



# Procurement Policy & Code of Conduct Statement

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**ARCHIMEDEAN SCHOOLS**

Revision: 121124



## Procurement Policy Statement for: Archimedean Academy Inc.#398

### Introduction

The following Procurement Policy Statement shall govern all purchasing activities that relate to any aspect of the National School Lunch and Breakfast Programs. This statement is meant to provide guidance to our personnel and vendors on acceptable and required procurement practices. Our goal is to fully implement all required and recommended procurement rules, regulations, and policies set forth in 7 CFR 210, 2 CFR 200, and by the Florida Department of Agriculture and Consumer Services.

### Procurement Policy

This organization incorporates the following elements into the Procurement Policy Statement, as required by 7 CFR 210 and 2 CFR 200.

- A. Buy American:** We shall adhere to 7 CFR 210.21(d) to ensure compliance with the Buy American provision. In the event a non-domestic agricultural product is to be provided, the vendor must obtain, in advance, written approval of the product to be used.
- B. Competition:** We shall demonstrate our goods and services are procured in an openly competitive manner.
- C. Comparability:** We recognize for true competition to take place we must maintain reasonable product specifications to adequately describe the products to be purchased and the volume of planned purchases based upon pre-planned menu cycles.
- D. Unnecessary and Duplicative Items:** We shall avoid acquisition of unnecessary or duplicative items. Consideration will be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
- E. Documentation:** We shall maintain for the current year and the preceding five years all menus, production records, invitations to bid, bid results, bid tabulations or any other significant materials that will serve to document our policies and procedures.
- F. Code of Conduct:** This program shall be governed by the attached Code of Conduct and it shall apply to all personnel, employees, directors, agents, officers, volunteers, or any person(s) acting in any capacity concerning the food service procurement program.
- G. Procurement Review Process:** This procurement plan shall receive an internal program review on an annual basis by a staff person who is not associated with food service procurement process. This review shall be summarized in written form and kept with the other required program documentation.
- H. Contract Administration:** Purchases shall be checked or verified by designated staff to assure that all goods and services are received, and prices verified. All invoices and receipts shall be signed, dated, and maintained in the documentation file.
- I. Duties of Food Service Director:**
  - 1. To work with staff and clients in developing acceptable menus for breakfast and lunch.
  - 2. To compile market orders or requisitions for purchases which accurately reflect the total quantities of required foods to be ordered per (day, week or month).
  - 3. To place and confirm orders with vendors or make plans to purchase the required items.



4. To keep program menus up to date by testing and using new products and seeking feedback from staff and clients.
5. To send out bid quotation forms to vendors who have expressed an interest in doing business with the sponsor.
6. To make procurement awards based on the lowest and best vendor's response as determined by quality, availability, service, and price.
7. To work with vendors on a fair and equal basis.
8. To develop a list of acceptable brands (multiple brands per bid item when possible).
9. To conduct an in-house procurement review once per year to ensure program compliance and to seek guidance or technical assistance when necessary.

**J. Small, Minority, Women owned Business and Labor Surplus:** We shall take steps to assure that minority businesses, women's business enterprises and labor surplus area firms are used when possible as required in 2 CFR 200.321.

## Purchasing Procedures

The purchasing procedure to be followed will be determined by the anticipated total annual expenditure on items related to the food service program:

- When the annual total for food service program related items is less than \$50,000 (per procurement event or in aggregate purchases) this organization will follow the informal Small Purchase Procedure.
- When the annual total for food service program related items is greater than \$50,000 (per procurement event or in aggregate purchases) this organization will follow the Formal Competitive Solicitation procedures.

Procurement procedures apply to the purchasing of vended meals, equipment, food, groceries, and services (e.g., pest control).

### Micro Purchases

When the annual total for food service program related items is less than \$10,000 (per procurement event or in aggregate purchases) this organization will take the necessary steps to ensure the following:

- A single transaction purchase was under \$10,000;
- Aggregate cost of same purchases is under \$10,000;
- Same or similar purchases are spread equitably among all qualified sources; and
- The purchase price is reasonable, and the purchase is allowable.

