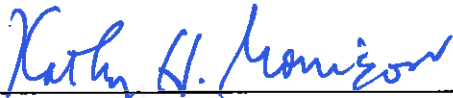


Virginia Department of Education
Office of School Nutrition Programs

King William County Public Schools
Name of School Food Authority

PROCUREMENT PLAN
CHILD NUTRITION PROGRAMS
School Year 2019-2020

This procurement plan contained on the following pages 1 through 10 will be implemented on July 1, 2019 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 allowability and the allocation of costs.



Signature of Chairman of Board of Education



Signature of Division Superintendent/Chief Officer

Kathy H. Morrison

Print Name of Chairman of Board of Education

David B. White

Print Name of Division Superintendent/Chief Officer

Date: 6/10/19

Date: 6/10/19

Approval Date: May 21, 2019

Approved By: King William County School Board

King William County Public Schools

PROCUREMENT PLAN

1. The King William School Nutrition Department plan for procuring items for use in the Child Nutrition Program is as follows. The procurement plan provides for free and open competition, transparency in transactions, comparability, and documentation of all procurement activities.
2. If the amount of purchases is more than the King William County Public School's small purchase threshold currently valued at \$100,000, formal procurement procedures will be used as required by 2 CFR Part 200.318-326, formerly 7 CFR §3016.36 and Commonwealth of Virginia's Procurement Code and Regulations. Informal procurement procedures (small purchase) will be required for purchases under the most restrictive small purchase threshold.
3. King William County School Nutrition Department is an active participating member of Southside Co-op. Formal food and paper product bids are reviewed on an annual basis. Piggybacking on individual Co-op member bids is permitted.
4. The following procedures will be used for all other purchases:

Category	Procurement Method	Evaluation Used	Contract Award Type	Contract Duration/ Frequency
Frozen Foods <i>(Meats, Fruits, Vegetables);</i> Canned Foods <i>(same as above);</i> Bakery, Pasta, and Miscellaneous, Manual-All Purpose Cleaning Supplies, Paper and Plastic Supplies	Formal	Bottom line	Fixed price	Annual by Southside Co-Op
Fresh Fruits and Vegetables	Small Purchase	Bottom line	Fixed price	Use FFavors, then small purchase
Small wares	Small Purchase	Bottom line	Fixed price	Use small purchase as needed
Capital Equipment	Formal for purchase	Bottom line	Fixed price	May/annual

	exceeding Small Purchase threshold Small Purchase			
Fresh Bread	Formal	Bottom line	Fixed price	Use formal bid with RRS Foodservice through Southside Co-op
Milk and Dairy Products	Formal-Piggybacking on Co-op member bid	Bottom line	Fixed price	Use formal bid with Pet Dairy through Southside Co-op/Piggybacking
Office Supplies	Small Purchase	Bottom line	Fixed price	Use small purchase as needed
Emergency	Informal	Bottom line	Fixed price	As needed

5. Formal bid procedures will be applied on *the basis of a:*

- Centralized System
- Individual School
- Multi-School Systems
- State Contract
- Combination of above (specify):

6. Because of the potential for purchasing more than \$100,000, it will be the responsibility of the Director of School Nutrition to document the amounts to be purchased so the correct method of procurement will be followed.

7. King William County School Nutrition reserves the right to add new items to contracts, but the total amount of new items should not exceed 10% of the contract value. [SP04-2018]

B. When a formal procurement method is required, the following **COMPETITIVE SEALED BID in the form of an Invitation for Bid (IFB) or COMPETITIVE PROPOSAL in the form of a Request for Proposal (RFP)** procedures will apply:

- A cost or price analysis is required in connection with every procurement action in excess of the Small Purchase Threshold including contract modification. [2 CFR 200.323(a)] The Director of School

Nutrition will be responsible for documenting cost or price analysis procedures. These procedures may include:

