with the size and nature of the procurement.
- Clearly indicates compliance without material deviation from the solicitation's terms and conditions.
- Capable of performing successfully under the terms and conditions of the contract.

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Eligible, Able, Willing

- An eligible vendor possesses licensing or certification with no conflict of interest.
- An able vendor is capable of providing the desired product or service.
- A willing vendor is thought to be interested in obtaining the business.

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Eligible

The sponsor is in the process of hiring a pest control company. NC requires licensed pest control operators.

A vendor would like to be considered based on his years of experience since he does not have a license.

Is this vendor eligible to perform the service?

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Able

The sponsor needs to obtain 5,000 pounds of garbanzo beans.

The local convenience store has three shelves of common food items like milk, bread, condiments, and snack foods. The items are provided to the convenience store by separate vendors.

Is this vendor able to meet your needs?

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Willing

A vendor schedules a 15-minute meeting with the sponsor representative.

During the visit, the vendor discusses the company's products and gives you a business card.

Is this vendor willing to do business with you?

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A Special Price!

A vendor tells you there is a special on whole grain-rich dinner rolls. He states the rolls meet the USDA whole grain-rich criteria.

The rolls will only be offered at a special price on Thursday. To receive the special price, you will need to attend a luncheon hosted by the vendor and purchase the rolls during this time.

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A Special Price! – No

Attending supplier-hosted lunches, dinners, or business organization meetings is acceptable as long as there is no obligation to do business with the host supplier as a result of attendance.

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Congratulations!

A vendor has learned of your engagement and sends you a new house-warming gift. You take it home, and it looks beautiful on your fireplace mantle.

How did he know exactly what to buy? You can’t wait to thank him the next time you place an order.

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Congratulations! – No

- Solicitation or acceptance of gifts for personal gain may be considered unethical.
- Refer to the school district's policy for accepting gifts.

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What Questions are There?

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Effective Procurement System

- Competent personnel
- Written Policies and Procedures
- Adequate Planning
- Appropriate equipment
- Proper facilities
- Communication
- Easy and prompt feedback system

Procurement Summary

	Large Purchase
Threshold	$90,001 and above

Methods	▪ Formal
	  ▪ Invitation For Bid (IFB)
	  ▪ Request For Proposal (RFP)

Procedures	▪ Prepare an IFB or RFP Package ▪ Public announcement and notification to NCDPI **14 days** prior to opening bid ▪ Obtain written approval from NCDPI prior to releasing IFB or RFP ▪ Notify NCDPI before accepting bid and submit all copies of documents ▪ Evaluation Forms
Forms and Documentation	▪ Procurement Plan ▪ Public Announcements and Advertisements ▪ SFSP Invitation to Bid ▪ Bid Openings ▪ Vendors Evaluation of Products/Services ▪ Award Decision ▪ Award Letters ▪ Denial letters ▪ Contract

All procurement documents must include the required minimum terms and conditions.

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The Procurement Plan

Procurement Plan Prototype for Sponsor

This document is a sample and is not intended to be all inclusive. The Sponsor is ultimately responsible to ensure that the plan complies with all Federal Regulations, State General Statutes and local procurement policies.

Name of Sponsor

PROCUREMENT PLAN
SCHOOL NUTRITION PROGRAM

This procurement plan contained on the following pages _____ through _____ will be implemented on _____ from that date forward until amended. All procurements must adhere to free and open competition. Source documentation must be available to determine open competition, the reasonableness, the allow-ability and the allocation of costs.

_____ _____
Chairman, Board Signature Date

_____ _____
Authorized Sponsor Representative Date

(Rev. 2/16)

_____ (Name of Sponsor)

PROCUREMENT PLAN

The _____ (Name of Sponsor) plan for procuring items for use in the School Nutrition Program is as follows. The procurement plan provides for free and open competition, transparency in transactions, comparability, and documentation of all procurement.

A. If the amount of purchases is more than $90,000, or SFA approved threshold if less, formal procurement procedures will be used as required by 7 CFR §200 and NC General Statutes Article 8, Chapter 143. Informal procurement procedures (small purchase) will be required for purchases under $90,000 or sponsor board-approved small-purchase threshold.

