

ECTOR ISD
Child Nutrition Food Services Department

PROCUREMENT PROCEDURES MANUAL

ECTOR ISD
ECTOR, TEXAS, 75439
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**ECTOR ISD – Child Nutrition Food Service Department
Procurement Procedures Manual**

This Procurement Procedures Manual (2 CFR 200.318) has been created to ensure that all purchases made with the Child Nutrition (CN) Federal Funds are in compliance as regulated by all Federal, State, and Local written policy.

ECTOR ISD uses the following resources for all procurement methods:

Super Circular 2 CFR part 200

Texas Department of Agriculture's (TDA) "Administrative Review Manual," Section 16 and 17 (including 17A), and the Education Department Guidelines and Regulations (EDGAR)

The following standards will be applied to all procurement methods. Solicitations will...:

1. Allow for "full and open" competition
2. Be handled with integrity and fairness to all potential bidders
3. Award responsive and responsible contractors
4. Be fully documented to allow for complete transparency and follow the 5-years record retention requirement

ECTOR ISD allows the Child Nutrition Department to participate in the following:

1. Agreements
 - a. Inter-governmental agreements (operator-only/ESC)
 - b. Third Party Cooperatives
 - c. Agents
2. Informal Purchases
 - a. Micro-Purchase: any purchase that does not exceed the State threshold of \$10,000.
 - b. Small Purchase Acquisition: any purchase that exceeds \$10,000 but is not greater than the State threshold of \$50,000.
 - c. ECTOR ISD has/does not have a more restrictive Small Purchase threshold of \$50,000
3. Formal Purchases
 - a. Competitive Bid (IFB-Invitation For Bid)
 - b. Competitive Proposal (RFP-Request For Proposal)
 - c. Non-Competitive Proposal. TDA "pre-award approval" required
4. Other Purchases
 - a. Sole Source – as determined through a failed procurement method due to no competition. Requires TDA approval prior to awarding the vendor or purchasing from the vendor.
 - b. Capital Expenditures – any single piece of equipment that exceeds \$5,000 in cost must be approved by TDA prior to purchase.

ECTOR ISD will use the following 4 phases of procurement:

1. **Planning.** Below is a list of the first steps that will be taken prior to any purchase.
 - a. What is needed in the way of product/products and/or services?
 - b. When are the products or services needed?
 - c. What is an estimated cost of the products or services needed? Multiple resources will be used to determine an "estimate" of the value or cost. The cost/price analysis will be used to determine the most appropriate procurement method.
 - d. How we will pay for the products and/or services?
2. **Forecasting.** Below is a list of the resources to be used for forecasting our needs.
 - a. We will review our past program to determine if the products or services were used in the previous program year.
 - b. Current program needs will be assessed and product amounts and/or service needs will be determined.
 - c. Upcoming program years will be considered in regard to future needs and possible renewal or extensions of contracts if necessary.
3. **Soliciting.** The following general steps will be taken to start the solicitation process. Each procurement method is more specifically outlined later in this manual.
 - a. Based on the cost/price analysis in our planning phase, the most appropriate procurement method will be used.
 - b. A general specification with details will be written to document the product or service needed.
 - c. Terms and conditions of the contract will be outlined and reviewed to ensure the solicitation clearly describes our needs and deliverables required.
 - d. Each solicitation will include the following information:
 - a. Deadline (date and time) the quotes or responses are to be received.
 - b. The method the quotes or responses are to be submitted and to whom.
 - c. Evaluation criteria, if any is used, clearly outlined to include scoring rubric.
 - d. Date and time by which the solicitation will be awarded.
 - e. Term and Conditions of the contract and if any renewals or extensions will be allowed.
 - f. All USDA Federal and State-required certifications and affidavits if applicable to the procurement method used.
 - e. Research will be done to identify potential suppliers.
4. **Awarding.** Based on the procurement method, the following general processes will be used:
 - a. A winner will be selected using the following methods.
 - a. Equitable distribution for all Micro-Purchases.
 - b. Low bid winner for Small Purchases and IFB's.
 - c. A single winner through evaluation criteria for Small Purchases and RFP's.
 - d. Pre-award approvals must be obtained from TDA for any solicitation that is deemed non-competitive or sole source.
 - e. Multiple winners are selected for RFP's when a "line-item" award approach is taken to procure the best price for each product specified in the solicitation.
5. **Contract Management.** The following items will be monitored during the life of an awarded contract by the child nutrition department to ensure compliancy.
 - a. Use of our Child Nutrition Federal Funds is compliant with all Federal, State, and local regulations.

