Lincoln Leadership Academy Charter School

# PROCUREMENT PLAN

# CHILD NUTRITION PROGRAMS

This procurement plan contained on the following pages will be implemented on (June 24, 2019) and will be in effect until amended. All procurements must adhere to full and open competition. Source documentation must be available to determine open competition, and the reasonableness, allowability and allocation of costs.

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Chairman, Board of Trustees Date

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Lincoln Founder/CEO Date

**Lincoln Leadership Academy Charter School**

### PROCUREMENT PLAN

**General**

1. The Lincoln Leadership Academy Charter School plan for procuring goods and services for use in the Child Nutrition Programs is as follows. The procurement plan provides for full and open competition, transparency in transactions, comparability, and documentation of all procurement activities.
2. If the amount of purchases is more than $5,000.00, formal procurement procedures will be used. Informal/small procurement procedures will be used for purchases under the most restrictive small purchase threshold.
3. The following procedures will be used for all purchases:

Procurement Chart



Perishable Products/Services: Non-Perishable Products:

Micro-Purchase – 2 CFR §200.320 Micro-Purchase – 2 CFR §200.320

Informal Purchase – 24 PS §807.1 Informal Purchase – 24 PS §504 (d)

Formal Purchase – 2 CFR §200.318 - §200.326 Formal Purchase – 2 CFR §200.318 - §200.326

1. Because of the potential for purchasing more than **$5,000.00**, it will be the responsibility of the Director of Operations to document the amounts to be purchased, so the correct method of procurement will be followed.
2. The SFA agrees to retain all books, records, and other documents relative to the award of all contracts for ***three*** (3) years plus current school year 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 or breaches
3. The Director of Operations will be responsible for maintaining all procurement documentation.

**Formal Purchases**

When formal procurement is required, the following Competitive Sealed Bid/Invitation for Bid (IFB) or Competitive Proposal/Request for Proposal (RFP) procedures will apply:

1. The School’s Business Manager will perform a cost or price analysis in connection with every procurement action in excess of the small purchase threshold.
2. The developer of written specifications or descriptions for procurements will be prohibited from submitting bids or proposals for such products or services.
3. The IFB or RFP will clearly define the purchase conditions. The following list includes requirements, not exclusive, to be addressed in the procurement document:

|  |
| --- |
| * Specifications and estimated quantities of products and services * Contract period * Terms and conditions that bidder must fulfill for bid to be evaluated * Method of evaluation and type of contract to be awarded |
| * Date, time, and location of bid opening |
| * How vendor is to be informed of bid acceptance or rejection /method of award announcement |
| * Delivery schedule and method of shipment or delivery upon contract award |
| * Benefits to which Lincoln Leadership Academy Charter School will be entitled if the contractor cannot or will not perform as required |
| * Statement assuring positive efforts will be made to involve small, minority and women’s business enterprises and labor surplus firms |
| * Statement regarding the return of purchase incentives, discounts, rebates, and credits to the SFA’s nonprofit school food service account * Statement that the SFA is responsible for contract(s) awarded |
| * Contract provisions as required in Appendix II for 2 CFR Part 200 * 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 * Provision requiring “Buy American” as outlined in 7 CFR Part 210.21(d) |
| * Price adjustment clause (escalation/de-escalation) based on appropriate standard or cost index |
| * Provision requiring access by duly authorized representatives of the SFA, State Agency, 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 |
| * Provision requiring contractor to maintain all required records for ***three*** (3) years after final payment and all other pending matters (e.g. audits) are closed for all negotiated contracts |
| * Provision requiring 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) * Specific bid protest procedures |
| * 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 Operations in a timely manner. * The Director of Operations will be responsible for securing all bids or proposals * The Director of Operations 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:   + Price, willingness to work with dietician to create more culturally appropriate meals for African American and Latino Students.   + Assurances that the count of units match the count stated in shipping cartons so that meals do not arrive short when delivered to school (i.e., Carton say 36 pastries in box, when box only contains 26 pastries). Labeling from food source is not consistent with the amount of product in a box). Contingencies for delivery truck breakdowns (Ex.: quality, delivery, service, etc.)   + \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Ex.: quality, delivery, service, etc.) |
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1. Each vendor will be given an opportunity to bid on the same specifications.
2. For all formal purchases, an announcement of an IFB or RFP will be placed in at least two (2) media outlets (Newspaper/media, SFA’s website, other internet source) to publicize the intent of the SFA to purchase needed items. The advertisement for bids/proposals or legal notice will be run one (1) time each week for three (3) weeks.
3. The announcement will contain the:

* general description of item(s) to be purchased
* 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 specification(s) and bid form(s) may be obtained