Indicate which of the following procedures will be used for all other purchases:

1. _____ Micro-purchase means a weekly purchase of supplies or services using simplified acquisition procedures in which the aggregate amount does not exceed $3,499. Micro-purchases may be awarded without soliciting competitive quotations if the price is considered to be reasonable and must be equitably distributed among qualified suppliers. For example, a sponsor must not make all purchases from one source. The sponsor must make purchases from all qualified sources equally. Complete Section B, skip C.

2. _____ Small Purchase means purchases between $3,500-$90,000 or most restrictive threshold based on Sponsor's Board restrictions (2 CFR Part 200.320(b)). This threshold allows for small purchase procurements to be conducted to include:

   a) Simple and informal methods, such as price or rate quotations, for securing products and services, provided that each procurement is conducted in a manner that ensures free and open competition;
   b) Price or rate quotations must be obtained from three qualified sources prior to purchasing from one of them;
   c) Documentation of the date, vendors consulted, and quotes received (including for verbal quotes). Store advertisements may be considered as documentation but must include the items that will be purchased;
   d) Contracts using the small purchase threshold may be subject to required Federal contract provisions found at 2 CFR Part 200;
   e) When purchases are estimated to exceed the most restrictive small purchase threshold (State is $90,000), sponsors must conduct a cost or price analysis (2 CFR Part 200.323). Complete Section B, skip C.

   The following two formal procurement options are used for procuring a contract over $90,000 (such as with a Vendor).

3. _____ Invitation For Bid (IFB) Formal - Competitive Sealed Bids (formal advertising) (Purchases over $90,000 or most restrictive threshold) (2 CFR Part 200.320(c)) Bids are publicly solicited from two or more responsible bidders and a firm fixed-price contract (lump) sum or unit price is

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Procurement and Communication

Procurement is a complicated and detailed process that requires open communication, unity, and dedication from all entities in the supply chain.

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Planning

Planning is critical to good procurement in order to obtain high-quality products and services at the lowest possible price.

Planning means taking a systematic approach to procurement **before** releasing the solicitation.

Planning

Multiple practices contribute to an effective procurement system, including:

- utilize cycle menus
- understand stakeholders' expectations
- control product movement and cost management
- forecast the quantity
- screen the product
- write specifications
- understand informal, formal, and noncompetitive procurement methods
- create the solicitation document
- announce the solicitation
- allow adequate solicitation lead time
- award the contract
- manage the contract

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Menu

- The driving force that begins the procurement process
- Must meet all federal guidelines and be appealing to the customer

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Standardized Recipes

- Use to prepare menu items
- Identify the specific quantity for each ingredient
- Determine the number of servings
- Determine portion size for the recipes
- Good results and yield every time

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Child Nutrition (CN) Labeling Program

- Option to include a standardized food crediting statement on product label
- Requires an evaluation of a product's formulation by FNS

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CN Labels

- Identifies contribution of a product toward the meal pattern requirements
- Serves as protection from claims about a product
- Provides a warranty against audit claims
- Simplifies cost comparison of similar products

CN Labels

Chicken Stir-Fry Bowl

Ingredient Statement:

Chicken, brown rice, broccoli, red peppers, carrots, onions, water, olive oil, soy sauce, spices.

CN

099135

Each 4.5 oz. Chicken Stir-Fry Bowl provides 1.5 oz. equivalent meat, 1.0 oz eq Grains, ¼ cup dark green vegetable, ¼ cup red/orange vegetable, and ⅛ cup other vegetable for Child Nutrition Meal Pattern Requirements. (Use of this logo and statement authorized by the Food and Nutrition Service, USDA XX/XX).