- b. That all specifications, technical requirements, and terms and conditions of all contracts are executed correctly.
- c. That we are not charged for duplicative services.
- d. Quantities specified are made available and delivered.
- e. Delivery times and schedules are being met per contract terms.
- f. Product deliveries and/or services are occurring at the correct location if multiple locations are part of the awarded contract.
- g. Products and/or services are meeting the specifications as described in the solicitation.
- h. Substitutions of products are being handled as outlined in the Terms and Conditions and are adequate to the specified product.
- i. Vendor response time to product or service issues is appropriate in regard to each situation, if any.

Procurement Methods: Informal and Formal (2 CFR 200.320)

ECTOR ISD will follow the below steps with each procurement method.

1. Micro-Purchases.

The micro-purchase method is an “Informal Procurement Method” for purchases where the aggregate value in a single transaction is at or below \$10,000. This enables the District to purchase supplies or services without soliciting competitive quotes if the school considers the price reasonable. The District may purchase products and/or services that are similar or dissimilar, purchased as a single or collective unit.

- a. All **unplanned, non-routine** purchases with an aggregate total that does not exceed the threshold of \$10,000 are allowed (2 CFR 200.67) and will include:
 - i. Documentation that explains the reason for the purchase and vendor name.
 - ii. List of items or service purchased.
 - iii. Receipt.
 - iv. All documentation will be kept in a file labeled “Micro-Purchases.”
- b. Types of Micro-Purchases allowed:
 - i. Emergency and/or equipment repair parts
 - ii. Small to medium catering events
 - iii. Emergency food shortages
 - iv. Staff training and travel expenses
 - v. Small kitchen equipment purchases
- c. The following employee positions have permission to make a Micro-Purchase:
 - i. Food Service Director; CN Director; Program or Operations Manager
 - ii. Assistant Manager or Director; Purchasing Specialist; Business Office Manager
 - iii. Cafeteria Director or Manager
- d. Eligible vendors.
 - i. Equitable distribution of purchases will be made to all suppliers within an appropriate proximity to the district’s school sites
 - ii. All suppliers within the city limits
 - iii. Only district-approved and qualified suppliers

e. Payment for Micro-Purchases.

- i. Credit card to be picked up from the Business Office/CFO
- ii. Petty Cash folder located at each campus
- iii. Personnel cash, credit card, or debit card to be reimbursed by the Business Office

2. Small Purchases.

The small purchase method is an “Informal Procurement Method” for purchases that exceed the micro-purchase threshold but have an aggregate amount no greater than the Simplified Purchase Acquisition threshold of \$50,000. The District must contact a minimum of 3 potential suppliers and attempt to get a minimum of 2 quotes.

- a. Based on the determination through a cost/price analysis that a purchase will exceed the Micro-Purchase threshold (2 CFR 200.67) but will not exceed the State’s/District’s Simplified Purchase Acquisition (Small Purchase) threshold of \$50,000 or the ECTOR ISD’s Local Policy of \$3,500<\$50,000
- b. Allowable types of Small Purchases:
 - i. Single/one-time purchase with an aggregate amount between \$10,000<\$50,000
 - ii. Multiple purchases of same or similar products and/or services from a prime vendor during the fiscal year with an aggregate amount between \$10,000<\$50,000
- c. ECTOR ISD will use the following steps to make a Small Purchase (2 CFR 200.320 [b])
 - i. Identify potential suppliers; who to contact for bids; what is available on the market.
 - ii. Write the product and/or service specification to include details but not restrictive as to exclude competition.
 - iii. Draft the solicitation to include contract terms and conditions, invoice methods, delivery and/or service requirements, duration of contract, and evaluation criteria if any is being used with the scoring rubric.
 - iv. Contact a minimum of 3 vendors (if possible) and provide each one with the same information to include all details of the solicitation. Emailed or faxed documents is the preferred method but verbal delivery of solicitation details is allowed.
 - v. Document vendor responses to include:
 1. Vendor name and contact with email address and phone
 2. Contact method
 3. Price quoted to include the date received
 4. Duration of the price quote
 5. If less than 3 quotes are received, explanation of why this occurred will be included in the documentation
 - vi. Award will go to the most responsive and responsible vendor with the lowest price or highest evaluation score if used. A responsive vendor is one whose response conforms to all the material terms and conditions of the solicitation. A responsible vendor is one whose financial, technical, and other resources indicate an ability to perform the services required.

- vii. All documentation will be kept in a file labeled "Small Purchase Acquisitions"
- d. The following employee positions have permission to make a Small Purchase:
 - i. Food Service Director; CN Director; Program or Operations Manager
 - ii. Assistant Manager or Director; Purchasing Specialist; Business Office Manager
 - iii. Cafeteria Director or Manager
- e. Eligible vendors.
 - i. All suppliers that have been identified as potential bidders
 - ii. Only district-approved and qualified suppliers
- f. Payment for Small Purchases.
 - i. Credit card to be picked up from the Business Office/CFO
 - ii. PO to be created prior to the invoice payment. This is handled through the Business Office.

3. Capital Expenditures.

Texas Department of Agriculture (TDA) requires a CE to get pre-approval on expenditures for food service equipment or alterations to equipment, only if the total equipment "per unit" cost is greater than \$5,000.

- a. ECTOR ISD will submit a request for approval prior to purchasing the item via email to TDA including:
 - i. District Name, CE ID, and contact information (phone and email address)
 - ii. Description of the equipment, including the purpose and how it supports the operation or maintenance of the District
 - iii. Provide an estimated cost and whether or not we have sought bid pricing
 - iv. Describe how the old equipment (if any) will be disposed of and acknowledge that any proceeds from the disposal will be used to offset the cost of the replacement
 - v. Acknowledge that any equipment purchased will be used exclusively (100%) by the District

4. Competitive Sealed Bidding (IFB – Invitation For Bid).

The competitive sealed bidding method is a "Formal Procurement Method" that is used when the contract value is at or above the Small Purchase threshold, which is \$50,000 in the state of Texas. The formal procurement method requires a District to post a public advertisement in a newspaper of general circulation for two consecutive weeks upon release of the solicitation. It is recommended that the District post the advertisement on their website or a trade website as well as email or make phone calls as a means of advertising to potential bidders.

- a. ECTOR ISD will ensure the following conditions:
 - i. A complete, adequate, and realistic specification or purchase description will be made available
 - ii. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price

- iii. Evaluation criteria will be included in the solicitation in regard to determining a winner if the same price has been received from 2 or more different vendors
- b. ECTOR ISD will adhere to the following requirements:
 - i. The solicitation will be publicly advertised
 - ii. Provide detailed information such as response time, date and time responses are to be received, how responses must be submitted, date and time of public opening, and any other pertinent details
 - iii. Provide product and/or service specifications that allow multiple responses
 - iv. Award the contract to the most responsive and responsible bidder. Factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest.
 - v. Any or all bids may be rejected if there is a sound documented reason
- c. The following employee positions will participate in the IFB Procurement Method:
 - i. Food Service Director; CN Director; Program or Operations Manager
 - 1. Write product or service specifications
 - 2. Write the solicitation document
 - 3. Send the IFB to potential suppliers
 - 4. Participate in the opening of the submitted bid quotes and determine a winner
 - ii. Assistant Manager or Director; Purchasing Specialist; Business Office Manager
 - 1. ? Roles ?
 - iii. Cafeteria Director or Manager
 - 1. ? Roles ?
- d. Eligible vendors.
 - i. All suppliers that have been identified as potential bidders
 - ii. Only district-approved and qualified suppliers
- e. Payment for IFB Purchases.
 - i. PO to be created prior to the invoice payment. This is handled through the Business Office

5. Competitive Proposals (RFP – Request For Proposal)

A request for proposal is a “Formal Procurement Method” used for purchases when an IFB is not appropriate. An RFP describes in a general way what is needed and requests that vendors submit a proposal for servicing the needs of the district. RFP’s can be used for either goods or services and require the prospective vendor to submit a technical proposal that explains how they will meet the objectives of the solicitation document and a cost element that identifies the costs to accomplish their proposal. Price is to remain the major consideration but can be one of many evaluation factors used to determine the most advantageous winner. The RFP also allows for negotiation as a means to obtain the best value or price.

