



Georgia Department of Early Care and Learning

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**WRITTEN PROCUREMENT PROCEDURES CHECKLIST for the
CHILD AND ADULT CARE FOOD PROGRAM (CACFP) and/or SUMMER FOOD SERVICE PROGRAM
(SFSP)**

Name of Institution

Agreement Number

The procurement procedures will be implemented on _____ from that date forward until amended. All purchase acquisitions must adhere to free and open competition. Source documentation must be available to determine open competition, the reasonableness, the allowability and the allocation of costs.

Signature of Chief Executive or Program Contact

Date

Organization

Signature of Board Officer (when applicable)

Date

Organization

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Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
Fax: (202) 690-7442; or
Email: program.intake@usda.gov.
This institution is an equal opportunity provider.

General Description of Goods and/or Services

Check the proposed vendor type your organization primarily uses, then follow the steps. If more than one is selected, please determine the procurement method for each located on Page 3. Then complete separate checklist starting on page 5 per purchase acquisition.

- School Food Authority/Board of Education School System** (Complete Step 1a - Submit a copy of agreement to furnish food CACFP or SFSP to DECAL)
 - Name: _____
- Food Service Management Company
 - Name: _____
- National Vendor or Group Buying Organization (applies to multi-state sponsors– Complete Step 1b: Submit a copy of Procurement Policy and Master Agreement)
 - Name: _____
- State/Local/City Government or University System
 - Name: _____
- Military/National Defense
 - Name: _____
- Vendor(s)
 - Name: _____
 - Name: _____
 - Name: _____
 - Name: _____
 - Name: _____

Step 1a: If using a School Food Authority/Board of Education School System:

- 1) Submit a copy of the Agreement to Furnish Food -Appendix C;
- 2) Sign and date on page 4 of this checklist. You do not have to complete the remaining steps. Proceed to Page 5.

Step 1b: If using a National Vendor or Group Buying Organization

- 1) Submit a copy of Vendor Master Agreement along with Procurement Policy
- 2) Sign and date on page 4 of this checklist. You do not have to complete the remaining steps. Proceed to Page 5.

Step 2: Find your type of institution, refer to column 5 of the Step-by-Step Guide (page 4 of Procurement Manual), then check below the procurement codes that were used when making the purchase.

Public School or Government Agency

- State procurement codes
- Local procurement codes
- Agency own procurement codes (must at the minimum meet Federal requirements or be more restrictive than Federal requirements)

Private For/Non-profit Organization

- Using Federal procurement codes (must adhere to all requirements and provisions in 2 CFR 200.318-326)
- Institutions own procurement codes (must at the minimum meet Federal requirements or be more restrictive than Federal requirements)

Step 3: Indicate the aggregate (total) amount of meals to be purchased for the upcoming contract year. Refer to the Step-by-Step Guide for information on how to determine the aggregate amount of the contract.

Price per Meal	Meal Type	X	# Meals Needed Per Day *	X	# of Operating Days for Contract Period **	=	Estimated Total Cost of Food Service Contract
\$	Breakfast	X		X		=	\$
\$	AM Snack	X		X		=	\$
\$	Lunch	X		X		=	\$
\$	PM Snack	X		X		=	\$
\$	Supper	X		X		=	\$
\$	Evening Snack	X		X		=	\$
					Total Estimated Cost of Food Service for Contract Period***		\$

If the number of meals varies per day, submit documentation to indicate how the organization estimated the number of meals needed for the contract period and determined the total contract price. The contract period should not extend beyond one year. Therefore, the number of operating days should equal the total number for the year. If contract price is below Small Purchase threshold, an Agreement can be signed. Otherwise formal procurement must be conducted.

Step 4: Disclose the small purchase threshold of the code being used for your organization. If the Total Estimated Cost of Food Service amount in Step 3 is larger than the small purchase threshold, formal procurement is required. Check the type of procurement conducted.

Public School or Government Agency - State/local small threshold is \$_____.

- Over \$_____ formal procurement must be conducted.

Private Non/For-profit Organization- Federal small purchase threshold is up to \$250,000. Check applicable response.