CN CN

CN

Net Wt.: 18 pounds

Chicken Wok Company

1234 Kluck Street Poultry, PA 12345

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Product Specification

A set of requirements to be satisfied by a product, material, and/or process

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Developing Specifications

Detailed specifications are required to ensure COMPARABILITY and must include:

- Clearly written, detailed product requirements (approved brand or equal)
- Quantity
- Quality
- Packaging
- Pricing (unit and extended)
- Substitutions and/or derivations

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Specifications

Purchase Unit	Item	Serving Description	Item No.	Brand	Case price	# of times used/meal
gal., qt., .5 pt.	White Milk	1 c. or 8 fl. Oz.				5 (Breakfast), 5 (Lunch)
gal., qt., .5 pt.	Chocolate Milk	1 c. or 8 fl. Oz.				5 (Breakfast), 5 (Lunch)
No. 300(16 oz), No. 10(106 oz), No. 2.5(29 oz)	Sliced Peaches	1/2 c. or larger				1 (Breakfast)
qt., No. 10(96 fl.oz), No. 2.5(25.5 fl.oz), No. 3(46 fl.oz)	100% Juice	1/2 c. or 4 fl. Oz.				2 (Breakfast), 3 (Snack)
lb	Citrus Fruit Cup	1/2 c. or larger				1 (Breakfast)
lb, No. 10(100 oz)	Fresh Apple Wedges	1/2 c. or larger				1 (Breakfast)
lb, Single Serve Package	Enriched Cold Cereal	3/4 c. or 1oz./28g or larger				3 (Breakfast)
lb	Bagel	.9 oz/25 g or larger				1 (Breakfast)
lb	Cinnamon Roll	1.8 oz/ or larger				1 (Breakfast)
lb	Ham Slices	2.5 oz				2 (Lunch)
lb	Cheese Slices	1/5 oz				4 (Lunch), 1 (Snack)
lb	Turkey Slices	2.5 oz				2 (Lunch)
lb	Bologna Slices	1.5 oz				1 (Lunch)
lb	Sliced Chicken	2 oz				1 (Lunch)
lb, No. 300(15 oz)	Carrot Sticks	1/4 c. total or larger				2 (Lunch)
lb, No. 10(102 oz), No. 10(104 oz)	Celery Sticks	1/4 c. total or larger				2 (Lunch)
lb	Lettuce	1/8 c. or larger				3 (Lunch)
lb	Tomato	1/8 c. or larger				3 (Lunch)
23 oz., No. 10(108 oz), No. 2.5(29 oz)	Apple Sauce	1/2 c. or larger				1 (Lunch)
lb	Fresh Fruit	1/2 c. or larger				1 (Lunch)
lb	Fruit Cocktail	1/2 c. or larger				1 (Lunch)
lb	Fresh Seasonal Fruit	1/2 c. or larger				1 (Lunch)
lb, No. 10(106 oz), No. 2.5(29 oz)	Pear Halves	1/2 c. or larger				1 (Lunch)
lb	Hamburger Bun	1.8 oz				2 (Lunch)

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Specifications: Quantities

- Accurate and up-to-date
- Forecast based on past usage or anticipated usage based on student preference or menu

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Forecasting

- Predicts and estimates the goods, products, and/or services needed
- Analyzes current and historical data to accurately determine future trends
- Allows procurement plans to evolve each fiscal year

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Strengthening Bid Integrity

- Develop good forecasts
- Ensure quantities are accurate
- Avoid material change
  - May be requested to rebid the ITB/RFB

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Food Buying Guide Calculator

Food Buying Guide

Calculator for Child Nutrition Programs

TEAM NUTRITION USDA

NFSMI
National Food Service Management Institute
The University of Mississippi

Choose a **Food group** by clicking on an image below, or enter a keyword or food item in the **Search** field to the right, then click **Go.** Avoid the use of punctuation.

- Search
  - Go
- View Food Buying Guide
- Select Food Group
  - -- Select A Food Group --
- Self-Tutorial

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Past, Present, Future

- Reflection on the past
- Consideration of present conditions
- Speculation as to the future
- Project the procurement needs for specific times

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Section 2 –

Competitive Purchasing

- Topics
  - Invitation for Bids (IFBs)
  - Request for Proposal (RFP)
  - Geographic Preferences

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Small Purchases

- Relatively simple and informal procurement methods
- $150,000 threshold for Federal Programs
- $90,000 threshold for State entities
- Local thresholds may be less
- The <u>most restrictive</u> rules prevail
- Competition must still occur