- a. ECTOR ISD will ensure the following conditions:
 - i. A complete, adequate, and realistic specification or purchase description will be made available
 - ii. The procurement lends itself to a firm fixed price contract or cost reimbursable price

- iii. The selection of the successful bidder will be made after an evaluation of criteria with price being the "heaviest weighted factor"
- iv. Negotiation of price or best value will be handled with complete fairness and integrity
- b. ECTOR ISD will adhere to the following requirements and required documents (2 CFR 200.318 - 326):
 - i. The solicitation will be publicly advertised
 - ii. Solicitation document will include a cover sheet with the RFP description, contact information, issue date, closing date and opening date
 - iii. Written instructions and bidder information sheet to be completed by the proposer
 - iv. Clear product and/or service specifications
 - v. Clear description of district demographics and product usage (as relevant)
 - vi. Clearly stated evaluation criteria to include scoring rubric
 - vii. Standard and/or Special Terms and Conditions of the contract
 - viii. Discounts, Rebates, and/or credits provisions where applicable
 - ix. Questionnaires as appropriate
 - x. Reference Sheet
 - xi. Certifications per ARM Section 17 and Appendix II to Part 200 of 2 CFR 200:

Intangible Property	2 CFR 200.315
Procurement of Recovered Materials/Solid Waste Disposal	2 CFR § 200.322
Profit as a Separate Element of Price	2 CFR 200.323(b)
Record Retention Requirements	2 CFR § 200.333
Rights to Inventions	37 CFR §401.2 (a)
Anti-trust Certification	Section 2155.005
Certification of Residency	Chapter 2252, Subchapter A
Companies Engaged in Business with Iran, Sudan, or a Foreign Terrorist Organization	Chapter 2252, Subchapter F
Compliance with the Energy Policy and Conservation Act	Pub. L. 94-163, 89 Stat. 871
Compliance with Texas Family Code	Section 231.006
Food/Product Recall and HACCP Procedures	
Form 1295	Section 2252.908
Health & Safety Certificates, Licensing and Regulation	ARM 17.62
No Israel Boycott	Section 2270.002
Prohibited Employment Assistance	20 USC 7926
Non-Collusion Declaration	Section 15.01
Non-Collusion Affidavit	Section 15.01
Signature and Declaration of Compliance	Notary of Public Required
Proposal Form	200.326 Appendix I To Part 200
Breach of Contract Terms, Sanctions and Penalties	200.326 Appendix II to Part 200 (A)
Termination for Cause or Convenience	200.326 Appendix II to Part 200 (B)
Certificate of Insurance	2 CFR 200.447
Cooperative Agreements	2 CFR 200.24
Byrd Anti-Lobbying	2 CFR 200.450; 200.326 Appendix II Part 200 Sec. "I"

Certification Regarding Debarment, Suspension,
Ineligibility and Voluntary Exclusion for Covered Contracts
Clean Air and Water Certificate
Equal Opportunity Employment
Contracting with Small, Minority, Women Business
Enterprises, and Labor Surplus Area Firms

200.326 Appendix II To Part 200 Sec H

200.326 Appendix II Part 200 Sec. "G"

200.326 Appendix II Part 200 Sec. "C"

2 CFR 200.321

Conflict of Interest Questionnaire
Disclosure of Lobbying Activities
Felony Conviction Notification (Exhibit Only)
Nutrition Services Certification For "Buy American"
Provision
Nutrition Services "Buy American Waiver Exception List
Certificate Regarding Worker's Compensation
Certificate Regarding Drug-Free Workplace
Certificate Regarding Alcoholic Beverage And Tobacco-
Free Campus Policy
E-Verify
Iran Contracting
Civil Rights/Discrimination
W9

24 CFR § 3282.359

Appendix B To Part 418 2 CFR

21 CFR 1301.90

7 CFR 210.21 Sec. D

7 CFR 210.21 Sec. D

48 CFR 970.2803-1

38 CFR § 48.635

21 CFR § 1140.1

48 CFR 52.222-54

48 CFR 25.703-3

FNS Instruction 113-1

Most Current Version Required

- xii. Awarding of the contract:
 - 1. Evaluation will consist of product quality, services, or past performance, but not limited to, along with price as the heaviest weighted factor
 - 2. Cost plus percentage of cost will not be allowed as a basis for award (2 CFR 200.320)
- xiii. Any or all bids may be rejected if there is a sound documented reason
- c. The following employee positions will participate in the RFP Procurement Method:
 - i. Food Service Director; CN Director; Program or Operations Manager
 - 1. Write product or service specifications
 - 2. Write the solicitation document
 - 3. Send the IFB to potential suppliers
 - 4. Participate in the opening of the submitted bid quotes and determine a winner
 - ii. Assistant Manager or Director; Purchasing Specialist; Business Office Manager
 - 1. ? Roles ?
 - iii. Cafeteria Director or Manager
 - 1. ? Roles ?
- d. Eligible vendors.
 - i. All suppliers that have been identified as potential bidders
 - ii. Only district-approved and qualified suppliers
- e. Payment for RFP Purchases.
 - i. PO to be created prior to the invoice payment. This is handled through the Business Office

