

Kankakee Valley School Corporation Lunch Program

CHILD NUTRITION PROGRAM PROCUREMENT PLAN

This procurement plan contained on the following pages will be implemented on August 1, 2017 and from that date forward until amended. All procurements must adhere to free and open competition. Sponsors must retain all documentation for each procurement per regulations.

Printed Authorized Name*

Authorized Signature *

Date

*As referenced in CNP Web:

Executive Contact for National School Lunch

Authorized Representative for Child and Adult Care Food Program Authorized Representative for Summer Foods Service Programs

Procurement Plan for Kankakee Valley School Corporation

The Food Service Director (FSD) will purchase goods, products, and/or services for use in the Child Nutrition Programs (CNP) in compliance with 2 CFR Part 200, 7 CFR Parts 210-250 (child nutrition regulations by program) and State Law, using the procedures outlined as follows.

The primary purpose of this procurement plan is to assure that open and free competition exists to the maximum extent possible. The procurement process practiced by the CNP Sponsor must not restrict or eliminate competition. For example description of goods, products, and/or services to be procured should not contain features that unduly restrict competition. Competition helps assure that goods, products, and/or services will be obtained that best meets your needs.

A new procurement plan does not need to be developed every year. However, an annual review of the approved plan is suggested to assure its relevance to current procedures.

It will be the responsibility of FSD to document the amounts to be purchased so the correct method of procurement will be followed.

A FSD may set a lower simplified acquisition threshold than the federal simplified acquisition threshold. The most restrictive (lowest) threshold must be used.

A Child Nutrition Program Sponsor may set a lower simplified acquisition threshold than the federal simplified acquisition. The most restrictive (lowest) threshold must be used.

Kankakee Valley School Lunch program uses the federal guidelines for simplified acquisition.

Does Kankakee Valley School Corporation have a lower simplified acquisition threshold?

Mark the appropriate answer. Yes List the dollar amount \$ 50,000
 No

- A. **Informal purchase procedures.** This method applies to purchases of goods, products, and/or services when the aggregate dollar amount is less than \$150,000. Quotes from more than one (1) qualified vendor/contractor will be required.
- In developing your written specifications the same information needs to be provided to all vendors/contractors, you may use prices found online, in catalogs, sale flyers, newspapers, prices obtained from grocery stores, farmer's markets, and etc.
 - Each vendor/contractor will be contacted and given an opportunity to provide a price quote on the same specifications.
 - The FSD will be responsible for contacting potential vendors/contractors when price quotes are needed.
 - The price quotes are to remain confidential information until the actual purchase has been

made.

- Quotes will be awarded by FSD. Quotes awarded will be to the lowest and best quote based upon price, quality, service availability, and/or delivery.
- The FSD will be responsible for documentation of records to show selection of vendor/contractor, reasons for selection, names of all vendors/contractors contacted, price quotes from each vendor/contractor, and written specifications.
- The FSD will be responsible for documentation that the actual product specified is received.
- Any time an accepted item is not available, the FSD will select the acceptable alternate. FSD will document the reason for accepting an alternate and keep the documentation on file.
- Bids will be awarded on the following criteria: (Examples: quality, delivery, service, etc.)
 1. Price
 2. Quality
 3. Delivery
 4. Customer Service
- The FSD is required to sign documentation, confirming a review and the approval of the purchase of the goods, products, and/or services.
- The FSD is the Sponsors authorized purchaser.

Micro purchase procedures. This method applies to the purchase of supplies or services when the aggregate dollar amount does not exceed \$10,000.00. These purchases may be awarded without soliciting competitive quotes if the entity considers the price reasonable, keeping in mind that multiple purchases throughout the year must be equitably split among all qualifying vendors.

- The FSD will be responsible for contacting potential vendor/contractor.
- The FSD will be responsible for documentation of records of the purchase, name of vendor/contractor, price, and the written specifications.
- The FSD will be responsible for documentation that the actual product was received.
- The FSD is required to sign documentation, confirming a review and the approval of the purchase of the goods, products, and/or services.

B. Formal purchase procedures. This method applies to purchases of supplies or services when the aggregate cost amount is more than \$150,000. The formal procurement method requires the use of an Invitation for Bid (IFB) or a Request for Proposal (RFP).

