



United States  
Department of  
Agriculture

May 18, 2006

Food and  
Nutrition  
Service

**Memo Code:** SP 21-2006

**SUBJECT:** State Agency Procurement Training for School Districts

3101 Park  
Center Drive  
Alexandria, VA  
22302-1500

**TO:** State Agencies  
School Nutrition Programs  
All States

In the past several years we have issued guidance addressing a range of procurement issues. Included in this correspondence has been guidance on Departmental regulations that prohibit the awarding of contracts to any entity that develops or drafts specifications, requirements, statements of work, invitations for bids, requests for proposals, contract terms and conditions or other procurement documents. While our guidance in this matter dates as far back as 2001, we reissued guidance in March 2006 specifically addressing the issue, due to continued complaints in the past year that school food authorities (SFAs) are still relying on prospective bidders to draft specifications and procurement documents.

Recognizing that many State agencies will be conducting training sessions for SFAs in the near future, we would like to recommend that you incorporate into these sessions materials we have issued that relate to procurements. To assist you in this regard, we have attached the guidance released in 2006. We would also like to remind you that all of our guidance can be found on our FNS Partnerweb site.

As we have advised in the past, any action which diminishes open and free competition seriously undermines the integrity of the procurement process and may subject the SFA to bid protests. Thus, reiterating the procurement rules to your SFAs as well as making the information available to them will help to prevent future issues from arising.

In addition, please use this opportunity to monitor SFA procurement practices, including SFA protest procedures, and initiate corrective actions when violations of Department regulations are identified.

If you have any questions, please contact your regional office.

**Original Signed**

STANLEY C. GARNETT  
Director  
Child Nutrition Division

Attachments: SP 15-2006, SP 19, 2006, SP 20-2006