6. Non-Competitive Negotiation and Sole Source Procurements.

These types of procurement methods are used to compensate for the lack of competition. This lack of competition may result from overly restrictive solicitation documents, an inadequate number of suppliers in the area or the procurement environment may have been compromised by inappropriate supplier actions (i.e. market allocation schemes). Non-competitive negotiation occurs after the solicitation (sealed bid, competitive negotiation or small purchase) has been issued, but competition on that solicitation has been deemed inadequate.

- a. Non-competitive negotiations or sole source procurements are restricted to specific situations and may only be used when:
 - i. Inadequate competition in a formal procurement method
 - ii. Public emergency exists
 - iii. Goods or services are only available from one manufacturer through only one supplier
- b. ECTOR ISD will obtain TDA's approval prior to award and purchase of products or services. All requests for approval must be submitted through the State Agency's online system, TX-UNPS.
- c. **The following employee positions will oversee the approval process for a Non-Competitive and/or Sole Source Procurement Method:**
 - i. Food Service Director; CN Director; Program or Operations Manager
 1. ? Roles ?
 - ii. Assistant Manager or Director; Purchasing Specialist; Business Office Manager
 1. ? Roles ?
 - iii. Cafeteria Director or Manager
 1. ? Roles ?

Bid/Proposal Questions and Protest Procedures

An interested party may protest any of the following situations:

- **Solicitation or other request for offers for a contract for the procurement of property or services**
- **Cancellation of a solicitation or other request**
- **Award or proposed award of a contract**
- **Termination of a contract, if the protest alleges that the termination was based on improprieties in the administration of the contract.**

ECTOR ISD will do the following:

1. Include clear instructions in each solicitation document about questions and protest procedures.
2. Follow all written procedures to resolve protests.
3. Ensure that all protests are resolved.
4. Retain all documentation related to a protest.
5. Notify TDA when a protest is received.

ECTOR ISD will address all respondent protests within 24 hours of the bid award. ECTOR ISD will provide evaluation scores and pricing at the request of the respondent. Violations of law should be referred to the local, state or Federal authority. (2 CFR, Section 200.318[k])

ECTOR ISD will allow respondents to request clarification of information prior to the close of the bid/proposal. These requests must be received a minimum of 3 business days prior to the close of the bid/proposal. ECTOR ISD will address the request for additional information as an addendum to all respondents.

Economic Price Adjustments in Vendor Contracts

The economic price adjustments, which allow a District to adjust costs in the contract, must be tied to an appropriate standard or cost index. Relating the price adjustments in a contract to an index allows the District to ensure that increases under the contract are not without basis. For example, if fuel prices are increasing drastically, an appropriate index such as the Consumer Price Index (CPI) will reflect this change.

This index is preferred because the USDA uses this index for the National School Lunch Program (NSLP) yearly funding increases. The intention is that if the USDA increased funding by a certain percentage the District would be able to allow the increase in food cost to rise at the same percentage. Vendors will be able to bid on multi-year contracts that allow for inflation and the District will be able to maintain a consistent level of service and food cost percentage from year to year.

Applying Geographic Preferences in Procurement

As amended, the National School Lunch Act (NSLA) allows SFA's receiving funds through the CN Programs to apply a geographic preference when procuring unprocessed, locally grown or locally raised agricultural products. This applies to operators of all of the School Lunch Programs.

ECTOR ISD will apply geographic preference to the procurement of agricultural products that:

1. Are unprocessed and retain their inherent character
2. Are locally grown or locally raised
3. Have not been cooked, seasoned, canned, or combined with any other products

USDA allows the entity to define local as long as it is not too restrictive. TDA allows the CE to define local as a boundary or area, such as counties, State, or multi-State as long as it is not too restrictive. Regulation prevents ECTOR ISD from awarding any contract based solely on "local," and ECTOR ISD will provide clear instructions and information in each solicitation as to our definition of local and evaluation criteria. ECTOR ISD will adhere to the policy of using their USDA Federal Funds in the most efficient way possible.