- Evaluation of previous contract pricing
 - Comparison with published price indexes
 - Evaluation of published pricing
- An announcement of an **Invitation for Bid (IFB) or a Request for Proposal (RFP)** will be placed in the Tidewater Review newspaper and on the King William County District website to publicize the intent of the School Food Authority 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 shall purchase threshold of \$100,000. The announcement (advertisement or legal notice) will contain a:
 - general description of items to be purchased
 - deadline for submission of questions and the date written responses will be provided including addenda to bid specifications, terms and conditions as needed
 - 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.
 - In an IFB or RFP, each vendor 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 list includes requirements, not exclusive, to be addressed in the procurement document:
 - Contract period
 - SFA 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 which the School Food Authority 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
 - Statement regarding the return of purchase incentives, discounts, rebates, and credits to the School Food Authority's 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 School Food Authority, 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).
- Provision requiring "Buy American" as outlined in 7 CFR Part 210.21(d); specific instructions for prior approval of all of non-domestic product (s).
- Specifications and estimated quantities of products and services prepared by SFA 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 Director of School Nutrition or Southside Co-op and date specified.
- The Director of School Nutrition or Southside Co-op will be responsible for securing all bids or proposals.
- The Director of School Nutrition or Southside Co-op 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. Availability (Ex.: quality, delivery, service, etc.)
 - iii. Small, Minority, and women's business enterprises

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 is most advantageous to the SFA, price, and other factors considered. Any and all bids or proposals may be rejected in accordance with law.
- The Director of School Nutrition or Southside Co-op 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 Director of School Nutrition or Southside Co-op reviews the procurement system to ensure compliance with applicable laws.
- The Director of School Nutrition is responsible for documentation the actual product specified is received.
- Any time an accepted item is not available, the Director of School Nutrition/Superintendent will select the acceptable alternate. The contractor must inform the Director of School Nutrition as soon as possible if a product is not available. In the event a non-domestic agricultural product is to be provided to the SFA, the contractor must obtain, in advance, the written approval of the product. The Director of School Nutrition/Superintendent 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 Director of School Nutrition.
- The Director of School Nutrition is responsible for maintaining all procurement documentation.

C. If the amount of purchases for items is less than the district's small purchase threshold, the following, **SMALL PURCHASE PROCEDURES, including quotes**, will be used. Quotes from an adequate number of qualified sources will be required. A minimum of 3 quotes will be required for items between \$5,000 and \$100,000. Quotes are not required, but are recommended for items under \$5,000. Items for purchase under \$5,000 should have price comparisons from a minimum of 2 vendors. A record of these price comparisons shall be maintained in the School Nutrition Office for the current school year and a minimum of 3 prior years.

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. The Director of School Nutrition 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 Director of School Nutrition/Superintendent. Quotes awarded will be to the lowest and best quote based upon quality, service availability, price, and/or small, minority, and woman owned businesses.
6. The Director of School Nutrition 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 Director of School Nutrition will be responsible for documentation that the actual product specified is received.
8. Any time an accepted item is not available, the Director of School Nutrition/Superintendent will select the acceptable alternate. Full documentation will be made available as to the selection of the acceptable item.

9. Bids will be awarded on the following criteria:

- a. Price _____ (Ex.: quality, delivery, service, etc.)
- b. Availability _____
- c. Quality _____
- d. Small, minority, and woman owned business

10. The Director of School Nutrition is required to sign all quote tabulations, signifying a review and approval of the selections.

D. 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 Director of School Nutrition 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 Director of School Nutrition will be responsible for documentation that the actual product or service specified was received.
4. The Director of School Nutrition will be responsible for reviewing the procedures to be certain all requirements for using single source or non-competitive negotiation are met.

D. 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 King William County Public Schools. 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 local Board of Education or Governing Board will approve, in advance, all procurements that result from non-competitive negotiations.

E. Miscellaneous Provisions:

1. New product evaluation procedures will include:

- Taste Testing
- Ingredient Review
- Price Comparison

2. The School Food Authority agrees that the reviewing official of each transaction will be the Director of School Nutrition.

3. Payment will be made to the vendor when the contract has been met and verified and has met the SFA's procedures for payment. (If prompt payment is made, discounts, etc. are accepted.)