- Using Federal Threshold Limits for Micro, Small, and/or Formal Purchases.
- Institution's own small purchase threshold is \$_____.
- Institution's own formal procurement threshold is \$_____.
- Purchases during Program Year will not require formal procurement. Will be using informal procurement procedures.

If an informal procurement can be used, do not proceed to Step 5. The institution may use the Agreement to Furnish Food-Appendix C provided by Bright from the Start with the prospective vendor. Submit the Agreement with this checklist.

Step 5: If formal procurement was necessary, indicate the method that was used.

- Sealed Bid – **Must use Bright from the Start’s prototype Invitation for Bid or Request for Proposal unless waiver granted by State Agency**
- Other: _____ (Must have prior approval from State Agency and or USDA.)

I certify that the organization has made every effort in good faith to conduct a procurement process in compliance with the applicable regulations and will maintain all documentation of the procurement process.

Signature of Authorized Official

Date

Disclaimer: This document is a sample and is not intended to be all inclusive. Institutions and sponsors are ultimately responsible to ensure that when exercising procurement (purchase acquisition), all Federal Regulations, State Procurement Code and Regulations and local procurement policies are applied and the process meets Bright from the Start: Georgia Department of Early Care and Learning’s (DECAL) approval.

I. DETERMINING WHICH PROCUREMENT METHOD TO USE**INFORMAL PROCUREMENT**

Purchases below \$250,000.00 require micro purchases or small purchase procurement methods. When using these methods, institutions and sponsors must obtain at least two written quotes (recommended three quotes) from qualified sources and must maintain the documentation in accordance with DECAL's CACFP and/or SFSP recordkeeping policies. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable. Note: Although not required, institutions and sponsors may use formal procurement methods for small purchases as a preference.

 Micro Purchase

Procurement by micro-purchase, a subset of the small purchase method, is the purchase of supplies or services, the aggregate and/or transaction dollar amount of which does not exceed the micro-purchase threshold of \$10,000.00. Aggregate can be defined in terms of quarterly, annual, or etc. spend in a period of time. This must be stated in the purchasing policy prior to conducting the purchase.

Micro purchases are defined as transactions or costs in the aggregate of supplies or services that do not exceed the micro purchase threshold of \$10,000. Micro-purchase procedures are used in order to expedite the completion of the lowest-dollar small purchase transactions and minimize the associated administrative burden and cost. Purchases must, to the extent practicable, be equitably distributed among qualified suppliers and purchases shall not be split (in the same categorized grouping) to avoid the requirements for competition above their respective thresholds.

A detailed checklist for both the small and micro-purchase procurement processes can be found on Bright from the Start (BFTS) Procurement Manual.

 Small Purchase (Simplified Acquisition Threshold)

Simplified acquisition threshold means the dollar amount below which a non-Federal entity may purchase property or services using small purchase methods [2 C.F.R. §200.88]. The small purchase threshold remains at \$250,000 for all Child Nutrition Programs. This means institutions and sponsors must use formal procurement methods to procure anything that costs more than \$250,000.00. State and local agencies may set a lower small purchase threshold and thereby impose more restrictive procurement methods as authorized in 7 C.F.R., §226.22(c)(1) (CACFP) and 7 C.F.R., §225.17(c) (SFSP). If this is the case, State and local procurement requirements would apply thereby superseding the Federal threshold.

The small purchase threshold applies to the same vendor during a one-year period. For example, if a school plans to purchase \$250,000.00 or more worth of products in one year from the same vendor, the institution or sponsor must use the formal procurement method. Institutions and sponsors are prohibited from arbitrarily splitting purchases, whether the purchase is coming from the same vendor or not, if the only justification is to keep the price below the small-purchase threshold.

USING THE INFORMAL PROCUREMENT METHOD

If the amount of purchases for items is less than the small purchase threshold, the institution/sponsor will follow **SMALL PURCHASE** (purchases under \$250,000.00) or **MICRO PURCHASES** (purchase transaction(s) and/or aggregate category costs under \$10,000.00) procurement procedures. The following are required under the small purchase and/or micro-purchase procurement procedures.