- The FSD is the Sponsors authorized purchaser.
- An announcement of an **Invitation for Bid (IFB) or a Request for Proposal (RFP)** will be placed in the Newspaper/media, Website, other internet source to publicize the intent of the Child Nutrition Program Sponsor to purchase needed items. The advertisement for bids/proposals or legal notice will be run for TWO WEEKS.
- An advertisement is required for all purchases over the districts simplified acquisition threshold of \$150,000.00. The announcement (advertisement or legal notice) will contain a

general description of items to be purchased, the deadline for submission of sealed IFB's and RFP's and the address where complete specifications and other procurement documents may be obtained.

- In an IFB or RFP, each vendor/contractor will be given an opportunity to bid on the same specifications.
- The developer of written specifications or descriptions for procurements will be prohibited from submitting bids or proposals for such products or services.
- The IFB or RFP will clearly define the purchase conditions. The following, shall be addressed in the procurement document:
 1. Contract period
 2. CNP Sponsor is responsible for all contracts awarded (statement)
 3. Date, time, and location of bid opening
 4. How vendor/contractor will be informed of bid acceptance or rejection
 5. Delivery schedule
 6. Requirements which bidder must fulfill in order for bid to be evaluated
 7. Benefits to which the Child Nutrition Program Sponsor will be entitled if the contractor cannot or will not perform as required
 8. Statement assuring positive efforts will be made to involve minority and small business
 9. Statement regarding the return of purchase incentives to the Child Nutrition Program Sponsor non-profit Child Nutrition account
 10. Termination provisions and the basis for any settlement for all procurement over \$10,000.00
 11. Provision requiring compliance with Executive Order 11246 entitled "Equal Employment Opportunity" as amended by Executive Order 11375 and as supplemented in the Department of Labor regulations required for all contracts over \$10,000.00
 12. Contract and/or purchase orders may be issued for firm fixed prices after formal bidding process.
 13. Escalation/De-escalation clause based on appropriate standard or cost index
 14. Specific bid protest procedures
 15. Provision requiring access by duly authorized representatives of the Child Nutrition Program 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
 16. Method of shipment or delivery upon Contract award

17. Provision requiring contractor to maintain all required records for **three (3)** years after final payment and all other pending matters are closed for all negotiated contracts
 18. Provision describing the process for vendors/contractors will use to receive or pick up orders upon Contract award
 19. Provision requiring the contractor to recognize mandatory standards and polices related to energy efficiency which are contained in the State Energy Plan issued in compliance with the Energy Policy and Conservation Act (PL 94- 165)
 20. All contracts over \$100,000.00 will require compliance with the Clean Air Act issued under Section 306, Executive Order 11738
 21. Signed Certificate of Lobbying for all contracts over \$100,000
 22. Signed statement of non-collusion
 23. Signed Debarment/Suspension Certificate or statement included in contract or copy of Excluded Parties List System (EPLS).
 24. Provision requiring “Buy American” (7 CFR Part 210.21(d)) as outlined in Policy Memorandum SP 24-2016; specific instructions for prior approval of any and all of non-domestic product.
- Specifications will be prepared and provided to potential vendors/contractors desiring to submit IFB or RFP for the products or services requested. Vendors/contractors will be selected using the Sponsor’s procedures such as:
 - Does the vendor’s product meet the required specifications?
 - Does the vendor’s delivery schedule meet the Sponsor’s needs?
 - Other criteria that each Sponsor determines is of value to them.
 - If any potential vendor/contractor is in doubt as to the true meaning of specifications or purchase conditions, an interpretation will be provided by FSD.
 - The FSD will be responsible for securing all IFB or RFP.
 - The FSD will be responsible to ensure all CNP Sponsor procurements are conducted in compliance with applicable Federal regulations, State General Statutes or policies of the Sponsor.
 - The following criteria will be used in awarding contracts as a result of bids. (Examples: quality, delivery, service, etc.)
 1. Price
 2. Quality
 3. Delivery times
 - In awarding a competitive negotiation (RFP), 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 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 best meets the needs of the CNP Sponsor, price, and other factors considered. Any and all bids or proposals may be rejected in accordance with law.
 - The FSD 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.
 - The FSD will review the procurement system to check ensure compliance with applicable laws.
 - The FSD will be responsible for documentation that the actual product specified is received.
 - Any time an accepted item is not available, the FSD will select the acceptable alternate. The contractor must inform FSD as soon as a product is not available. In the event a non-domestic agricultural product is to be provided to the CNP SPONSOR, the contractor must obtain, in advance, the written approval of the product. The FSD 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 FSD.
 - The FSD will be responsible for maintaining all documentation of the procurement process.
- C. If items are available **only** from a single source (aka Sole Source) when the award of a contract is not feasible under simplified acquisition purchase, IFB or RFP NON-COMPETITIVE NEGOTIATION procedures will be used:
- Written Specifications will be prepared and provided to the vendor/contractor.
 - The FSD 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.
 - The FSD will be responsible for documentation that the actual product or service specified was received.
 - The FSD will be responsible for reviewing the procedures to be certain all requirements for using single source or non-competitive negotiation are met.
 - 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 Child Nutrition Program Sponsor's Official. The record of non-competitive purchases shall include, at a minimum, the following:
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- a. Item name
 - b. Dollar amount
 - c. Vendor/contractor, and
 - d. Reason for non-competitive procurement
- D. If it is necessary to make an emergency procurement to continue service, the purchase shall be made, and a log of all such purchases shall be maintained by the FSD. The following emergency procedures shall be followed. All emergency procurements shall be approved by the FSD. At a minimum, the following emergency procurement procedures shall be documented:
 - a. Item name
 - b. Dollar amount
 - c. Vendor/contractor, and
 - d. Reason for emergency
- E. The 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 CNP Sponsor, whichever is sooner. The CNP Sponsor, its authorized agents, State Agency, and/or USDA auditors shall have full access to and the right to examine any of said materials during said period.
- F. The CNP Sponsor shall agree to retain all books, records and other documents relative to the award of the contract agreement for three (3) years after final payment. Specifically they shall maintain, at a minimum, the following documents:
 - Written rationale for the method of procurement;
 - A copy of the RFP or IFB;
 - 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.
- G. The Child Nutrition Program Sponsor must maintain a written code of standards of conduct (2 CFR 200.318 (c)(1)) that includes procedures that governs the performance of its officers, employees, or agents who are engaged in the award and administration of contracts supported by Child Nutrition Program Funds.

