

## **Procurement Plan and Code of Conduct (Template)**

### **Bid Requirements**

The \_\_\_\_\_ recognizes the importance of:

- maximizing the use of resources;
- the need for sound business practices in spending public money;
- the requirement of complying with state and federal laws governing purchasing;
- the importance of standardized purchasing regulations; and
- the need for clear documentation.

### **1. Procurement Using Federal Funds**

#### **A. Goods and Services**

When federal funds are used for the procurement of **goods** (furniture, supplies, equipment), or **services**:

- Informal Procurement - Micro Purchases of \$\_\_\_\_\_ or less do not require quotes. However, the \_\_\_\_\_ must consider price to be reasonable, and, to the extent practical, distribute purchases equitably among suppliers. Documentation will be maintained on how price is considered reasonable. [2 CFR 200.320(a)(1)]
- Informal Procurement – Simplified Acquisitions between \$\_\_\_\_\_ and \$\_\_\_\_\_ must be procured using price or rate quotations from three or more qualified sources. [2 CFR 200.320(a)(2)]
- Formal Procurement – Formal Purchases of \$\_\_\_\_\_ or more must be publicly solicited using sealed bids or requests for proposals. [2 CFR 200.320(b)]
  - Steps will be taken to ensure that minority businesses, women's business enterprises and labor surplus firms are used when possible. [2 CFR 200.321]
  - Geographic preference may be used.
  - Perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. This includes making independent estimates before receiving bids or proposals. [2 CFR 200.324(a)]

#### **B. Noncompetitive Procurement**

**Noncompetitive** procurement may only be used when one of the following five circumstances applies [2 CFR 200.320(c)]:

- The item is only available from a single source (aka Sole Source);

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- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- The awarding agency (e.g., OSPI) authorizes a noncompetitive proposal in response to a written request from \_\_\_\_\_; or
- After solicitation of a number of sources, competition is determined inadequate.
- Acquiring property or services that do not exceed the micro purchase threshold.

The sponsor must maintain documentation supporting the applicable circumstance for noncompetitive proposals.

### **D. Suspension and Debarment**

Before entering into federally funded vendor contracts for goods and services that equal or exceed \$25,000 and any subcontract award, the sponsor will ensure the vendor is not suspended or debarred from participating in federal assistance programs. [2 CFR 200.214]

### **E. Code of Conduct/Conflict of Interest**

No employee, officer or agent may participate in the selection, award or administration of a contract supported by federal funds if he or she has a real or apparent conflict of interest. Such a conflict would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No employee, officer or agent of the sponsor may solicit or accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts. Violation of these standards may result in disciplinary action including, but not limited to, suspension, dismissal, or removal. [2 CFR 200.318(c)(1)]

## **2. Procedures – Formal Sealed Bids**

\_\_\_\_\_ will establish bidding and contract awarding procedures consistent with state and federal law.

The following procedures will be in effect for purchasing through the bidding process:

- Formal bids will be opened and read in public on the date and in the place named in the notice and after being opened shall be filed for public inspection, and any interested member of the public may attend the bid opening. It will be the bidder's sole responsibility to see that his/her bid is delivered to the sponsor prior to the time set for opening of bids. Any bid received after the time set for opening the bids will be returned

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to the bidder unopened and will receive no consideration by the sponsor;

- Formal bid tabulations may be presented to the sponsor for study purposes;
- Formal bid awards will be made by the sponsor.
- Brand names and manufacturers' catalog numbers used in specifications are for the purpose of identification and to establish a standard of quality. Bids on equal items may be considered providing the bidder specifies brand and model and furnishes descriptive literature. The acceptance of alternative "equal" items will be conditioned on the sponsor's inspection and testing after receipt. If not found to be equal, the items will be returned at the seller's expense and the contract canceled.
- The sponsor will reserve the right to reject any or all bids, waive any formalities and/or irregularities and cancel the solicitation, if a reason exists.
- Contracts will be awarded to the responsive and responsible vendors who possess the ability to perform successfully under the terms and conditions of the proposed procurement.

### **3. Procedures – Formal Request for Proposals**

The following procedures will be in effect for purchasing through the proposal process:

- Requests for proposals will be evaluated based on price and other factors considered. Evaluation factors will be included in the solicitation, with price being the primary factor.
- Proposal tabulations may be presented to the sponsor for study purposes;
- Formal proposal awards will be made by the sponsor.
- Brand names and manufacturers' catalog numbers used in specifications are for the purpose of identification and to establish a standard of quality. Proposals on equal items may be considered providing the proposer specifies brand and model and furnishes descriptive literature. The acceptance of alternative "equal" items will be conditioned on the sponsor's inspection and testing after receipt. If not found to be equal, the items will be returned at the seller's expense and the contract canceled.
- The sponsor will reserve the right to reject any or all proposals, waive any formalities and/or irregularities and cancel the solicitation, if a reason exists.
- Contracts will be awarded to the responsive and responsible vendors who possess the ability to perform successfully under the terms and conditions of the proposed procurement.

### **4. For SFA's only:**

When procuring food for all child nutrition-related programs, the district will follow these additional guidelines.

- 1) Purchases of food should include, to the maximum extent possible, items that meet the requirements of being domestically grown or substantially produced in the United

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States. Substantially produced means over 51% of the processed food comes from products produced in the United States.

- 2) The district may include language providing for a preference for unprocessed food purchased for child nutrition program to be grown locally.
  - a. "Locally" shall include "Washington grown" in accordance with RCW 15.64.060.
  - b. "Unprocessed" means the food that is delivered to the district retains its inherent character, as defined in 7 CFR 210.22(g)(2), 7 CFR 215.14a(e), 7 CFR 220.16(f)(2), 7 CFR 225.17(e)(2), and 7 CFR 226.22(n)(2), as applicable to the appropriate program.
  - c. Such language preference may include a provision to award contracts to companies that are not the lowest responsive, responsible bidder in an effort to meet these provisions.

Legal References: [2 CFR 200.318](#) and [7 CFR 210.21](#)

Adoption Date: \_\_\_\_\_

Revised Dates: