

ALEXANDER CITY BOARD OF EDUCATION

FEDERAL PROGRAMS

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CNP PROCUREMENT PLAN

SECTION I - PROCUREMENT PLAN GENERAL REQUIREMENTS

The Alexander City Board of Education plan for procuring items for use in Federal Programs and the Child Nutrition Program is as follows:

1. The procurement plan provides for free and open competition, transparency in transactions, comparability, and documentation of all procurement activities.
2. The following conduct will be expected of all persons who are engaged in the awarding and administration of contracts supported by Federal Programs and Child Nutrition reimbursement funds. These written standards of conduct include:
 - i. No employee, officer, or agent shall purchase or establish a contract 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:
 1. The employee, officer, or agent;
 2. Any member of the immediate family;
 3. His or her partner;
 4. An organization which employs or is about to employ one of the above.
 - ii. 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.
3. Regardless of procurement method, the following factors will be determined regarding the allowability of costs:
 - a) Be necessary and reasonable for proper and efficient administration of the program(s)
 - b) Be allocable to federal awards applicable to the administration of the programs(s)
 - c) Be authorized and not prohibited under state and local laws
4. Purchasing will be conducted at the most restrictive procurement threshold:

	Federal Procurement Thresholds	SFA/Sponsor Procurement Thresholds (input)
Micro-purchasing	Less than \$10,000	
Equipment	Over \$5,000	
Small/Informal	Less than \$250,000	
Formal	Greater than \$250,000 or any total Food Service Management Contract	

5. All staff conducting purchasing will be trained on the procurement procedures.
6. All purchasing records will be maintained no less than the current year plus 3 additional years.

SECTION II – MICRO PURCHASING

If the annual amount of purchases for like items is less than \$10,000 and less than the SFA/Sponsors' small purchase threshold, the following procedure will be used.

1. Purchases will not be separated into 2 or more purchases to meet or be below the \$10,000 threshold.
2. The price quotes will not be required. Competition is not required.
3. When practicable, micro-purchases will be distributed equitably among qualified suppliers.
4. Documentation of purchases will be kept and maintained for 3 years plus the current year.
5. When using CNP funds, the CNP Director will be responsible for documentation of purchases. For all other federal programs, the Federal Programs Director will be responsible for documentation of purchases.

Note: Federal threshold of \$2,000 is applicable in the case of acquisitions for construction subject to the Davis-Bacon Act

SECTION III –PURCHASING EQUIPMENT

If the annual amount of like purchases for equipment is greater than \$5,000, the following procedure 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 Alexander City Board of Education will seek prior approval from Alabama Child Nutrition Programs by completing the Equipment Purchase Request.
5. Quotes will be awarded by the CSFO. Quotes awarded will be to the lowest and best quote based upon quality, service availability, and price. Additional points will be awarded for quotes received from local vendors.
6. When using CNP funds, the CNP 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*.
7. For all other Federal programs, the Federal Programs 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*.
8. When using CNP funds, the CNP Director will be responsible for documentation that the actual product specified is received.
9. For all other Federal programs, the CSFO will be responsible for documentation that the actual product specified is received.

Note: Equipment means tangible personal property (including information technology systems) 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 non-Federal entity for financial statement purposes, or \$5,000. See also §§200.12 Capital assets, 200.20 Computing devices, 200.48 General purpose equipment, 200.58 Information technology systems, 200.89 Special purpose equipment, and 200.94 Supplies.

SECTION IV – SMALL PROCUREMENT

If the annual amount of purchases for like items is greater than \$10,000 and less than \$250,000 (or the SFA/Sponsor's small purchase threshold), the following procedure will be used.

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. When using CNP funds, the CNP Director will be responsible for contacting potential vendors when price quotes are needed. For other Federal funds, the Federal Programs 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 CSFO. Quotes awarded will be to the lowest and best quote based upon quality, service availability, and price. Additional points will be awarded for quoted received from local vendors.
6. The CNP Director and/or Federal Programs 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*.
7. The CNP Director and/or Federal Programs Director will be responsible for documentation that the actual product specified is received.
8. Any time an accepted item is not available, the CNP Director and/or Federal Programs Director 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.
9. Purchasing will be based on the following criteria:
 - a) Price
 - b) Quality
 - c) Service Availability
 - d) Locality

SECTION V – FORMAL PROCUREMENT

1. If the amount of purchases is \$250,000 (or SFA/Sponsor approved threshold if less), 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.
2. CNP formal bid procedures will be applied on the basis of: **EXAMPLE BELOW**

Category	Procurement Method	Evaluation Used	Contract Award Type	Contract Duration/Frequency
Frozen Foods (Meats, Fruits, Vegetables)	Formal	Bottom Line	Fixed Price	Annual By SY (August 1 - July 31)
Canned Foods (Meats, Fruits, Vegetables)	Formal	Bottom Line	Fixed Price	Annual By SY (August 1 - July 31)
Fresh Fruits and Vegetables	Formal	Bottom Line	Cost reimbursable plus fixed fee	Annual By SY (August 1 - July 31)
Dish Machine Chemicals	Formal	Bottom Line	Fixed Price with price adjustment	Annual By FY (October 1 - September 30)
Fresh Bread	Formal	Bottom Line	Fixed Price with price adjustment	Annual By SY (August 1 - July 31)
Milk and Dairy Products	Formal	Bottom Line	Fixed Price with price adjustment	Annual By SY (August 1 - July 31)
Office and Maintenance Supplies	Formal	Bottom Line	Cost reimbursable plus fixed fee	Annual By FY (October 1 - September 30)

3. Form bid procedures for all other Federal programs will be applied on the basis of a formal Request for Proposal based on the bottom line fixed price.
4. Formal bid procedures will be applied on **the basis of a:**
 - a. _____ Centralized System
 - b. _____ Individual Site
 - c. _____ Multi-Sponsor Systems
 - d. _____ State Contract
 - e. _____ Combination of above (specify):
 1. _____
 2. _____
5. Because of the potential for purchasing more than \$150,000, it will be the responsibility of CNP Director and/or Federal Programs Director to document the amounts to be purchased so the correct method of procurement will be followed.

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:

- An announcement of an **Invitation for Bid (IFB) or a Request for Proposal (RFP)** will be placed in the Newspaper/media and the ACBOE Website to publicize the intent to purchase needed items. The advertisement for bids/proposals or legal notice will be run for two (2) weeks.
 - Contract period
 - SFA/Sponsor is responsible for all contracts awarded (statement)
 - Date, time, and location of bid opening
 - How vendor is to be informed of bid acceptance or rejection
 - Delivery schedule
 - Set forth requirements (terms and conditions) which bidder must fulfill in order for bid to be evaluated
 - Benefits to 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 non-profit Child Nutrition account
 - Contract provisions as required in Appendix II for 2 CFR Part 200, formerly 7 CFR Part 3016.36(i)
 - Contract provisions as required in 7 CFR Part 210.21(f) for all cost reimbursable contracts
 - Contract provisions as required in 7 CFR Part 210.16(a)(1-10) for Food Service Management Company contracts
 - Procuring instrument to be used are purchase orders from firm fixed prices after formal bidding
 - Price adjustment clause (escalation/de-escalation) based on appropriate standard or cost index (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
 - 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 SFA/Sponsor, State Agency, United State Department of Agriculture, or Comptroller General 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 State Energy Plan issued in compliance with the Energy Policy and Conservation Act (PL 94-165)
- Signed statement of non-collusion
- Signed Debarment/Suspension Certificate or statement included in contract or copy of Excluded Parties List System (EPLS).
- Specifications and estimated quantities of products and services prepared by SFA/Sponsor and provided to potential contractors desiring to submit bids/proposals for the products or services requested.
- 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 CNP Director and or Federal Programs Director and date specified.
- The CNP Director and/or Federal Programs Director will be responsible for securing all bids or proposals.
- The CNP Director and/or Federal Programs Director will be responsible to ensure all SFA/Sponsor procurements are conducted in compliance with applicable Federal, State, and local procurement regulations.
- The following criteria will be used in awarding contracts as a result of bids/proposals.
 - Price
 - Quality
 - Service Availability
 - Locality

In awarding a competitive negotiation (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 when awarding a contract. Following evaluation and negotiations a firm fixed price or cost reimbursable contract is awarded.