ECTOR ISD determines local as "within the United States territory and a distance of "?" miles from the Districts' main campus" (mileage may vary for items dependent on bidding preference).

Discounts, Rebates, and Credits

ECTOR ISD requires that all discounts, rebates, and credits accrue back to the school nutrition account. The contractor will be required to identify the amount of each discount, rebate, or other applicable credit on bills and invoices presented to the ECTOR ISD. Contractors will be required to identify the method by which they will report discounts, rebates, and credits. All discounts, rebates, and credits will be tracked via monthly invoices or annual velocity reports. Contractors will be required to maintain documentation of costs, discounts, rebates, and credits and make those available to ECTOR ISD upon request.

Buy American Provision

ECTOR ISD adheres to the Buy American Provision (7 CFR 210.21) when purchasing commercial food products to be served in the district's SNP meals. This provision will be included in all solicitations for food to be used in the school nutrition programs.

Per Section 104(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1998 {Public Law 105-336} added a provision, Section 12(n) to the NSLA (42 USC 1760(n)), requiring School Food Authorities (SFA's) to purchase, to the maximum extent practicable, domestic commodity or product. Section 12(n) of the NSLA defines "domestic commodity or product" as an agricultural commodity that is produced in the United States and a food product that is processed in the United States using substantial agricultural commodities that are produced in the United States. Substantial" means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically. Products from Guan, American Samoa, Virgin Islands, Puerto Rico, and the Northern Mariana Islands are allowed under this provision as territories of the United States. The Buy American provision (7 CFR Part 210.21(d)) is one of the procurement standards SFA's must comply with when purchasing commercial food products served in the school meals programs.

ECTOR ISD will purchase domestic food products per the Buy American Provision unless:

1. The product needed is not produced or manufactured in the U.S. in sufficient and reasonable available quantities of a satisfactory quality; or
2. Competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product

ECTOR ISD will maintain all documentation in regard to any food purchases that are deemed "non-domestic" to include cost comparisons if the product is available as a "domestic" product that is seen as unreasonable in cost; or if not available as a U.S. grown product the documentation will include the "country of origin."

Cost Analysis

ECTOR ISD will conduct a cost analysis to review and evaluate each element of cost to determine reasonableness, allocability, and allowability for products and/or services to be procured. The cost analysis will include the total projected cost for the products and/or services to be procured.

ECTOR ISD will use the following tools and information to create the cost analysis:

1. List of products planned to purchase
2. Prior vs current year potential cost for comparison, or
3. Current year vs proposal pricing comparison
4. Analysis will include a review of single price and extended cost based on estimated quantities
5. Totals will be looked at for budget planning and determination of reasonableness
6. When relying on a purchasing cooperative for bid procurement ECTOR ISD will ask the cooperative for the cost analysis and review planned products for purchase as a determination for cost reasonableness and compliance with allowable expenditures.

Small and Minority Businesses, Women Business Enterprises, and Labor Surplus Area Firms and/or Disabled Veteran Business Enterprise (MWDVBE)

ECTOR ISD will encourage open competition amongst small, minority, woman, and disabled veteran's businesses by:

1. Reducing barriers in Formal and Informal Contract solicitations by:
 - a. Allowing for businesses that may be MWDVBE to compete on an equal footing. This will be accomplished by having a qualification process where MWDVBE bids are given points equal to the requirements that may be restrictive, such as length of service in business, size of distribution facilities, etc...
 - b. Allowing for extra points in the evaluation if a bidder/proposer qualifies as an MWDVBE
 - c. Structuring contracts to allow "awards to more than one Proposer in the best interest of the District in order to award a portion of the agreement to MWDVBE vendor that may not be able to perform to an agreement that is too large for current financial/logistical capabilities.
2. Structuring Contracts that May allow for Cost Credit to Small, Minority and Women owned businesses:
 - a. ECTOR ISD may structure an RFP Formal Procurement agreement to allow for price variation of not more than 5% of total cost above the lowest responsive bidder to award to a small, minority or women owned business. For example, the lowest bidder was \$100 dollars, a certified small, minority or women owned enterprise bid \$105, the contract may be awarded to the small, minority or women owned enterprise if it is in the best interest of the District.
3. Providing Positive Outreach
 - a. ECTOR ISD will place qualified small, minority and women owned enterprises on solicitation lists; and
 - b. Assure that small, minority and women owned enterprises are solicited whenever they are potential sources

Local Sourced Products: Farm to School Initiative

ECTOR ISD is committed to local markets and family farmers in the State of Texas. Our objective is to support the local agricultural economy and reduce the environmental impact of long distance shipping. ECTOR ISD defines "Local Sources Products" as products that are grown within the State of Texas, with preference to sources located within "25" miles of the school's main campus.