### Small Purchase Procedures

For purchases made below the small purchase threshold, a Small Purchase Procedure will be used to purchase necessary goods and services. When Small Purchase Procedures are used, this organization will take the following steps:

1. Contact a minimum of three potential vendors;
2. Document each vendor's quoted price;
3. Select the vendor that provides the lowest, most responsive, and responsible bid;
4. Inform all bidding vendors, in writing, of the selection made; then
5. Write a contract for meal service between the sponsor and the winning vendor.



## Formal Competitive Solicitation Procedures

For purchases made above the small purchase threshold, a Formal Competitive Solicitation will be conducted. When Formal Competitive Solicitation procedures are used, this organization will take the following steps:

1. Prepare an Invitation to Bid (ITB) or Request for Proposal (RFP) document specifically addressing the items to be procured;
2. Publicly announce and advertise the ITB or RFP at least 14 calendar days prior to bid opening;
  - a. Announcements will include the date, time, and location in which bids will be opened.
3. Determine the most responsive and responsible response by using the selection criteria set forth in the ITB or RFP document;
  - a. Responsive bidders will be those whose response conforms to all the terms, conditions, and requirements of the ITB or RFP.
4. Award the contract;
  - a. Sponsors should award the contract to the most responsive and responsible bidder based on the criteria set forth in the ITB or RFP.
  - b. The sponsor should award the contract at least two weeks before program operations begin.
  - c. If a protest is received, it must be handled in accordance with Chapter 120.57(3), Florida Statutes.
5. Retain all records pertaining to the formal competitive bid process for a period of five years plus the current year.
6. For ITB or RFP the template of FDACS to ensure inclusion of All federal-state required language will be used to avoid errors in the procedure.
7. The Food Service Director shall be responsible to follow the ITB and RFP proper solicitation procedures as per FDACS requirements.
8. The Food Service Director shall make sure all procurement / solicitation for RFP/ITB documentation will be kept in order and available to inspection for the required number of years.

## Nondiscrimination Statement

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online [HERE](#), from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

mail: U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW

Washington, D.C. 20250-9410;

fax: (202) 690-7442, or (833) 256-1665

email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

This institution is an equal opportunity provider.



## Procurement Policy Statement for Sponsors of National School Lunch and Breakfast Programs

### CODE OF CONDUCT

This written Code of Conduct shall govern the performance and actions of [Enter Sponsor Name] (Sponsor) officers, School Board members, employees, directors, volunteers or agents who are engaged in any aspect of procurement, contracts, grants or the administration and supervision of contracts supported entirely or in part by federal entitlement funds disbursed by USDA. These regulations are found in 7 CFR 210.21 and 2 CFR 200.112.

1. No employee, officer, director, volunteer or agent of the Sponsor shall participate in the selection, award or administration of a bid or contract supported by NSLP funds if a conflict of interest is real or apparent to a reasonable person.
2. Conflicts of interest may arise when any employee, officer, director, volunteer or an agent of the Sponsor has a financial, family, or any other beneficial interest in the vendor firm selected or considered for an award.
3. No employee, officer, director, volunteer or agent of the Sponsor shall do business with; award contract to; or show favoritism toward a member of (his or her) immediate family, spouse's family or to any company, vendor or concern who either employs or has relationship to a family member; or award a contract or bid which violates the spirit or intent of federal, state and local procurement laws and policies established to maximize free and open competition among qualified vendors.
4. The Sponsor's employees, officers, directors, volunteers or agents shall neither solicit nor accept gratuities, gifts, consulting fees, trips, favors or anything having a monetary value in excess of ten dollars (\$10.00) from a potential vendor or bidder, or from any party to a sub-agreement or ancillary contract. (Examples of an acceptable gift would be; food product samples [may exceed \$10.00 value] when used to benefit the Sponsor and students; or a personal gift or meal valued at less than \$10.00 which is not intended to influence a procurement award or decision.
5. As permitted by law, rule, policy or regulation, the Sponsor shall pursue appropriate legal, administrative or disciplinary action against an employee, officer, director, volunteer, vendor or vendor's agent who is alleged to have committed, has been convicted of or pled no contest to a procurement related infraction. If said person has been convicted, disciplined or pled no contest to a procurement violation, said person shall be removed from any further responsibility or involvement with grants management, procurement actions or bids, consistent with school board, state or federal policy.

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