

Formal Procurement Checklist

School Nutrition Programs

Formal procurement must be used when the value of a purchase is greater than \$350,000*. There are two types of formal solicitations are Invitation for Bid (IFB) and Request for Proposal (RFP).

*Local threshold may be more restrictive.

Step 1: Forecast Needs and Conduct Price Analysis

- Forecast product needs by using production records, velocity reports and production records
- Conduct a cost or price analysis to determine the value of the contract

Step 2: Write Product Specifications

- Write clear and accurate descriptions including:
 - Product name
 - Description
 - Case pack and weight
 - Size
 - Nutrition standards/Child Nutrition (CN) requirements
- If specifying a brand name, "or equivalent" must be listed

Step 3: Develop a Solicitation - *What is the SFA looking to purchase?*

- Include SFA information (enrollment, number of buildings, meals served, etc.)
- Description of the foods or service requested
- Information about pre-proposal meeting (if applicable)
- Date and time for submission of solicitation
 - Provide adequate time for vendors to respond
 - Time and location for IFB public opening
- Duration of contract and option for renewals
 - 1 year with 4 optional renewals
- Type of contract
 - IFB – results in a firm fixed price; award made to lowest price responsible and responsive bidder
 - RFP – results in a firm fixed price or cost reimbursable contract (cost plus % is not allowed); award made to lowest price responsive and responsive proposal with additional criteria used in the evaluation; evaluation criteria is clearly identified in the solicitation
- Cost evaluation – will cost be evaluated by item? Product groupings? Bottom line? Market basket?
- Technical Requirements
 - Delivery days/time preference, staff requirements
 - How recalls and substitutions will be handled
 - Buy American provision (food only)

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- Federal and Maine non-discrimination statements
- Required forms and certifications: debarment, lobbying, anti-collusion
- Required contract provisions (as applicable) required by 2 CFR 200:
 - Debarment/Suspension.
 - Termination clause (\$10,000)
 - Byrd Anti-Lobbying certification (\$100,000)
 - Administrative/contractual/legal remedies for contractors that breach/violate terms (\$150,000)
 - Clean Air Act (\$150,000)
 - Contract work hours/safety standards (\$100,000 contracts that involve the employment of mechanics or laborers)
 - Equal employment opportunity (construction) (\$10,000)
 - Rights to Invention (if applicable)
 - Davis Bacon (construction) (\$2,000)
 - Procurement of Recovered Materials
 - Language that the SFA takes steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible
- Required contract provisions for cost reimbursable contracts
 - Allowable costs will be paid from the nonprofit school food service account to the contractor net of all discounts, rebates and other applicable credits accruing to or received by the contractor or any assignee under the contract to the extent those credits are allocable to the allowable portion of the costs billed to the school food authority.
 - The contractor must separately identify for each cost submitted for payment to the school food authority the amount of that cost that is allowable (can be paid from the nonprofit school food service account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account); or that the contractor must exclude all unallowable costs from its billing documents and certify that only allowable costs are submitted for payment and records have been established that maintain the visibility of unallowable costs, including directly associated costs in a manner suitable for contract cost determination and verification.
 - The contractor must identify the amount of each discount, rebate and other applicable credit on bills and invoices presented to the school food authority for payment and individually identify the amount as a discount, rebate, or in the case of other applicable credits, the nature of the credit.
 - The contractor must identify the method by which it will report discounts, rebates and other applicable credits allocable to the contract that are not reported prior to conclusion of the contract.
 - The contractor must maintain documentation of costs and discounts, rebates and other applicable credits, and must furnish such documentation upon request to the school food authority, the State agency, or the Department.

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Step 4: Publicly Advertise the Solicitation

- Publicly advertise and invite two or more qualified vendors

Step 5: Evaluate Vendor Responses

IFB

- Bids are publicly opened at the time and place specified
- Bids may be rejected if the vendor does not meet the requirements as listed in the solicitation and/or they are not able to provide the products as specified in the solicitation. (Responsive and responsible vendor)
- Evaluate cost as specified in the solicitation

RFP

- Proposals may not be opened until after the date specified in the RFP
- Proposals may be rejected if the vendor does not meet the requirements as listed in the solicitation and/or they are not able to provide the products as specified in the solicitation. (Responsive and responsible vendor)
- Proposals must be scored using only the evaluation criteria outlined in the solicitation

Step 5: Award the Contract

- Contract awarded to the vendor with the lowest price that is also responsive and responsible (IFB)/ highest scored proposal with price being the primary factor (RFP)
- A signed written contract between the SFA and the selected vendor is required

Step 6: Monitor the Contract

- Do invoices and deliveries conform with contract requirements? (price, quality, delivery schedule, ...)
- Is the vendor performing under the contract as agreed upon?

Step 7: Maintain Documentation

- Solicitation documents
- Emails, letters and other documentation related to the procurement
- All IFB/RFP responses received
- Evaluation documents
- Award notification and denial letters
- Contract renewals