- Written specifications will be prepared and provided to the vendor.
- Each vendor will be contacted and given an opportunity to provide a price quote on the same specifications. A minimum of two (2) or more responsive and responsible vendors shall be contacted (**not required for micro-purchases**).
- The (Title of person/position) will be responsible for contacting potential vendors when price quotes are needed.
- The price quotes will receive appropriate confidentiality before vendor selection(s).
- Quotes will be selected by (Title of person/position). Quotes selected will be the lowest and best quote based upon quality, service availability, price, and/or _____.
- The (Title of person/position) 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 (**not required for micro-purchases**).
- The (Title of Person) will be responsible for documentation that the actual product specified is received/proof of payment.
- Any time an accepted item is not available, the (Title of person/position) will select the acceptable alternate. Full documentation will be made available as to the selection of the acceptable item.
- Quotes will be selected on the following criteria (**not required for micro-purchases**):
 - Price _____ (Ex.: quality, delivery, service, etc.)
 - _____
 - _____
- The (Title of person/position) is required to sign all quote tabulations, signifying a review and approval of the selections.

FORMAL PROCUREMENT

Purchases at or above the simplified acquisition threshold of \$250,000.00 require full and open competition and/or outside of full and open competition methods that are consistent with 2 C.F.R. §200.319, 7 C.F.R. §§ 225.15, 225.17 and 7 C.F.R. 226.22. The goal of full and open competition is to ensure objective contractor performance, transparency, and eliminate unfair competitive advantage. Due to the potential for purchases beyond \$250,000.00, it will be the responsibility of (Title of person/position) to document the amounts to be purchased so the correct method of procurement will be followed. The following summarizes formal procurement methods. The **institution/sponsor will use the formal procurement method selected:**

Sealed Bid (Formal Advertising): Invitation for Bid (IFB)

Sealed bids are a competitive procurement method used when the best value is expected to result from a selection of the lowest evaluated price offer. The bids are specific, are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded. This procurement method relies on a solicitation document called an Invitation for Bids (IFB). A detailed checklist for completing the IFB process can be found in Section II, A, 1.

Competitive Negotiation/ Request for Proposal (RFP)-CACFP ONLY

A Competitive Negotiation or Request for Proposal (RFP) is a competitive negotiation procurement method used when the best value is expected to result from selection of technically acceptable proposals and when cost is the primary consideration while evaluation criteria are specified in the solicitation (i.e. delivery, packaging requirements, etc.). RFP's are requested from a number of sources and is publicized.

Negotiations are normally conducted with more than one of the sources submitting offers, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. The proposals shall be solicited from an adequate number of qualified bidders to permit reasonable competition consistent with the nature and requirements of the procurement. The institution shall provide a scoring method for technical evaluation of the proposal received, determinations of responsible bidders for the purpose of written or oral discussions, and selection for contract award. The award may be made to the responsible bidder whose proposal will be most advantageous to the Institution. Unsuccessful offerors must be notified promptly. **A competitive proposal is not a required procurement method in the SFSP.** A detailed guide on the RFP process can be found: <http://www.theicn.org/ResourceOverview.aspx?ID=70> (Page 21)

USING FORMAL PROCUREMENT

Invitation for Bid (IFB) or Competitive Proposal (Request for Proposals)

When a formal procurement method is required, the institution/sponsor will apply the following Invitation for Bid (IFB), or Competitive Negotiation (Request for Proposals) procedures:

- Prepare the solicitation using the **Invitation for Bid (IFB) or a Request for Proposal (RFP)** template.
- An advertisement is required for all purchases over the small purchase threshold of (\$250,000 or the State required threshold if it is more restrictive than the Federal small purchase threshold.)