4. Specifications will be updated as need.

5. If product is not as specified, the following procedure will take place:

- Product will be denied

F. Emergency or "Pressing Need" Purchases

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 Director of School Nutrition. The following emergency procedures shall be followed. All emergency procurements shall be approved by the Director of School Nutrition/Superintendent. At a minimum, the following emergency procurement procedures shall be documented:

- item name
- dollar amount
- vendor, and
- reason for emergency

2). If it is necessary, in the course of a pressing need, to make an emergency purchase by means of “piggybacking” on the bid of another district, the following conditions must exist and approved procedures must be followed and appropriately documented as follows:

- The SFA originating the competitive procurement must have a “piggyback provision” in the original solicitation;
- Documentation of the emergency requiring the piggybacking must be maintained;
- Approval from the purchasing SFA’s governing board will be obtained and documented;
- Approval from the SFA that originated the competitive procurement will be obtained and documented;
- Approval from the Vendor that was awarded the Contract (original solicitation) will be obtained and documented;
- If required, a public notice of the district’s *“Intent to Waive Competitive Bidding”* will be issued at least 10 days prior to the regularly scheduled governing board meeting;
- Approval to piggyback will be obtained and documented from the governing board during a regularly scheduled meeting following the public notice;
- Notification to the Vendor of final approval will be documented and issued;
- A contract with the Vendor will be developed including:
 - i. 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 SFA, whichever is sooner. The SFA, its authorized agents, and/or State and/or USDA auditors shall have full access to and the right to examine any of said materials during said period.

3). The SFA 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 the SFA 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.

Geographic Preference/Farm to School

1. King William is working to develop a Farm to School program, in addition to products that have been procured. The Farm to School program is intended to support local farms and vendors. The District reserves the right to purchase (competitively procure) Virginia Grown fresh produce off bid and direct from farmers, food hubs, auctions, and other small scale aggregators when product is available in support of the division's farm to school efforts.

Procurement Code of Conduct

King William County Public Schools/School Nutrition Department

Policy Name: Written Code of Conduct

Regulations: 2 CFR Part 200.318, formerly 7 CFR Part 3016.36(b)(3), State Procurement Code and Regulations, and ABC School District Department of Purchasing.

Procedures: King William County Public School District seeks to conduct all procurement procedures:

- in compliance with stated regulations; and
- to prohibit conflicts of interest and actions of employees engaged in the selection, award and administration of contracts.

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal, State, or local award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. Nominal value for King William County School Nutrition is a fair market value of \$7.00 or less, except that consumable items under \$25.00 in value offered to all participants or members at a professional association or organization meeting shall be considered as nominal.

The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity. Based on the severity of the infraction, the penalties could include a written reprimand to their personnel file, a suspension with or without pay, or termination.

For questions and concerns regarding procurement solicitations, contract evaluations, and award, contact:

Purchasing Contacts:

Director of Purchasing/Division Superintendent 804-769-3434

Director of School Nutrition 804-769-3434 ext. 550



King William County Public Schools

P.O. Box 185
18548 King William Road
King William, Virginia 23086



Phone
(804) 769-3434
(804) 644-4803 – Richmond

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TO: Kathy Morrison, Chair, King William County School Board
King William County School Board Members
Dr. David O. White, Division Superintendent

From: Sherri Harris, Director of School Nutrition

Date: May 13, 2019

*Approved by
SB 5/21/19*

Subject: School Nutrition Procurement Policy and Code of Conduct

In 2015, the Virginia Department of Education (VDOE) began training School Nutrition Directors and Administrators regarding Procurement and Procurement Code of Conduct within the School Nutrition Department. A Procurement review would become part of the Federal Program Administrative Review of School Nutrition Programs performed by the Virginia Department of Education. These reviews are conducted on a three-year cycle.

School Nutrition Directors and Administrators were given the task of creating a Procurement and Code of Conduct policy for their districts that would be in compliance with VDOE procurement regulations as well as State and Local procurement regulations. A procurement template and code of conduct template was distributed and districts were encouraged to utilize these to detail their districts' policies.

I have been working very closely with Mr. Tom Patrick, MEd, VDOE School Nutrition Specialist, Region 7, to develop the School Nutrition Procurement and Code of Conduct Policies. We have had many email conversations and phone calls regarding our policy. After a page-by-page walk-through with Mr. Patrick, and several changes/corrections, the policies attached meet VDOE, State and Local requirements. Mr. Patrick even requested permission to use these policies as a sample for VDOE training modules.

I would ask that the attached policies be accepted as policy for the King William School Nutrition Department to be implemented July 1, 2019.

Thank you for your consideration.

Sherri Harris
Director of School Nutrition

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