

## Table of Contents

<b>4.1 Purchase of Meals through Vendor Agreements.....</b>	<b>2</b>
Agency’s Responsibility: .....	2
The Vendor’s Responsibility:.....	4
Agency’s Program Review by DPI: .....	4
DPI’s Prototype CACFP Vendor Agreement to Provide Meals/Snacks: .....	4
Documentation of Procurement for Vended meals: .....	5
<b>4.2 Written Procurement Procedures.....</b>	<b>6</b>
Written Standards of Conduct Requirements .....	6
Selecting Suppliers/Vendors .....	7
Procurement Records.....	7
Conflict Resolution .....	7
<b>4.3 Procurement Aggregates and Aggregate Dollar Value.....</b>	<b>7</b>
Aggregate Dollar Thresholds.....	7
Purchases of Fresh produce, Meat, and Frozen Goods .....	8
<b>4.4 Methods of Procurement.....</b>	<b>8</b>
Simplified Acquisition Threshold – Procurement for < \$250,000 per Aggregate.....	8
Formal Acquisition Threshold – Procurement for ≥ \$250,000 per Aggregate .....	9
<b>4.5 Purchasing Local Foods .....</b>	<b>12</b>

**Community Nutrition Programs  
Child and Adult Care Food Program (CACFP)  
[Guidance Memorandums Web Link](#)**

Procurement: CACFP Vendor Agreement, procurement procedures, standards of conduct, required procurement methods

**Applies To: All Participating Agencies**

Both Independent Agencies (1 site) and Sponsoring Organizations (more than 1 site)

Agencies must adhere to State, local, and tribal laws and regulations that conform to Federal law for procurement standards specified 2 CFR 200.318 in order to achieve full and open competition. These required procurement standards apply to the purchasing of meals from vendors or food service management companies, food, supplies, administrative services (i.e. data processing services, technical services etc.), employment, and consultants (i.e. technical, managerial etc.) used in the agency's CACFP operation. Agencies must make all possible efforts to use minority or women's business enterprises when procuring goods and services.

**Refer to section B titled *Written Procurement Procedures* within this guidance memorandum for the more information on the requirement that all agencies must maintain and follow its own written procurement procedures.**

### **4.1 Purchase of Meals through Vendor Agreements**

In accordance with CACFP regulations, agencies may choose to purchase meals from vendors such as public or private schools, other agencies participating in the CACFP, restaurants, nursing homes, hospitals, or food service management companies. The USDA procurement requirements, as specified in this guidance memorandum, must be followed to ensure:

- Open and free competition in the purchase of products and/or services; and
- That the agency receives the best product or service at the lowest price.

#### **Agency's Responsibility:**

The agency purchasing the meals holds the responsibility of making sure that the USDA procurement requirements are followed during the contract process, that the meals provided by the contracted vendor meet the CACFP regulations for the meal pattern requirements, that the CACFP recordkeeping requirements are properly followed, and that local health and sanitation requirements are met.

→ **The agency is obligated to pay for the number of meals ordered, unless otherwise negotiated with the vendor; any adjustments to the number of meals ordered must be communicated to the vendor within the agreed to timeframe, as specified in the vendor agreement.**

#### **Monitoring of the Vendor:**

Agency staff must monitor the vendor for compliance with the vendor agreement provisions.

Monitoring the vendor requires an understanding of the CACFP Meal Pattern requirements, the related recordkeeping requirements, and local health and sanitation requirements.

In order to effectively monitor the vendor for compliance and to assure that the vendor is providing meals according to the agreed to menus and quantities, agency staff must routinely review the following records for the purchased meals:

- a. The Vendor’s Menus:** The agency must review the vendor’s menus prior to their meal production for assuring that the meal pattern requirements are going to be met by each meal and that the food items are appropriate for the enrolled participants.
- b. Combination Foods:**  
Combination foods are those that either have more than one food component within the prepared item or contain fillers, extenders, or non-creditable ingredients. They can either be purchased as commercially prepared items or be prepared in-house. The vendor must provide documentation to the agency which lists the meal contribution amount toward each required component that a specific serving size of the combination food item provides, in relation to the specified meal pattern serving size requirements.
- i. Commercially Prepared Combination Food Items (i.e. corndogs, ravioli, chicken nuggets):** If the vendor is going to purchase and prepare any of these types of foods for the provided meals, **the agency must be diligent for:**
- Assuring the vendor understands that these types of items must either be purchased as Child Nutrition (CN) labeled items and/or that the vendor has obtained the manufacturers’ product formulation statements for them in order for these items to be credited toward the meal pattern; and
  - Obtaining copies of the CN labels and/or manufacturers’ product formulation statements for these food items prior to them being prepared for the meals and delivered for meal service.
- ii. In-House Prepared Combination Food Items (i.e. tater tot casserole, chicken noodle soup, spaghetti and meatballs):** If the vendor is going to prepare combination food dishes within its kitchen, the vendor must use recipes that can assure that a specific serving size of the dish provides a defined meal contribution amount towards the food components; typically these recipes are “standardized” recipes.
- The agency must obtain copies of these standardized recipes from the vendor.
- The agency must review the CN labels and/or manufacturers’ product formulation statements and/or standardized recipes to ensure that the proper serving sizes of these combination food items are going to be provided by the vendor and that the portions required for meeting the minimum meal pattern serving size requirements are appropriate for the ages of the participants being served.
- c. The Vendor’s Production Records and/or Daily Delivery Records:** When meals are delivered by the vendor or picked up by the agency, the vendor must provide a copy of some type of daily delivery record (or production record type document) to the agency staff person receiving the meals listing all of the following information:
- The number of meals being delivered;
  - What food items are being delivered;
  - The actual portion size of each food item that agency staff serving the meals can easily understand for making sure enough is offered to the participants for serving at least the minimum serving size required for each food (i.e. what size scoop or number of pieces that must be served); and
  - The total quantities of each food item being delivered

*DPI recommends, but does not require, that the vendor provide a record of the total quantities of each food item being delivered; the vendor's documentation of the total quantities delivered is optional, unless the agency requests the vendor to provide this documentation.*

**Best Practices – Daily Delivery Records:**

- i. **Delivery Record – Signatures by both Parties:** Both the vendor staff person delivering or releasing the food items to the agency and the agency staff person receiving or picking up the food items from the vendor should sign the delivery record.
- ii. **Recording of Internal Temperatures:** the internal temperatures of the foods being transported should be recorded upon departure by the vendor and then again upon delivery or arrival by the agency's staff. This is an advised best practice for assuring that the proper internal temperatures are maintained and can be referenced in the chance that someone experiences a food-borne illness.

**The Vendor's Responsibility:**

The vendor providing the meals is responsible for the meeting following requirements, as stipulated within the signed *CACFP Vendor Agreement to Provide Meals/Snacks*:

- a. Providing meals that meet the CACFP meal pattern(s);
- b. Preparing, storing, and delivering the meals in a safe and sanitary manner; and
- c. Providing copies of the required documentation, as specified in A1a-c above within this guidance memorandum

→ **If the vendor fails to adhere to the agreed upon provisions stated within the signed vendor agreement, the agency reserves the right to not pay for these meals.**

**Record Retention:** The agency must retain copies of the menus, CN label documentation (if applicable), standardized recipes (if applicable) and production records and/or delivery records received from the vendor for all purchased meals in accordance with the CACFP record retention rule.

**Agency's Program Review by DPI:**

During a program review by DPI consultants, agencies receiving purchased meals from vendors must be prepared to show how they monitor the delivered meals to ensure they are receiving all meal components and their required quantities. Menus, production records and/or delivery records, and/or CN documentation and standardized recipes must be readily available to the DPI consultant for review as verification of the agency's monitoring efforts of the vendor.

