

LYMAN SCHOOL DISTRICT 42-1 FOOD SERVICE DEPARTMENT

POLICY NAME: PROCUREMENT POLICY

Regulations: CFR 7; STATE AND LOCAL LAWS AND REGULATIONS

Procedures: The Lyman School District 42-1 will purchase food and other items for use in the Child and Adult Nutrition Program in compliance with Federal regulations in Code of Federal Regulations Volume 7 state and local laws and regulations, using the procedures outlined on this and attached pages.

A. If the total amount of purchases exceeds small purchase threshold will use formal procedures. Formal procedures can be Invitation for Sealed Bid or Request for Proposal. Formal procedures will be as follows:

1. Develop descriptions for all items.
2. Develop instructions for providing service or product.
3. Advertise in a newspaper of general circulation.
4. Mail descriptions, instructions, and response documents to all potential bidders.
5. Open and tabulate responses in a public meeting.
6. Submit staff recommendation to the school board for award of contract.

B. If the purchases are not covered by Section A of this plan, these purchases shall be made by use of the applicable state or local procedures. Small purchase procedure is as follows:

1. Develop descriptions for all items.
2. Develop instructions for providing service or products.
3. Attempt to obtain price quotes from a minimum of three suppliers.
4. Prepare a price quote documentation sheet, and indicate the supplier who was awarded the quote and the length of time the price is set.
5. Submit documentation sheet for approval to Business Manager.

C. If it is necessary to make an emergency purchase to continue uninterrupted service, the purchase shall be made using noncompetitive negotiation. A log of all such purchases shall be maintained and reviewed monthly by the Business Manager. The log shall include the item name, dollar amount, vendor and reason for emergency.

D. All purchases will be conducted as follows:

1. The Food Service Director will requisition food, supplies and equipment for site use. Requisition does not mean a form. It could be electronic, a preprinted form, or any method that leads to an efficient ordering system.
2. The Food Service Director will place orders based on prices that are established through an approved purchase method.

3. The Food Service Director will be responsible for tracking, checking in, accounting for all inventory, and receipting the products.
4. The Food Service Director will develop and interpret specifications/descriptions.
5. The Food Service Director will approve brand and quality substitutions prior to delivery.
6. The Food Service Director will issue requests for prices and receive the responses to the requests for prices.

E. All purchases will be conducted using the procedures listed above.

F. All records shall be maintained for a period of three years plus the current year.

G. Code of Conduct

The following conduct is expected of all persons who are engaged in the award and administration of contracts supported by School Food and Nutrition Program funds. No employee of the Lyman School District 42-1 shall participate in selection or in the award or administration of a contract supported by program funds if a conflict of interest, real or apparent, would be involved. Conflicts of interest arise when a school district employee:

- Has a financial or other interest in the firm selected for the award;
- Is an employee, officer, or agent of the firm selected for the award;
- Has a member of the immediate family who is an employee, officer, or agent of the firm selected for the award;
- Has a financial interest in the firm selected for the award;
- Is about to be employed by the firm selected for the award; or
- Has a member of the immediate family who is about to be employed by the firm selected for award.

To ensure objective contractor performance and eliminate unfair competitive advantage, a person that develops or drafts specifications, requirements, statements or work, invitations for bids, requests for proposals, contract terms and conditions or other documents for use by the child nutrition program in conducting procurement shall be excluded from competing for such procurements. Such persons are ineligible for contract awards resulting from such procurements regardless of the procurement method used.

The Lyman School District 42-1 employees, officers or agents shall neither solicit nor accept gratuities, favors or anything of material monetary value from contractors, potential contractors, or parties to sub-agreements.

The purchase during the school day of any food or service from a contractor for individual use is prohibited.

The removal of any food, supplies, equipment or school property, such as official records, recipe books and the like is prohibited.

Failure of any employee to abide by the above stated code could result in a fine, or suspension, or both, or dismissal. Interpretation of the code will be given at any time by contacting the Superintendent at 605-895-2579. The Lyman School District 42-1 will not be responsible for any other explanation or interpretation which anyone presumes to make on behalf of the Board of Education.

H. Resolution of Controversies

1. Any actual or proposed supplier who is aggrieved in connection with a proposed purchase may protest to the Superintendent.
2. The protest shall be in writing.
3. The protest shall be delivered within 10 days of the action which is being aggrieved.
4. A hearing will be scheduled within 15 days of receipt of the protest.
5. The proposed purchase will be delayed until the protest is resolved unless the delay will result in disruption of meal service to children. In the event it is determined that the purchase is necessary, an emergency shall be declared by the Superintendent and emergency purchase procedures will be followed until protest resolution.
6. The decision of the Superintendent will be in writing and shall be delivered to the aggrieved supplier with proof of delivery required.
7. The aggrieved supplier shall be notified that an appeal of the Superintendent's decision is possible. The appeal request shall be written and addressed to the Board of Education.

I. Public access to procurement information

1. Procurement information shall be a public record to the extent provided in the State open records law.
2. All bids/offers shall be taken under advisement. Between the time an IFB/RFP is opened and awarded it may be viewed by any company or individual who entered a response to the proposed intent to purchase.
3. After acceptance, procurement information is available to the general public except as noted below:
 - Any supplier providing information as a part of a proposal or offer shall stamp each page which they consider proprietary information "Not for Public Release".
 - Should the school district receive a request to release this marked information, the supplier shall be notified within 24 hours and given 10 working days to obtain a court order to stop release.
 - In 10 working days, the party requesting the information shall be provided a copy of the court order or instructions on when to review the information.

For further questions, contact:

Food Service Director

605-895-2579 / 605-895-2662