

OSPI Child Nutrition Services Checklist and Instructions Building an Organization Procurement Plan and Code of Conduct

Requirement

All organizations that receive Federal reimbursement for the Child Nutrition Programs are required to have a procurement plan and code of conduct and follow [2 CFR 200 Uniform Grant Guidance](#) when purchasing food and supplies with federal funds.

Instructions

Many organizations have a procurement plan and code of conduct (sometimes called Conflict of Interest). These materials can satisfy the requirements for Child Nutrition Programs as long as the federal guidelines are incorporated into the plan and code.

Whether building a plan or code from scratch or using an existing organization policy, use this checklist to make sure you have covered all requirements for your Child Nutrition Programs.

Before beginning/reviewing your procurement plan and code of conduct, address the following. Use position titles vs. actual staff names.

- a. Who will write the Procurement Plan and Code of Conduct?
- b. Who will review the plan and code annually?
- c. Who is authorized to conduct procurement(s) and purchase goods and services?
- d. Who will ensure that all procurements are conducted in compliance with applicable Federal regulations, State statutes or Sponsor policies?
- e. Who is responsible for documenting and keeping records of all procurement activities?
- f. Who will write product specifications, evaluate the quotes submitted and select the successful supplier or vendor?
- g. Who is authorized to select acceptable alternatives if a desired product is unavailable?
- h. Who is authorized to receive and sign for deliveries?



1. Procurement Using Federal Funds

A. Goods and Services (food, supplies, equipment, furniture):

What are the organizations purchasing thresholds for each type of procurement?

Type of Procurement	Threshold	Goods that will be purchased using these methods
Informal-Micro Purchases	\$	
Informal-Simplified Acquisitions	\$	
Formal Purchases	\$	

- Sponsors must apply the most restrictive applicable threshold when federal, state, or local procurement limits differ.
- Informal procurement methods still require documentation sufficient to support the purchase.

For informal and formal purchases, how are prices obtained?

Examples:

- Simplified acquisitions - quotes via phone, internet, email or US Mail
- Formal Purchases - bids will be advertised and received/newspaper, sealed bid, request for proposal, etc.

B. Non-Competitive Procurement

- a. Who will decide when sole source, non-competitive procurement is acceptable?
- b. Who will implement emergency procurement procedures (if necessary)?
 - Emergency procurements must be limited in duration and scope to address the immediate need only.

C. Suspension and Debarment

Review suspension and debarment requirements. ([Electronic Code of Federal Regulations \(eCFR\) 2 CFR 200.214](#))

- Who will check the vendors suspension and debarment status and maintain files?

D. Code of Conduct/Conflict of Interest

- ☐ Covers a definition of a conflict of interest governing employees engaged in procurement (financial interest or tangible personal benefit from a firm considered for a contract).
- ☐ State that no employee may engage in the procurement process if there is a real or apparent conflict of interest.



- ☐ State that no employee may solicit or accept gratuities, gifts, favors or anything of monetary value from contractors.
- ☐ May set standards for accepting an unsolicited item of nominal value.
- ☐ Provide for disciplinary actions in the event the code is violated.
- ☐ State the maximum dollar value of any monetary gift allowed other than from contractors.

- a. Who will define the maximum dollar value for unsolicited items of nominal value which may be accepted from a vendor/supplier?
- b. What disciplinary actions will be invoked if the Code of Conduct is violated?

2. Procedures – Formal Sealed Bids

Fill in blanks in procurement plan template.

3. Procedures – Formal Request for Proposals

Fill in blanks in procurement plan template.

Procurement Procedures (Written)

The sponsor can incorporate any internal procedures for their purchasing.

- Reflect Federal, State and Local regulations
- Avoid acquisition of unnecessary or duplicative items
- Encouraged to include intergovernmental or inter-entity agreement language
- Encouraged to use excess and surplus property in lieu of purchasing new
- Award contracts only to responsive, responsible suppliers
- Maintain records to sufficiently detail the history of the procurement
- Include the Buy American Provision language

Definitions:

Simplified Acquisition Threshold - means the dollar amount below which a non-Federal entity may purchase property or services using simplified acquisition procedures. The federal threshold for organizations (non-public entities) is \$350,000. In Washington state, the threshold is \$75,000 for public schools, charter schools, tribal compact schools.

Debarment - is the state of being excluded from enjoying certain possessions, rights, privileges, or practices and the act of prevention by legal means. For example, companies can



be **debarred** from contracts due to allegations of fraud, mismanagement, and similar improprieties.

Suspension - the act of stopping something happening, operating, etc. for a period of time.

Note: This document is for instructional purposes only and is not intended to provide all the federal, state or local regulations to be in compliance with federal procurement rules. Use as a guideline to develop or incorporate into an existing procurement plan.

For more information on Procurement, go to the OSPI/CNS website:

<https://ospi.k12.wa.us/policy-funding/child-nutrition/procurement>

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