**DPI's Prototype CACFP Vendor Agreement to Provide Meals/Snacks:**

[CACFP Vendor Agreement to Provide Meals/Snacks \(PDF Version\)](#)

DPI's prototype document, *CACFP Vendor Agreement to Provide Meals/Snacks*, as a whole consists of two (2) parts, as specified in "a" and "b" below. This document in its entirety should be given to prospective vendors and then reviewed with the vendor awarded the contract prior to the signing and execution of the agreement.

**a. CACFP Vendor Agreement to Provide Meal/Snacks – Prototype Form:**

In most cases, agencies should use this prototype agreement for executing the vendor agreement for purchasing and providing meals. The prototype specifies the CACFP requirements that each party is responsible for, documents the agreed to price per meal, and details the service involved in providing the meals. This agreement must be completed and signed by both the vendor and the facility's authorized representative and must specify the effective period of the agreement with a beginning and end date.

**Vendor Agreements with Schools and Food Service Management Companies:**

If an agency and its vendor or food service management company are adding the provision of CACFP meals and snacks to their already existing National School Lunch Program and/or School Breakfast Program agreement, a contract amendment must be added to the existing agreement between the two parties detailing the provisions for meeting the CACFP requirements for those meals that will be purchased by the agency.

→ **Critical Point:** CACFP regulations prohibit agencies from contracting out administrative responsibilities or allowing the vendor or food service management company in any way hold these administrative responsibilities, including the completion of the CACFP contract with DPI, completing and submitting the monthly reimbursement claim, monitoring sites for CACFP compliance, and for CACFP financial management requirements; **the agency is ultimately held liable for these responsibilities.**

**b. Attachment A – the CACFP Meal Pattern Requirements:**

This document shows the current CACFP meal pattern requirements for children/youths ages 1 through 12+ years and infants and adult participants within the adult care component. It must be part of the signed vendor agreement.

**Documentation of Procurement for Vended meals:**

When the total projected cost of meals and snacks for a year is under \$250,000 in aggregate value, the prospective vendor service and price information can be informally obtained and documented in accordance with USDA requirements for the *Small Purchase* method of procurement, as specified in section D1 of this guidance memorandum.

**Agencies are not required to obtain competitive price quotations from vendors when:**

- Meals are purchased from a public or private nonprofit school; and
- An existing vendor agreement is renewed or updated for an additional period of time.

Whether written or telephone contact is made for obtaining competitive price quotations from vendors, the agency must document all information and prices discussed and retain this documentation on file in accordance with the USDA record retention rule.

**a. Attachment B – Record of Potential Vendors Contacted (<\$250,000):**

Agencies may use this record form to document the potential vendors contacted for attempting to obtain bids, including each vendor's service specifications (menus, delivery arrangements, packaging, time period, number of meals, etc.) and bid prices per meal.

**[Attachment B – Record of Potential Vendors Contacted \(Under \\$250,000\)](#)**

**b. Required Submission to DPI:** A copy of the record showing the potential vendors contacted as well as each of their service specifications and price quotations per meal must be uploaded along with the completed, signed vendor agreement as part of the online CACFP contract whenever a new vendor contract is executed.

→ **Agencies must also upload their updated vendor agreements within their online CACFP contract when an existing agreement is renewed, extended for an additional period of time and/or modified with price and service changes.**

**If the total projected cost of the meals/snacks for a year is \$250,000 or more in aggregate value,** refer to sections D2 and D3 within this guidance memorandum for the USDA requirements in following the *Competitive Sealed Bids* or *Competitive Proposal* methods of procurement.

## **4.2 Written Procurement Procedures**

All agencies must maintain and follow its own written procurement procedures that reflect applicable State, local, and tribal laws and regulations that conform to Federal law and standards. These procedures must include the following:

### **Written Standards of Conduct Requirements**

State agencies (the Department of Public Instruction (DPI)) and agencies participating in the CACFP must maintain written standards of conduct governing conflicts of interest and CACFP procurement activities in accordance with Federal regulations.