Types of Competitive Procurement

- Invitation for Bid (IFB) - 2 CFR 200.320(c)
  - Also know as Sealed Bid
- Request for Proposal (RFP) - 2 CFR 200.320(d)

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Invitation for Bids (IFBs)

A competitive, formal, sealed bid method to obtain a price quote

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IFBs

- The publicly advertised and public opening are very important phases
- Negotiation is not used with competitive sealed bidding
- Fixed price contract awarded to lowest priced bid who is most responsive and responsible
- Award is made in writing

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IFB

- Complete specifications or descriptions of the product or service are available
- Responsive bids do not differ other than price
- More than one qualified source is willing and able to compete for the award
- Can use geographic preference as applicable

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Steps for IFB

- Develop the IFB/RFP, including cycle menu for unitized meals or product specifications for self-preparation meal methods;
- Notification to the NCDPI of the bid opening date;
- Publically advertise solicitation to two or more suppliers, providing them a minimal of 14 days prior to the date set for opening the bids;
- Specifications and pertinent attachments, that defines the items or services to be procured in order for the bidder to properly respond;
- Publically open bids at the time and place prescribed in the IFB/RFP;

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Steps for IFB

- Review all bids to determine each submission meet all the bid specifications and are responsive and responsible;
- Submitting bid to NCDPI prior to accepting;
- Submitting to the State agency copies of all contracts, a certificate of independent price determination, and copies of all bids received, performance and bid bonds as well as the sponsor's reason for selecting the chosen Vendor;
- Any or all bids may be rejected if there is a sound documented reason.

Steps for IFB

- The IFB must NOT:
- Specify a minimum price;
- Provide for loans or any other monetary benefit, term, or condition to be made to sponsors by Vendors; nor
- Include nonfood items that are not essential to the conduct of food service.

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Request for Proposal (RFP)

- Proposal that explains how the prospective vendor will meet the objectives of the solicitation document
- Includes a cost element that identifies the costs to accomplish the proposal

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RFP Components

- Identify goods, products, and/or services needed
- Publicly advertised
- Used to solicit proposals

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Components of the RFP

- State the purchasing agency's need
- Specify the anticipated terms and conditions of the contract
- Provide information that the respondent must include in their proposal

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RFP Components

- Identify factors purchaser will use to evaluate proposals and award contracts
- Describe how technical and cost factors will be considered
- Award will be made to the firm most advantageous to purchasing agency

Requests for proposals

- Publicized and identify all evaluation factors and their relative importance.
- Any response to publicized requests for proposals must be considered to the maximum extent practical;
- must be solicited from an adequate number of qualified sources;

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Requests for proposals

- The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;

- Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

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Competitive Proposal Evaluation

- Price
- Product specifications
- Service and deliveries
- Geographic preferences
- Overall qualifications

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RFP Scoring Criteria

- Include RFP scoring criteria in the solicitation document
- Assign a point value, percentage, or scoring system for each factor to be evaluated
- No prescribed maximum evaluation points
- Cost should be primary factor but does not need to be at 50% or more
- Can include others in the evaluation process
- Rank proposals separately and independently

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Rank the Proposals

- Have at least two persons review and rate the proposals
- Employ a two-step process: review technical proposals before cost proposals
- Score based on points or percentages

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Awarding the Contract

- After negotiations and modifications, each company will submit a best and final offer
- Technical proposals must meet the SFA's needs
- Award contracts on the basis of the best overall value

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Above and Beyond

- The award decision must always be based on the criteria outlined in original RFP
- Decisions can't be based on additional services/products vendors can provide

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Solicitation Document

Must include the following:

- Letter of invitation
- Intent of the procurement activity
- Contract time period
- Procurement submission procedures
- Bid/Proposal opening date/time/location
- Contract award methods
- Contact Information and Terms and Conditions
- Procurement protest procedures
- Civil Rights Statement
- Product Specifications

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Advertising the Solicitation

- State designated newspapers and trade periodicals
- Designated internet sites
- Direct mailings to known vendors and public

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Terms and Conditions

Define and Include:

- Price determination statement
- Method of shipment/delivery requirements
- Purchase instrument to be used and how Vendor will receive
- Method of payment, invoices, statements, etc.
- Option to renew or extend
- Remedy for non-performance/ termination of contract.

