

Stark County Board of Developmental Disabilities

Food Service Procurement Procedures

Food Service Code of Conduct

Please also refer to the Board's Code of Conduct Policy, 2.11.

The following conduct is expected of all persons engaged in the award and administration of contracts supported by School Nutrition funds.

1. No employee, officer, or agent of the Board shall participate in the development of a solicitation, selection of a recipient, and/or administration of a contract supported by School Nutrition funds if a conflict of interest, real or apparent, would be involved.
2. Conflicts of interest arise when a member of the Board has a financial or other interest in the contractor selected for the award. Conflicts of interest would include:
 - a. Any employee, officer or agent of the contractor;
 - b. Any member of the immediate family of the contractor;
 - c. The contractor's partner; and/or
 - d. An organization which employs or is about to employ one of the above.
3. Employees, officers or agents of the Board shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. SFA employees may participate in a group event where the financial interest is not significant, and the event is open to all attendees or participants.

Procurement Training

The Food Service Manager will review annually, prior to the start of school, with the cooks and office personnel how to determine if a purchase is a micro, small, or a formal contract purchase, and the procurement procedures of each category. This will be done by providing a copy of the procurement procedures, ask that they read and file the document and ask any questions as needed.

Formal Contracts

1. Formal Contract procedures apply to the purchase of goods or services when the dollar amount is greater than the bidding threshold per ORC 9.17, or where formal contracting would be more beneficial than small purchasing. The Food Service Manager who initiates the purchase will determine whether the purchase qualifies as a Formal Contract Purchase.
2. The Food Service Manager will make sure that if the Ohio Department of Education and Workforce (ODEW) requires a prototype solicitation document or a pre-issuance review by the state, either the required prototype document is used or ODEW reviews the solicitation prior to being released. If ODEW does not require a specific solicitation document, the SFA can create its own. The SFA does not have to have the state review the solicitation if the state does not require it.
3. Before sending out the solicitation document, a cost price analysis will be conducted. Research on the internet can be used to assess market conditions related to the product or service. Recent purchases by the SFA, along with inflation, may also be considered, and recent purchases by others can be noted as well. Written documentation of this shall be retained for 3 years plus the current school year.

4. The following will occur to seek out and encourage vendor participation by small and minority-owned businesses.
 - a. The Board will place qualified small and minority businesses and women's business enterprises on solicitation lists.
 - b. The Board will ensure that small and minority businesses and women's business enterprises are solicited whenever they are potential sources.
 - c. The Board will divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises.
 - d. The Board will establish delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises.
 - e. The Board will use 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.
 - f. The Board will require the prime contractor, if subcontracts are to be let, to take the affirmative steps listed.
5. The Food Service Manager shall not restrict competition by making sure the following:
 - a. The Food Service Manager shall not require any unnecessary or excessive bonding.
 - b. The Food Service Manager should place any unreasonable requirements on firms to qualify for business.
 - c. The Food Service /Manager shall not specify a "brand name" products and must always allow "an equal" product other than the described to be offered.
6. The Food Service Manager may prepare their own solicitation document or may have another organization/co-op prepare the solicitation on their behalf. The Food Service Manager maintains responsibility, in either case, to ensure the solicitation contains or is executed as follows:
 - a. Identifies all specs, evaluation factors, and their relative importance with prices as the primary factor.
 - b. Specifications must be clear and concise and allow for alternate products/services to be bid.
 - c. Solicitation will be sent to two or more qualified sources willing and able to compete.
 - d. Include the requirement for the contract to be awarded to the lowest responsive and responsible bidder, or bid/offer most advantageous to the program, with price and other factors considered.
 - e. Provide adequate time for bidders to respond prior to the bid opening date.
 - f. Solicitation will be publicly advertised to an adequate number of qualified sources to secure multiple bids.
 - g. The following clauses will be included:
 - Termination for cause and for convenience clause included with how it will be affected and the basis for settlement.
 - Equal Employment Opportunity
 - Contract Work Hours/Safety Standards Act
 - Davis-Bacon Act (Prevailing wage)
 - Rights to Inventions Made Under a Contract or Agreement
 - Debarment and Suspension
 - Byrd Anti-Lobbying Amendment (influence regarding awards)
7. The Food Service Manager will recommend bid awards to the Business Manager and request a purchase order. The Business Manager will approve all solicitations and approve purchase orders for all approved purchases.

