

Procurement Policy for Children's Developmental Services of Campbell County

This **CACFP participating organization (ORGANIZATION)** will adhere to the following policy requirements for any procurements related to the USDA Child and Adult Care Food Program (CACFP) and all federal procurement rules as required by Procurement Regulations **7 CFR 226.6, 21, 22, and 2 CFR Part 200.317-326** (For all recipients of federal funds)

ORGANIZATION uses the following method(s) of procurement when making purchases for the CACFP with CACFP funds.

Micro-purchase method for CACFP goods and services

- Purchase less than \$10,000.00 or current threshold (per 2 CFR 200.67). Micro-purchases may be awarded without soliciting competitive quotes if the price is considered reasonable. To the extent feasible, however, the **ORGANIZATION** must distribute micro-purchases equitably among qualified suppliers.

ORGANIZATION will maintain invoices or receipts for purchases from different vendors or suppliers, including the date, vendor or supplier Organization, items, quantity, and price.

Small (Simple) purchase method for CACFP goods and services

- Purchase greater than a micro and less than \$100,000 (i.e. $\$10,000 \leq \$100,000$). A **small purchase** and does not require a bid process, however, the small purchase shall be made on a competitive basis.

ORGANIZATION will obtain price or rate quotes from qualified vendors, contractors, or suppliers for these purchases. Our organization uses the "Informal purchasing log" or a similar tracking method to document this process, and maintains records of any quotes obtained.

Large (Formal) purchase method for CACFP goods and services

- A purchase greater than \$100,000.00 is considered a **formal purchase**, and a contract must be awarded through a formal procurement process and a call for bids or proposals shall be published at least once in a newspaper of general circulation in the State, **and region**, posted on the **ORGANIZATION's website**, sent to known prospective vendors, and posted to trade periodicals **as appropriate**. No contract shall be divided for the purpose of avoiding this paragraph.

Per 2 CFR 200.321 the **ORGANIZATION** will purchase from small, minority and women's business enterprises and labor surplus firms whenever possible.

Geographic Preference:

No Geographic Preference (advantage based on location) is allowed with federal funds except for documented Farm to School (Farm to Preschool) efforts.

Therefore, as part of Farm to School, **ORGANIZATION** may choose to apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products only.

Below are the ORGANIZATION requirements and policy for all formal purchases.

Bid Specifications:

ORGANIZATION contracts will not be awarded to any potential vendors who write any of the bid specifications, the solicitation documents, or the contract.

Identical bid specifications and/or request for proposals will be provided to all potential vendors.

ORGANIZATION will avoid acquisitions of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase.

Debarment and Suspension:

ORGANIZATION will obtain verification regarding debarment and suspension for all food service contracts to be paid with Federal assistance.

- To meet this requirement ORGANIZATION shall check the Federal Excluded Parties List System at the site below and document that the vendor has not been debarred or suspended. Verification will occur prior to a vendor being chosen and before a contract has been offered. <https://www.sam.gov>

Standard of Conduct for ORGANIZATION Employees:

ORGANIZATION maintains the following code of conduct for any employees engaged in award and administration of contracts supported by Federal Funds:

- No ORGANIZATION employees will engage in any procurement when there is a conflict of interest, real or perceived, and ORGANIZATION employees cannot solicit or accept any gratuities, favors or anything of monetary value from prospective vendors
- No ORGANIZATION employee shall participate in the selection, award or administration of a contract when any of the following persons have a financial interest in the firm selected for award:
 - The employee
 - Any member of his/her immediate family
 - People with whom there is an affectionate personal relationship

- An organization which employs or is about to employ any of the above
- ORGANIZATION would like all employees to behave with the utmost integrity and never be self-serving, be fair in all aspects of the procurement process, be alert to conflicts of interest, and avoid any compromising situations.
- Employees found to be in violation of this policy are subject to disciplinary action. 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.

Contract Administration:

ORGANIZATION will maintain a contract administration system which will ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. ORGANIZATION's Business Official will review all aspects of any contractor bid documents, expenditures, processes, and procedural aspects to ensure compliance with all federal, state, and ORGANIZATION organizational regulations.

ORGANIZATION's **contract administration system** will address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms. Appropriate sanctions and/or penalties will be included.

All contracts in excess of \$10,000.00 must address termination for cause and for convenience and include the manner by which it will be affected and the basis for settlement.

Contracts made under a Federal Award (such as with funding from the USDA Child Nutrition Programs) will also contain all applicable federal provisions as referenced under Appendix II to Part 200-Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.

Discounts, Rebates, Credits:

ORGANIZATION will verify that all food program contracts and procurements are net of all applicable discounts, rebates, and credits. All contractors will maintain records and source documents in support of all costs, discounts, rebates, and credits.

Records Retention and Access:

ORGANIZATION will allow access to all records per 2 CFR 200.336.

ORGANIZATION will retain all Food Program records for three years after final payments and/or three years after any pending matters have been closed and completed.

ORGANIZATION will also maintain records sufficient to detail the history of any procurements. These records will include, but are not limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. Record retention will adhere to all 2 CFR 200.333 requirements.

Bid Protest Procedures:

Any actual or prospective bidder or proposer who believes they are aggrieved in connection with or pertaining to a bid or proposal may file a protest. The protest must be delivered in writing to the Executive Director, in person or by certified mail. The protest must be received prior to the solicitation's closing date or within seven (7) calendar days after the issuance of the formal bid notification letter. The written protest must include:

1. Organization, mailing address, e-mail address, and business phone number of the protesting party;
2. Appropriate identification of the bid or proposal being protested;
3. A precise statement of the reasons for the protest; and
4. Any documentation or other evidence supporting the protest and any alleged claims.

The accounting office will attempt to resolve the protest, including at the Executive Directors' option, meeting with the protesting party. If the protest is successfully resolved by mutual agreement, written verification of the resolution, with specifics on each point addressed in the protest; will be forwarded to the Executive Director.

If the accounting office is not successful in resolving the protest, the protesting party may request in writing that the protest be considered by the Executive Director. Applicable documentation and other information applying to the protest will be forwarded to the Executive Director, who will promptly review such documentation and information. If additional information is desired, the Executive Director may notify the necessary party or parties of the protest to provide such information.

If the Executive Director is not successful in resolving the protest, the Executive Director may forward to the Board of Directors for review. The decision of the Board of Directors will be final.