The following conduct will be expected of all persons who are engaged in the awarding and administration of contracts supported by Child Nutrition Program Funds.

- No employee, officer or agent of the Kankakee Valley School Corporation or Sponsor 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:
 - a. The employee, officer or agent;
 - b. Any member of the immediate family;
 - c. His or her partner;
 - d. An organization which employs or is about to employ one of the above;
 - e. A less-than-arms-length transaction. This is one party's ability to control or influence the other party to the transaction. A less-than-arms-length transaction occurs:
 - i. When a transaction is conducted between related parties, meaning that the integrity of the transaction could be compromised;
 - ii. When one party to the transaction is able to control or influence the actions of the other party.
- Examples could include:
- 1. Hiring the CEO's brother as a janitor.
 - 2. Purchasing goods or services from a business owned by an officer, employee, or relative of the Sponsor's entity.
 - 3. Agreement for computer maintenance between a business and person who are related to the Sponsor's employees or board members.
- The Kankakee Valley School Corporation's employees, officers or agents must not solicit or potentially accept gifts, travel packages, and other incentives from prospective vendors/contractors
 - The Child Nutrition Program School or Sponsor must set standards when financial interest is not substantial or the gift is an unsolicited item of nominal value and may be acceptable.
 - Penalties for violation of the code of conduct of set forth within this plan will be the following actions:
 - a. Suspension or Leave of Absence during investigation upon Administration/ School Board
 - b. Possible Termination

BY LAWS of Kankakee Valley School Corporation:

6320 - PURCHASING

It is the policy of the Board that the Superintendent and/or Chief Financial Officer shall act as the purchasing agent for the Board.

Purchases of Supplies

For purposes of this policy "supplies" means any personal property. The term includes equipment, goods, and materials. The term does not include an interest in real property. For purposes of this policy "purchase" means buy, procure, rent, lease, or otherwise acquire.

The purchasing agent may make open market purchases of supplies totaling no more than \$50,000 for a single item or a group of similar items.

The purchasing agent must seek at least three (3) price quotations on purchases of supplies that are more than \$50,000 but less than \$150,000 except in cases of emergency or where materials are of such nature that price quotations would not result in a savings to the School Corporation.

The purchasing agent shall mail an invitation to quote at least seven (7) days before the time fixed for receiving quotes.

If the purchasing agent receives a satisfactory quote, s/he shall award a contract to the lowest responsible and responsive quoter for each line or class supplies required. S/He may reject all quotes.

If the purchasing agent does not receive a quote from a responsible and responsive quoter s/he may purchase the items by following procedures for items costing under \$50,000.

When the purchase of, and contract for, single items of supplies, is equal to or exceeds the amount stipulated by statute, the Superintendent or designee shall obtain competitive bids.