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Terms and Conditions (cont'd.)

- Record retention and record access requirements (3 years + current)
- Bid/Proposal Certification form
- Buy American Provision
- HUB statement, where possible
- Non-collusion statement
- Assurance of ethical practices

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Terms and Conditions (cont'd.)

- Equal Employment Opportunity compliance
- Debarment/suspension certification
- Clean Air/Water Act
- Energy Policy and Conservation Act statement
- Civil Rights Act statement
- Lunsford Act Requirements

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Debarment/Suspension Clause

Use any one of three methods

- Checking the EPLS http://epls.arnet.gov
- Collecting a certification that the entity is neither excluded nor disqualified- included in the IFB.
- Including a clause to this effect in the procurement contract

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Renewal Clause

- Provision for renewing contract with same contractor for an additional contract period after the initial contract period
- Allowed only under firm fixed price contracting ***when*** previously specified
- Period of no more than 12-month intervals for up to 4 additional renewal periods from the initial contract

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Documentation and Records

- **ALL** procurement activities must be documented and maintained in the SFSP files for a minimum of 3 years plus the current year, including:
  - Procurement Plan
  - Solicitation Documents
  - Product Specifications
  - Solicitation Responses
  - Contract Awards and Maintenance
  - Any Procurement Action

Competition

REMEMBER…All <u>formal</u> solicitations must be advertised.

Protocol at Bid Opening

- Have 2 or more people present at the bid opening.
- Document those in attendance.
- Once bids are opened and read, the leader should state that bids will be taken under advisement.
- Documents do not become public records until the bid is awarded.

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Awarding the Contract

- Responsive bidder– bids conform to all of the terms, conditions and requirements
- Encourage to use small and minority business and women ‘s business enterprises
- Award at least two weeks before the program operations begins
- Letter of Award and/or Decline must be sent to each bidder

Documentation

Make sure you…

DOCUMENT,
DOCUMENT,
DOCUMENT!!!

Procurement: Review of SFSP

- Evaluation of Procurement documents for which SFSP Funds were used – i.e.:
  - IFB, RFP, RFQ, etc.
  - Bidders
  - Advertisements
  - Bid openings
  - Award decision
  - Award letters
- Hint: Use the Procurement Checklist that contains required elements to conduct self-assessment of all procurement activities

Procurement Forms

−	Procurement (13)			
	Procurement Plan	The procurement plan provides for free and open competition, transparency in transactions, comparability, and documentation	04/29/2015	Y
	Sponsor.SFA Contract	Contract between the sponsor and SFA of Catered Meals	04/29/2015	Y
	Vendor Price Quotes	SFSP price quotes. Required for all purchasing using SFSP Funds	04/29/2015	Y
	Price Quote.Vendor Contract	Contract between the Sponsor and Vendor of Catered Meals < small purchase threshold.	04/27/2015	Y
	Invitation For Bid Cover	Cover Letter and Description to be used with all IFB and Contracts	04/28/2015	Y
	Invitation For Bid (IFB)	IFB when purchases using SFSP funds are equal to or greater than the most restrictive threshold	04/29/2015	Y
	Standard Terms and Conditions	Sample Terms and Conditions to be used in IFB and Price Quote.Contract	04/27/2015	Y
	Specification Sample-suppiles	Sample template that used to obtain supply quotes from bidders.	04/27/2015	Y
	Specification Sample- Meat	Sample template used to obtain food and supply quotes from bidders.	04/27/2015	Y
	Specification Sample- Fruit.Veg	Sample template used to obtain food and supply quotes from bidders.	04/27/2015	Y
	Specification Sample-Staple	Sample template used to obtain food and supply quotes from bidders.	04/27/2015	Y
	Procurement Checklist	Checklist of procurement requirements. The checklist is a guide to adherence to the requirement	04/29/2015	Y
	IFB Worksheet	NCDPI must attend bid openings. This worksheet NC DPI uses to evaluate the opening.	04/27/2015	Y

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What Questions are There?

"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) Tax: (202) 690-7442; or

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

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