- An announcement (advertisement, public notice or legal notice) of an Invitation for Bid (IFB) or a Request for Proposal (RFP) will be placed in the _____ (Newspaper/media, IPS Website, other internet source) to publicize the intent of the institution/sponsor to purchase needed items. Electronic means of soliciting are encouraged through social media, and/or e-procurement platforms; however, should be used in conjunction with newspaper advertisements. The advertisement for bids/proposals or legal notice will be run for (not less than 14 calendar days before the day the bid opens).
- The public announcement will contain at the minimum:
 - For vended meals, the School Food Service first right of Refusal Letter.
 - General description of items to be purchased (i.e. meal service), procurement type, USDA non-discrimination statement, CACFP/SFSP purpose, begin and end dates of CACFP/SFSP contract operation dates,
 - Deadline for submission of questions and the date written responses will be provided including addenda to bid specifications, terms and conditions as needed,
 - Contact person to receive bids, date of pre-bid meeting, if provided, and if attendance is a requirement for bid award,
 - Deadline for submission of sealed bids or proposals, and
 - Address of location where complete specifications and bid forms may be obtained.
 - Please refer to BFTS Appendix B: Advertisement Checklist.
<http://www.dec.state.ga.us/documents/attachments/ADCChecklist.doc>
- The institution/sponsor will notify DECAL of the time and place 14 calendar days before the bid opening.
- In an IFB or RFP, each vendor will be given an opportunity to bid on the same specifications. Create bid specification sheet to attach to bid document.
- 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 list includes requirements, not all inclusive, that must be addressed in the procurement document and policy (if not using template):**
 - Contract period (Maximum of 5-years; inclusive of applicable 1-year renewals)
 - The institution/sponsor is responsible for all contracts awarded (statement)
 - Date, time, and location of bid opening (IFB); proposal submission deadline/closing dates
 - 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 which the institution/sponsor will be entitled if the contractor can not or will not perform as required
 - Statement assuring positive efforts will be made to involve minority and small business; provisions stated in 2 CFR §200.321(a)(b)(i-vi)
 - Statement regarding the return of purchase incentives, discounts, rebates, and credits to the institution/sponsor non-profit Child Nutrition account
 - Contract provisions as required in 2 CFR § 200.326

- 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)
 - Contract provisions as required in 2 CFR § 200.101 for all cost reimbursable contracts
 - 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 institution/sponsor, DECAL, United States 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 (non-conspiracy) and Conflict of Interest form.
 - Signed Debarment/Suspension Certificate or statement included in contract or copy of Excluded Parties List System (EPLS).
 - Statement regarding institution/sponsor may apply geographic preference when procuring unprocessed locally grown or locally raised agriculture products.
 - Bonding requirements as outlined in 225.15(5-7) (SFSP only) and 200.325 (CACFP/SFSP).
- Specifications and estimated quantities of products and services prepared by the institution 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 (Title of person/position) and date specified.
 - The (Title of person/position) will be responsible for securing all bids or proposals.
 - The (Title of person/position) will be responsible to ensure all SFA 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.
 - i. Price
 - ii. _____ (Ex.: quality, delivery, service, etc.)
 - iii. _____
 - Only Request for Proposals have 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 institution/sponsor's price, and other factors considered. Any and all bids or proposals may be rejected in accordance with law.
- ❑ (Title of person/position) 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.
- ❑ (Title of person/position) is responsible for reviewing the procurement system to ensure compliance with applicable laws.
- ❑ (Title of person/position) is responsible for documentation the actual product specified is received.
- ❑ Any time an accepted item is not available, the (Title of person/position) will select the acceptable alternate. The contractor must inform (Title of person/position) (time/by when) a product is not available. In the event a non-domestic agricultural product is to be provided to the institution/sponsor, the contractor must obtain, in advance, the written approval of the product.
- ❑ 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 (Title of person/position).
- ❑ The (Title of person/position) responsible for maintaining all procurement documentation.
- ❑ The (Title of person/position) **will monitor contractor performance to make sure the institution/sponsor:**
 - ❑ Receives the quantity and quality of the goods and services requested;
 - ❑ Receives the goods and services on time; and
 - ❑ Is charged correct prices as bid and within budget.

NON-COMPETITIVE PROCUREMENT

Procurement by a noncompetitive proposal is procurement through solicitation of a proposal from only one source, or a sole source, thus limiting full an open completion. Sole (single) source procurement requires prior written approval by GA DECAL and the United States Department of Agriculture (USDA) Food and Nutrition Services Regional Office (FNSRO).

Noncompetitive proposals may be used only when one or more of the following circumstances apply:

- The item is available only from a sole (single) source, meaning only one responsible source is available and no other supplies or services will satisfy the solicitors requirements (Requires approval from GA DECAL and USDA) ;
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- USDA or DECAL expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity;
- For National security purposes or public interest; or
- After solicitation of a number of sources, competition is determined inadequate.