- 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/Sponsor, price, and other factors considered. Any and all bids or proposals may be rejected in accordance with law.
- The CNP Director and/or Federal Programs 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.
- CSFO reviewing the procurement system to ensure compliance with applicable laws.
- The CNP Director and/or Federal Programs Director responsible for documentation the actual product specified is received.

- Any time an accepted item is not available, the CNP Director and/or CSFO will select the acceptable alternate. The contractor must inform the CNP Director and/or Federal Programs Director (time/by when) when a product is not available. In the event a non-domestic agricultural product is to be provided to the SFA/Sponsor, the contractor must obtain, in advance, the written approval of the product. The School District 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 this documentation is the CNP Director and/or Federal Programs Director.
 - The CSFO is responsible for maintaining all procurement documentation.

SECTION VI - NON-COMPETITIVE 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*, **NON-COMPETITIVE NEGOTIATION** procedures will be used:

1. Written Specifications will be prepared and provided to the vendor.
2. The CNP Director and/or Federal Programs Director will be responsible for the documentation of records to fully explain the decision to use the non-competitive negotiation. The records will be available for audit and review.
3. The CNP Director and/or Federal Programs Director will be responsible for documentation that the actual product or service specified was received.
4. The CNP Director and/or CSFO will be responsible for reviewing the procedures to be certain all requirements for using single source or non-competitive negotiation are met.
5. Non-competitive 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 non-competitive negotiation purchase shall be maintained by the CNP Director and/or Federal Programs 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
6. Miscellaneous Provisions:
 - a. New product evaluation procedures will include:
 - i. _____
 - ii. _____
 - iii. _____
 - b. The SFA/Sponsor agrees that the reviewing official of each transaction will be the the CNP Director and/or Federal Programs Director.
 - c. Payment will be made to the vendor when the contract has been met and verified and has met the procedures for payment. (if prompt payment is made, discounts, etc. are accepted.)
 - d. Specifications will be updated as need.

SECTION VII – EMERGENCY PURCHASING

1). If it is necessary to make a one-time emergency procurement to continue service or obtain goods, the purchase shall be made, and a log of all such purchases shall be maintained by the CNP Director and/or Program Director. The following emergency procedures shall be followed. All emergency procurements shall be approved by the CSFO. At a minimum, the following emergency procurement procedures shall be documented:

- item name
- dollar amount
- vendor, and
- 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 (3) years after final payment. Specifically the SFA/Sponsor shall maintain, at a minimum, the following documents:

- Written rationale for the method of procurement;
- A copy of the original solicitation;
- The selection of contract type;
- The bidding and negotiation history and working papers;
- The basis for contractor selection;
- Approval from the State agency to support a lack of competition when competitive bids or offers are not obtained;
- The basis for award cost or price;
- The terms and conditions of the contract;
- Any changes to the contract and negotiation history;
- Billing and payment records;
- A history of any contractor claims; and
- A history of any contractor breaches.

Attachment A

INFORMAL PROCUREMENT LOG
TO BE USED FOR PURCHASES OF \$250,000 OR LESS

Check the box next to the supplier that you choose. If chosen supplier does not provide the lowest overall price, explain decision on attached sheet. Document contact with 2 or more vendors.

Items to be purchased and specifications:

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	Date & Method of Contact	Bid Price	Negotiated Price	Notes
Supplier #1				
Supplier #2				
Supplier #3				

Attachment B

Annual Market Basket Survey

Agency Name: _____ Date: _____

Quotes must be obtained from two or more vendors.

	Product Name (describe – Examples 5 lbs. golden delicious apples)	Vendor 1 <hr/> Price	Vendor 2 <hr/> Price	Vendor 3 <hr/> Price
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				

Vendor selected:
 If vendor selected did not provide the lowest quote/costs, please explain other circumstances in the selection:

Signature of Agency Representative: _____ Date: _____

Attachment C

Equipment Purchase Request

System Name: Alexander City Board of Education
Form Number: 102

SDE Use Only
Approval

School Name	Equipment Item	Quantity	Cost / Item	Total Cost	Date To Complete	Approved By	Date

SIGNATURES REQUIRED

Sheet Total: \$0.00
Summary from previous sheets:
 \$0.00

DIRECTOR: _____

Submission Date: _____

CSFO: _____

SUPERINTENDENT: _____