Bids shall be sealed and shall be opened by a committee designated by the purchasing agent publicly in the presence of one (1) or more witnesses at the time and place fixed by the advertisement for bids. The committee must include at least two (2) Board members or at least two (2) Corporation employees. Bids must be read aloud and tabulated publicly and must be available for inspection. All orders or contracts shall be awarded to the lowest responsive and responsible bidder.

For a bidder or quoter to be considered responsive, the proposal must respond to all bid specifications in all material respects, contain no irregularities or deviations from the bid specifications which would affect the amount of the bid or otherwise provide a competitive advantage, and comply specifically with the solicitation and instructions to bidders or quoters. The purchasing agent or committee also may consider whether the bidder or quoter has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract.

The purchasing agent or committee may consider the following factors in determining whether a bidder or quoter is responsible:

- A. the ability and character of the bidder or quoter to provide the supplies

- B. the integrity, character and reputation of the bidder or quoter

- C. the competency and experience of the bidder or quoter

For a bidder or quoter to be deemed responsible, the Board may request evidence from the bidder or quoter concerning its:

- A. Experience (type of product or service being purchased, etc.);
- B. financial condition;
- C. conduct and performance on previous contracts (with the Corporation or other agencies);
- D. facilities;
- E. management skills; and
- F. Ability to execute the contract properly.

The Board reserves the right to reject any and all bids.

The Board shall be informed of the terms and conditions of all competitive bids. All bids must be entered upon the records of the Board at its next meeting following the bid opening. The Board shall accept or reject bids in a Board meeting open to the public and award contracts as a consequence of such bids.

The president and secretary of the Board are entitled, on behalf of the Board, to sign any contract. These contracts may include, but are not limited to, employment contracts and contracts for goods and services. However, each contract must be approved by a majority of the full Board. In the absence of the president or secretary, the vice president may sign the contract with the officer who is present.

Exceptions to the foregoing requirements may be permitted when purchasing from vendors who have been awarded State contracts or when purchasing from authorized State institutions.

The purchasing agent is authorized to make emergency purchases, without prior approval, of those goods and/or services needed to keep the schools in operation.

Such purchases shall be brought to the Board for approval at the next regular meeting.

In order to promote efficiency and economy in the operation of the Corporation, the Board requires that the Chief Financial Officer periodically estimate requirements for standard items or classes of items and make quantity purchases on a bid basis to procure the lowest cost consistent with good quality.

Whenever storage facilities or other conditions make it impractical to receive total delivery at any one time, the total quantity to be shipped, but with staggered delivery dates, shall be made a part of the bid specifications.

Before the employee places a purchase order, s/he shall have the Chief Financial Officer or designee check as to whether the proposed purchase is subject to bid, whether sufficient funds exist in the budget, and whether the material might be available elsewhere in the Corporation. All purchase orders shall be numbered consecutively.

In the interests of economy, fairness, and efficiency in its business dealings, the Board requires that:

- A. where the requisitioner has recommended a supplier, the Chief Financial Officer may make alternate suggestions to the requisitioner if, in his/her judgment, better service, delivery, economy, or utility can be achieved by changing the proposed order;

- B. upon the placement of a purchase order, the Chief Financial Officer shall commit the expenditure against a specific line item to guard against the creation of liabilities in excess of appropriations;

- C. Unless otherwise permitted by the purchasing agent, no purchase of supplies shall be allowed without a properly-signed purchase order. Employees shall be held personally responsible for anything purchased without a properly signed purchase order.

The Board may acquire by lease, by installment payments, by lease-purchase agreements, or by lease with an option to purchase provided the contract setting forth the terms of such a purchase shall not extend for a period of more than five (5) years.

During the current year provisions may be made in these agreements for renewal for the succeeding year, subject to appropriations being available.

Procurement – Federal Grants

The Superintendent shall maintain a procurement and contract administration system in accordance with the United States Department of Education (USDOE) requirements (34 CFR 80.36) for the administration and management of Federal grants and Federally-funded programs. The Corporation shall maintain a compliance system that requires contractors to perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. Except as otherwise noted, procurement transactions shall conform to the provisions of this policy and administrative guidelines (AG 6320).

I.C. 5-22-2-21, 5-22-2-30, 5-22-2-38

I.C. 5-22-3-3

I.C. 5-22-6-1 and 5-22-6-2

I.C. 5-22-7-1 et seq.

I.C. 5-22-8-2, 5-22-8-3

I.C. 5-22-10-1 et seq.

I.C. 5-22-16-1, 5-22-16-2

I.C. 20-26-4-6, 20-26-4-8

I.C. 20-26-5-4

Education Department General Administrative Regulations (EDGAR)

34 C.F.R. 80.36

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