1. In awarding a competitive proposal (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. 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*.*
2. 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 with price and other factors considered. Any and all bids or proposals may be rejected in accordance with law.
3. The Director of Operations will be required to sign the bid tabulation of competitive sealed bids or the evaluation criterion score sheet of competitive proposals signifying a review and approval of the selections.
4. The Director of Operations will be responsible for documenting that the actual product specified is received.
5. Any time an accepted item is not available, the Director of Operations will select an acceptable alternate. The contractor must inform the Director of Operations within (Five (5) days if a product is not available.
6. Full documentation as to the reason an accepted item was unavailable, and the procedure used in determining acceptable alternates, will be available for audit and review. The person responsible for this documentation is the Director of Operations.
7. The Director of Operations will be responsible for compliance with the Buy American Provision. In the event a non-domestic agricultural product is to be provided to the SFA, the contractor must obtain, in advance, written approval of the product.

**Informal/Small Purchases**

If the amount of purchases for items is less than the district’s small purchase threshold, informal/small

purchase procedures will be used. Quotes from an adequate number of qualified sources will be required.

1. Written specifications will be prepared.
2. A minimum of three vendors shall be contacted, unless the market warrants more. The Director of Operations will be responsible for contacting potential vendors when price quotes are needed.
3. Each vendor will be given an opportunity to provide a price quote on the same specifications.
4. The price quotes will receive appropriate confidentiality before award.
5. Award will be based on the following criteria:
   * Price, Vendors Ability
6. After evaluation of submitted quotes, the Director of Operations, Mr. Sis-Obed Torres Cordero will be responsible for notification of award.
7. The Director of Operations, Mr. Sis-Obed Torres Cordero, or designee, 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. The Director of Operations Mr. Sis-Obed Torres Cordero, will be responsible for documenting that the product specified is received.
9. Any time an accepted item is not available, the Director of Operations will select the acceptable alternate. The vendor must inform the Director of Operations within Five (5) days if a product is not available.
10. Full documentation as to the reason an accepted item was unavailable, and the procedure used in determining acceptable alternates, will be available for audit and review. The person responsible for this documentation is the Director of Operations.
11. The Director of will be responsible for compliance with the Buy American Provision. In the event a non-domestic agricultural product is to be provided to the SFA, the contractor must obtain, in advance, written approval of the product.
12. The Director of Operations will be required to sign all quote tabulations, signifying review and approval of the selections.

**Micro-Purchases**

If the amount of a purchase is less than or equal to the micro-purchase threshold, then micro-purchase procedures may be used.

1. Written specifications will be prepared.
2. The Director of Operations will select the vendor whose prices are reasonable and whose products meet specifications.
3. The Director of Operations will ensure that micro-purchases are spread equitably.

**Non-Competitive Negotiation**

If items are available only from a single source - when the award of a contract is not feasible under

informal/small purchase, sealed bid or competitive proposal *-* non-competitive negotiation procedures

may be used.

1. Written specifications will be prepared.
2. The Director of Operations 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 Operations will be responsible for documentation that the actual product or service specified was received.
4. The CEO 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 negotiation shall be used for one-time purchases of a new food item to determine food acceptance by students and for samples for testing purposes. A member of the local Board of Education or Governing Board will approve, in advance, all procurements that result from non-competitive negotiations. A record of non-competitive negotiation purchase shall be maintained by the Director of Operations. The record of non-competitive purchases shall include, at a minimum, the following:

* item name
* dollar amount
* vendor
* reason for non-competitive procurement

**Miscellaneous Provisions**

1. Lincoln Leadership Academy Charter School will take affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus firms are used when possible. These steps include:
   1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists
   2. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources
   3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises
   4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises
   5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce
2. New product evaluation procedures will include:

* Requesting available information from vendor.
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1. The SFA agrees that the reviewing official of each transaction will be the Director of Operations.
2. Payment will be made to the vendor when the contract requirements have been met and verified and have met the SFA’s procedures for payment (e.g. if prompt payment is made, discounts, etc. are accepted).
3. Specifications will be updated as need.
4. If product received is not as specified, the following procedure will take place:
   * Notify Vendor asap
   * Request remediation and comparable substitute \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
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5. If making a purchase by “piggybacking” on the bid/contract of another SFA, the conditions listed below 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
* 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:
  + 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 the 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.

**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 Food Services Coordinator (TBD). All emergency procurements shall be approved by the Director of Operations. At a minimum, the following emergency procurement procedures shall be documented:
   * item name
   * dollar amount
   * vendor
   * reason for emergency
2. If it is necessary, in the course of a pressing need, to make an emergency purchase by “piggybacking” on the bid of another SFA, the Director of Operations will be responsible for following procedures as outlined under the Miscellaneous Provisions section of this document.

* Documentation of the emergency requiring the piggybacking will be maintained