A detailed checklist for completing the non-competitive proposal process can be found on <http://www.theicn.org/ResourceOverview.aspx?ID=70> (Page 30)

USING NON-COMPETITIVE PROCUREMENT

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*, the institution/sponsor will use the following **NON-COMPETITIVE PROPOSAL** (non-competitive negotiation) procedures:

- Written specifications will be prepared and provided to the vendor.
- The (Title of person/position) 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 (Title of person/position) will be responsible for documentation (i.e., sole-source justification form, etc.) that the actual product or service specified was received.
- The (Title of person/position) will be responsible for reviewing the procedures to be certain all requirements for using single source or non-competitive proposals are met.
- Non-competitive proposals 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 proposal purchase shall be maintained by the institution/sponsor. The record of non-competitive purchases shall include, at a minimum, the following: item name, dollar amount, vendor, and reason for non-competitive procurement
- A member or representative of the institution/sponsor Governing Board and DECAL will approve, in advance, all procurements that result from non-competitive proposals.

II. MISCELLANEOUS PROVISIONS (If, Applicable)

- New product evaluation procedures will include:
 - _____
 - _____
 - _____
- The institution/sponsor agrees that the reviewing official of each transaction will be the (Title of person/position).
- Payment will be made to the vendor when the contract has been met and verified and has met the [Name of Institution's] procedures for payment. (If prompt payment is made, discounts, etc. are accepted.)
- Specifications will be updated as need.
- If product is not as specified, the following procedure will take place:
 - _____
 - _____
 - _____

III. RETAINING PURCHASE ACQUISITION RECORDS for CACFP and SFSP

The institution/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. Specifically they 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.

References:

CACFP Recordkeeping Policy - <http://www.decal.ga.gov/documents/attachments/CACFPPolicy18.pdf>
SFSP Recordkeeping Policy - <http://www.decal.ga.gov/documents/attachments/SFSPPolicyNo.5.pdf>

IV. IMPLEMENTING CODES OF CONDUCT AND PERFORMANCE OF EMPLOYEES ENGAGED IN AWARD AND ADMINISTRATION OF CONTRACTS

The institution/sponsor shall ensure all persons who are engaged in the awarding and administration of contracts supported by CACFP and SFSP Funds follow the written standards of conduct as outlined in 2 CFR §200.318(c). DECAL Policy Memorandum, *Written Codes of Conduct and Performance of Employees Engaged in Award and Administration of Contracts (revised), August 30, 2015*. In accordance with regulations and state policy:

- No employee, officer or agent of the institution/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 vendor selected for the award:

- The employee, officer or agent;
 - Any member of the immediate family;
 - His or her partner;
 - An organization which employs or is about to employ one of the above.
- The institution/sponsor 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.
 - Penalties for violation of the standards of code of conduct of the institution/sponsor the institution/sponsor CACFP and SFSP shall be:
 - Reprimand by institution/sponsor;
 - Dismissal by institution/sponsor;
 - Any legal action necessary.

VI. SUMMER FOOD SERVICE PROGRAM (SFSP) SPONSORS SERVING AS FOOD VENDORS/FSMC'S

GA DECAL instructs SFSP sponsors with additional business activities involving the sale of meals (serving as vendor or FSMC's) to properly allocate shared costs. Additionally, SFSP sponsors are required to document whether they are using a vendor or FSMC to prepare meals through completing items #37-46 of the Institution Application section in GA ATLAS. Costs associated with producing both agreed-upon Program meals and non-Program meals are considered "shared costs" and DECAL requires these costs to be allocated in the SFSP sponsor's Program budget based upon "the number meals served."

Costs contributing to the production of meals sold to other SFSP sponsors, or to other non-SFSP entities, are not considered allowable SFSP costs and must be paid with income (revenue) from the sale of those meals or another income source. Please see the DECAL's **Budget Guidance Manual** and DECAL policy memorandum, *Reporting and Allocating Program Costs Associated with SFSP Sponsors Serving as Food Vendors and/or Food Service Management Companies to other SFSP Sponsors or Non-SFSP Entities*, July 6, 2016

(<http://www.dec.state.ga.gov/documents/attachments/ProgramCostsAsstSFSPasVendorsFSMC.pdf>), for additional guidance and information.

Other State or local procurement requirements that may be required.