When purchasing local sourced products, ECTOR ISD will follow the planning phase as stated earlier in this manual and do a cost/price analysis to determine the most appropriate procurement method.

In order to encourage the bidders to purchase locally sourced produce, ECTOR ISD may assign additional point values in the "Award of Contract" section of the solicitation that can demonstrate:

1. The bidder is purchasing produce locally by submitting a list of local farmers, their addresses, the produce that is anticipated to purchase from each farm location, and the anticipated harvest dates of the produce
2. The bidder must also agree to the ability to submit a report during the term of the contract that demonstrates continued purchases from local farms

Use of Excess and Surplus Property

ECTOR ISD, to the best of the district's ability, may utilize excess and surplus property when available. The TDA allows a district to use a significant portion of our entitlement (PAL) allocation from USDA to purchase DOD fresh fruit and vegetable products. The TDA manages the solicitation and award of the DOD Produce Vendors. Contracting Entities (CE's) in the state of Texas and participating in the DOD Fresh Program can receive weekly deliveries as outlined in the awarded contract.

Cooperative Membership and Procurement

The USDA allows for "Purchasing Goods and Services Using Cooperative Agreements, Agents, and Third-Party Services.

ECTOR ISD may participate in a purchasing cooperative when it is determined to be in the best interest of the district. As a governmental agency, ECTOR ISD has the option to legally join a "governmental agency or Education Service Center (ESC) agency" purchasing cooperative through an Interlocal or InterAgency Agreement.

If determined in the best interest to join an ESC Agency cooperative, "Blank" ISD will request a copy of the Interlocal or InterAgency Agreement and complete and submit to the appropriate contact of the co-op. "Blank" ISD will do the following once membership in the cooperative has been confirmed:

1. Provide product estimated quantities planned for purchase for each bid selected.
2. Review that all procurement documents and cooperative processes have been conducted in accordance with applicable Federal, State and local regulations.
3. Will confirm that their addition to any contract selected does not create a material change as outlined in the contract per 2 CFE 200.318[e] that states a material change occurs when the change in scope of the contract is significant enough that potential bidders might have bid differently had they been award of the impacts from adding additional agencies.
4. Request access to all documentation related to the contract for compliance with records retention requirement to include but not limited to:
 - a. Solicitation
 - b. Verification of Published Advertisement
 - c. Contract Terms and Conditions
 - d. Evaluation Criteria, if any
 - e. Responses
 - f. Notification of Awarded vendor(s)
 - g. Documentation of any extensions or Amendments
 - h. Recall Procedures

Unnecessary or Duplication of Goods/Services

ECTOR ISD will avoid acquisition of unnecessary or duplicative items/services. Purchases will be justified using the following criteria:

1. Purchaser will determine if there are like items in the District that may not be in use and consider transferring item before determining if purchase is necessary
2. The item is being considered for menus or is needed to serve, prepare, receive, transport or store an item on the menu
3. The item is replacing an obsolete, broken, damaged or outdated piece of equipment

Recalls

ECTOR ISD will use the following procedures in regard to products that have been recalled, or are discovered to be defective or faulty:

1. The **Food Service Director/Manager/Program Coordinator** will register for email notifications of recalled products through USDA Food Safety and Inspection Service (usfsis@public.govdelivery.com) and/or recalls.gov or any other viable resource in regard to food and product safety and recalls
2. Vendors' Recall procedures will be requested with every Small Purchase, IFB and RFP procurement method used
3. Any notices or alerts from awarded vendors or distributors in regard to a recalled product will be handled immediately, following all instructions from the vendor or distributor in regard to the handling of the recalled product
4. Actions may include but not be limited to:
 - a. Disposal of all affected product
 - b. Photos of products affected, documentation of case lot numbers, distributor codes or any other pertinent information as documentation of product origin
 - c. Removal of affected product to a safe area to be picked up by the vendor or distributor
 - d. Credits issued for all affected product that could not be used

ⁱ January 4, 2021: "Cost Analysis" language added to the manual.