

Food Service Procurement Procedures

Procurement procedures apply to the purchasing of catered meals, equipment, groceries, and services (e.g., pest control). The purchasing procedure to be followed is determined by the anticipated total annual expenditure on items related to the food service program(s):

- Purchases with value below \$2,500 shall be carried out using good purchasing practices. Such practices include but are not limited to the receipt of written quotations or written records of telephone quotations.
- Purchases which meet or exceed \$2,500, but are less than or equal to the threshold for Category Two (\$35,000) may be made using written quotations, written records of telephone quotations, or informal bids to be opened upon receipt, whenever practical. If the District receives verbal quotations, the name and address of each respondent and the amount quoted shall be a part of the written documentation. This includes single purchase transactions that are less than \$10,000 where the same or similar purchases are spread equitably among all qualified sources, and the purchase price is reasonable and the purchase is allowable. If necessary, based on the specifications, execute a contract between the District and the awarded vendor; and ensure the goods or services received are the same as the specifications requested and at the prices quoted. If the District receives less than three quotations, it must include a statement as to why additional quotes were not received. If the District determines that commodities or contractual services are available only from a single source, or that conditions warrant negotiation on the best terms and conditions, the agency may proceed with the procurement. The agency shall document the conditions and circumstances used to determine the procurement method.
- The District utilizes the following steps to assure small business, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms are used, when possible:
 - 1) Placing qualified small and minority businesses, women's business enterprises and veteran-owned businesses on solicitation lists;
 - 2) Assuring that small and minority businesses, women's business enterprises, and veteran-owned businesses 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, women's business enterprises, and veteran-owned businesses;
 - 4) Establishing delivery schedules, where the requirement permits, to encourage participation by small and minority businesses, women's business enterprises and veteran-owned businesses, and
 - 5) Using the services and assistance, as appropriate, of such organizations as the U.S. Small Business Administration and the Florida Department of Management Services' Office of Supplier Diversity's MyFloridaMarketPlace Certified Vendor Directory.
- Purchases greater than \$35,000 the District will follow the Formal Procurement Procedures.

Formal Procurement Procedures

When formal procurement procedures, in the form of an Invitation to Bid (ITB) or a Request for Proposal (RFP), are required, this organization takes the following steps:

- 1) Determine if an ITB or an RFP will be conducted;
 - a. An ITB is selected if the needs are clearly defined and understood,
 - b. An RFP is selected for projects that have many technical requirements, or if the methods or specifications aren't readily available;
- 2) Perform a cost or price analysis;
- 3) Develop written specifications as they are available and draft the scope of work, considering:
 - a. Dates, times, and locations for bids or proposals to be submitted;
 - b. Dates and times for public bid openings, if applicable;
 - c. Evaluation criteria, if applicable;
 - d. Dates and times for final award determinations;
 - e. Bid protest procedures, if applicable;
 - f. Contract and renewal periods;
 - g. Delivery expectations, if applicable;
 - h. Termination clauses;
 - i. Records retention requirements, and
 - j. All federally required contract provisions.
- 4) Submit the draft solicitation to FDACS for a pre-issuance review and approval.
- 5) Publicly announce and advertise the ITB or RFP at least 14 calendar days prior to the submission deadline;
 - a. Announcements will include the date and time of the submission deadline;
 - b. The location where submissions will be sent;
 - c. A Nondiscrimination Statement in the following form:

Nondiscrimination Statement

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at:

<https://www.usda.gov/sites/default/files/documents/USDA-OASCR%20P-Complaint-Form-0508-0002-508-11-28-17Fax2Mail.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. **mail:**
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
program.intake@usda.gov

The District is an equal opportunity provider.

- d. If the entire ITB or RFP is not included in the announcement, the District will include the location where the complete ITB or RFP may be obtained.
- 6) Evaluate the proposals or tabulate the bids and select the most responsible vendor whose submission is responsive to the solicitation and is most advantageous to the District with price and other factors considered as represented in the solicitation. All bids or proposals may be rejected in accordance with law, if necessary.
 - 7) Submit the proposed contract and all documents related to the procurement to FDACS for review and approval.
 - 8) Award the contract to the selected vendor.
 - 9) Ensure the goods or services received are the same as the goods or services contracted and at the contracted prices.

Noncompetitive Procurement Procedures

Noncompetitive procurement of goods and services will be conducted only if the circumstances in [2 CFR 200.320\(c\)](#) apply. Noncompetitive agreements will not be used as part of a piggyback agreement.

Single or Sole Source Purchases

If items are available only from a single source, noncompetitive procurement may be used. When noncompetitive procurement procedures are used for single or sole source purchase, the following steps will be taken:

- 1) Compile documentation of records to fully explain the decision to use the noncompetitive procurement procedures; including previously prepared specifications. The records will be available for audit and review.
- 2) Ensure the records reflect all federal, state, and local requirements for using single or sole source procurement are met; and
- 3) Ensure the goods or services received are the same as the goods or services discussed during noncompetitive negotiations and at the contracted prices, if applicable.

Limited to No Competition

When, after public solicitation, competition is determined inadequate, noncompetitive procurement may be used. When noncompetitive procurement procedures are used for purchases resulting from limited to no market competition, the following steps will be taken:

- 1) Compile documentation of records to fully explain the decision to use the noncompetitive procurement procedures; including previously prepared specifications, proof of advertisement, solicitations, etc. The records will be available for audit and review.
- 2) Ensure the records reflect all federal, state, and local requirements for using noncompetitive procurement are met;
- 3) Negotiate with and make purchases from, or enter into an agreement with, the vendor that can provide the goods or services needed that reflects the terms of the originally advertised solicitation and any negotiated specifications or clauses;
- 4) Ensure the goods or services received are the same as the goods or services discussed during noncompetitive negotiations and at the contracted price, if applicable.

Public Emergency

Emergency procurement procedures may be used when a public exigency or emergency will not allow for a delay in service that may result from a competitive procurement. When noncompetitive procurement procedures are used for public emergency situations, the following steps will be taken:

- 1) Verify a public emergency has been declared;
- 2) Compile documentation of records to fully explain the decision to use the emergency procurement procedures. The records will be available for audit and review;
- 3) Resulting contracts will not exceed 12 months in duration and will not be renewable;
- 4) Obtain approval from FDACS prior to entering into an agreement;
- 5) Ensure the goods or services received are the same as the goods or services discussed during noncompetitive negotiations and at the contracted price, if applicable; and
- 6) When the public exigency or emergency no longer exists, competitive procurement procedures will be reestablished for all purchases and contracts.

Piggybacking

In lieu of requesting a competitive solicitation, District may make purchases at or below the specified prices from contracts awarded by other Districts when the District that awarded the contract and the Contractor mutually permit purchases by a District at the same terms, conditions, and prices (or below such prices) awarded in such contract. When the District intends to piggyback on a contract, the following steps are taken:

- 1) Review the contract currently in place to determine if it meets all required federal, state, and local procurement policies and includes a provision allowing piggybacking. Such a provision must include specific applicable limitations of the extension (e.g., dollar value or the number of additional parties that may be added).

- 2) Obtain written permission to piggyback from all parties of the contract.
- 3) Submit the original contract, proposed piggyback agreement, and written permission to piggyback from all parties of the contract to FDACS for review and approval at least seven (7) calendar days prior to execution.
- 4) If it is determined that a material change to the original contract is results from the piggyback, District will conduct a separate procurement.