

Canyons School District Additional Requirements for Nutritional Services Procurements

Federal Code Title 2 Part 200 - Grants and Agreements

2 CFR Part 200.318-326 General Procurement Requirements

- 200.318 – Includes written code of conduct, procurement procedures, conflict of interest, etc.
- 200-319 – Conduct procurements full & open competition, identify all requirement/specifications and evaluation requirements, type of contract do not restrict competition, cannot restrict to “brand name” must allow an equal
- 200-320 – Methods of procurements, micro, small, sealed bids, competitive proposals/RFP’s, public advertise, award,
- 200.321 – Contracting with small, minority women owned business enterprises and labor surplus areas
- 200.322 - Procurement of recovered materials – Solid Waste Disposal Act and Resource Conservation and Recovery Act
- 200.323 – Contract Cost and Price – cost or price analysis required for every procurement exceeding the Simplified Acquisition Threshold (\$250,000) including contract mods “state why you did a formal bid/RFP
- 200.324 – Federal awarding agency or pass-through entity review – all documents must be made available for review
- 200.325 – Bonding requirements – for construction
- 200-326 – Contracts must contain applicable provisions in **Appendix II to Part 200**

Appendix II to Part 200

- Contracts over the Federal simplified acquisition threshold \$250,000 – contractual terms must address, administrative, contractual or legal remedies in cases of contract breach and provide for sanctions and penalties
- All contracts over the Federal micro-purchase \$10,000 – must include a clause for termination for cause and for convenience and basis for settlement
- Equal Employment Opportunity Clause
- Davis-Bacon Act (construction contracts in excess of \$2000)
- Contract Work Hours and Safety Standards Act (contracts in excess of \$100,000) that involve employment of mechanics or laborers
- Rights to Inventions – If applicable
- Clean Air Act and Federal Water Pollution Control Act, for contracts in excess of \$150,000
- Debarment and Suspension – Contracts that exceed \$100,000.
- Byrd Anti-Lobbying Amendment – Contracts that exceed \$100,000. Must file required certification

Federal Code Title 7 Agriculture Part 210 – National School Lunch Program

7 CFR Part 210, 220 & 250 – Agricultural Provisions Buy American

- 210 19-21 Additional responsibilities, state reviews, reporting and recordkeeping, contract responsibilities, procedures, Buy American, etc.
- 210.21(d) and 7 CFR Part 220.16(d)”. Buy American Provisions

- 250.17 buy American to the maximum extent practicable
- Buy American Waiver
- 250.30 USDA Commodity processing requirements
- 250.31- State Value Pass Through Method used, price, value of donated food, location for delivery of end products and comply with 2 CFR 200
 - Fee For Service (FFS)
 - Net of Invoice (NOI)
- Commodity Processors must have passed a 3rd party audit, have a National Processing Agreement for multi-State processors, State Participation Agreement, In-State Processing Agreement, Recipient Agency Agreement, Acceptability of End Products, Prohibit against Subcontracting, Agreement between processors and distributor, duration of agreement, etc.
- The location for the delivery of the end products
- Supplier must submit current Summary End Product Data Schedule (SEPDS)

Additional Items

- All ingredients in food items and included in bid must have zero trans fat
- You must also state that you foster a positive environment to support minority, women-owned and labor surplus areas (small business initiative)
- Contract changes (including adding or discontinuing items) must not exceed __% of the total contract value
- Supplier must have a Food Recall Provision which must include contact information as well as a backup and their contact information
- Check SAMS is a Federal requirement for all federal funds to verify the supplier is not debarred, file certification
- Price needs to be the primary factor as the basis for the award
- Executive order – requirement to follow the State Energy Policy and Conservation Act (PL 94-165)
- Signed certification regarding lobbying
- Any purchase discounts or rebates need to be deposited back into the SFA account
- Contract Administration/Management – Beginning to end.