8. The Food Service Manager will confirm that the bids are opened at the time and place prescribed in the IFB only and that bids are opened publicly (RFP).
9. The Food Service Manager will retain all procurement documents.
10. The Food Service Manager will check invoices periodically to make sure prices charged are the prices that were bid. A copy of sample invoices (at least 3 per month) will be retained.
11. The Food Service Manager will ensure that records are enough to detail the significant history of the procurement. This will include, but not necessarily be limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection notification, and the basis for the contract price.
12. The Food Service Manager will ensure solicitations include clauses for Buy American, as well as documenting the use of non-domestic food due to domestic foods not being produced or manufactured in enough quantity or of a satisfactory quality. Purchases must be monitored to ensure goods are produced in the USA. Exceptions to the Buy American requirement can be determined by verifying the cost and availability of domestic and non-domestic foods using data in the USDA Agricultural Marketing Service (AMS).
13. The Food Service Manager will ensure that all invitations to bid assure that a firm fixed-price contract is awarded to the lowest responsive and responsible bidder, most advantageous to the program, with price as the primary determining factor.
14. The RFP will have a written method for conducting technical evaluations of proposals to select recipients.
15. Additionally, the Food Service Manager will provide a rationale (bid selection matrix) to justify why the district chose to select certain vendors who provided and were selected as part of the solicitation (if done by an outside agency or co-op).
16. A Non-competitive proposal is only allowable if: 1. Public emergency did not permit a competitive solicitation; 2. After solicitation of several sources, competition was inadequate; 3. USDA or State Agency expressly authorized a noncompetitive proposal based on a written request from the school district; or 4. The item was only available from a single source.
17. Any rejected bids must be for a sound reason and documented.
18. All bids/offers will be evaluated and awarded as published in the solicitation.
19. If an overly responsive bid/offers was received, the SFA should eliminate the bid or the overly responsive portion when awarding the contract.
20. No unallowable cost items were included in the awarded contract.
21. There should be no geographic option if possible or if it is included the evaluation and scoring for the award must be correct and as published.

Small Purchases

1. Any independent transaction (not part of an annual contract) that is over \$25,000 but below the bidding threshold as defined in ORC 9.17 will be considered a Small Purchase, and the following procedures will apply. The Food Service Manager who initiates the purchase will determine whether the purchase qualifies as a Small Purchase.
2. The Food Service Manager is responsible to contact at least 3 vendors to obtain pricing. The solicitation should be for the same item or service. Documentation of contact (phone call, email, letter) should be noted by Food Service Manager. Efforts should be documented to find at least three vendors. If it is determined that only one vendor provides the product/service, the Food Service Manager will make a note of that and keep any documentation of efforts made. The Food Service Manager should summarize each small purchase need, solicitation and purchase decisions and retain for 3 past years plus the current school year.

3. The Food Service /Manager shall not restrict competition by making sure the following is not done during the solicitation:
 - a. The Food Service Manager shall not require any unnecessary or excessive bonding.
 - b. The Food Service Manager should place any unreasonable requirements on firms to qualify for business.
 - c. The Food Service Manager shall not specify a “brand name” products and must always allow “an equal” product other than the described to be offered.
4. The Food Service Manager shall provide clear and accurate description of the product or service being procured. The same information must be provided to each potential vendor.
5. The Food Service Manager must include the requirement that goods must be produced and processed in the United States.
6. The Food Service Manager must evaluate all responses and choose the correct vendor who provides the best product at the lowest price.
7. The Food Service Manager shall review the final invoice to ensure that the correct product/service was provided at the agreed upon price.

Micro Purchases

1. Any independent transaction (not part of an annual contract) that is below \$25,000 will be considered a Micro Purchase and the following procedures will apply. The Food Service Manager who initiates the purchase will make this determination if the purchase qualifies as a Micro Purchase.
2. The Food Service Manager will be responsible for making sure the price paid is reasonable. He/she should rely on previous purchasing experience, past invoices, or current price inquiries to determine if the price is reasonable.
3. The Food Service Manager will be responsible for spreading purchases around by giving different vendors opportunities to provide products and services that fall within the \$25,000 threshold. The manager should annually look at purchases to evaluate if the purchases are adequately spread amongst vendors.

Processing Contracts

Our Board is a member of the Stark County Schools Council of Governments (COG) Cooperative Purchasing Program. In addition to the bids directly provided by the Stark County COG, we are also a member of the Ohio Council of Educational Purchasing Consortia (OCEPC).

Please also refer to Competitive Bidding Policy 2.34, Procurement Card Program 2.32, Duties of the Superintendent 2.01.