**a. Agencies:**

The agency's written standards of conduct must govern employees delegated with CACFP procurement responsibilities in the following manner:

- i. Prohibit these employees from soliciting gifts, travel packages, and other incentives from prospective contractors;
- ii. Prohibit these employees from participating in the selection, award, and administration of any contract with entities or individuals having financial interest that or who are in some way connected to them;
- iii. Include a set of standards that establish acceptable parameters for these employees to adhere to when their CACFP procurement activities may involve insubstantial financial interest on behalf of and/or unsolicited gifts of nominal value from a contractor; and
- iv. Establish disciplinary procedures when these standards of conduct are violated by these employees

**b. DPI:**

DPI must monitor agencies for compliance with Federal, State, and local regulations on procurement by reviewing the agency's written standards of conduct and investigating any reported (real or apparent) conflicts of interest by employees involved in the agency's CACFP procurement activities. If DPI determines that the agency's written standards of conduct are missing or are missing the required components (a.i - a.iv above), or standard violations have occurred, DPI must issue the appropriate finding(s) and require corrective action.

### Selecting Suppliers/Vendors

All agencies must purchase their goods and services or award contracts only to responsible suppliers possessing the ability to perform successfully under the terms and conditions of a proposed procurement or sell products that meet industry and government quality and safety standards. Consider the supplier's/vendor's integrity, compliance with public policy, and past performance. Purchases from and contracts awarded to suppliers/vendors that are debarred, suspended, or are not eligible for Federal assistance programs because of their lack in business integrity must be restricted.

### Procurement Records

Procurement records should be sufficiently maintained to detail the agency's procurement history, including why the agency has selected its specific suppliers/vendors, rejected others, and the basis for its price agreements.

### Conflict Resolution

Agencies are responsible for resolving any protests, disputes, or concerning issues connected with its procurement activity.

## 4.3 Procurement Aggregates and Aggregate Dollar Value

A procurement aggregate is the sum total of goods or services which can logically be purchased from one or more vendors during a specified period of time based on the agency's anticipated needs. Federal regulations have established procurement requirements for specific aggregate dollar thresholds.

### Aggregate Dollar Thresholds

Federal regulations have established two aggregate dollar thresholds.

#### a. **\$250,000 Threshold**

**When purchases of an aggregate of goods are less than \$250,000**, simplified acquisition procedures may be used, which are the *Micro-Purchase* method and the *Small Purchase* method.

**When purchases aggregate to more than \$250,000**, more formal acquisition procedures must be used, which are the Competitive Sealed bid method and *Competitive Proposal* method.

#### b. **\$10,000 Threshold**

**When purchase aggregates are less than \$10,000**, the *Micro-Purchase* procurement method may be used. The *Small Purchase* method may still be used when purchase aggregates are less than \$10,000, **but must be used for all purchase aggregates between \$10,000 and \$250,000 in value.**

#### c. **How to Aggregate Goods**

- *An example of aggregating goods:*

An agency that is able to project from past usage that it will require \$30,000 worth of canned corn, \$56,500 worth of canned peas, and \$110,000 worth of canned beans during a year could aggregate these purchases into a single canned vegetable procurement. In addition to its need for \$196,500 worth of canned vegetables, if the agency also requires \$20,000 worth of canned juices and \$37,500 worth of canned fruits, then the agency should aggregate all its canned goods into one \$254,000 requirement.

- This example of aggregation would not restrict the agency to select one vendor to provide all canned goods. Instead, the agency could stipulate in its bid specifications that more than one vendor could be selected. **Aggregation would, however, require the agency to conduct one formal procurement instead of many informal procurements.**
- Small agencies with limited storage space can require a regular delivery schedule from vendors.
- **An unnecessary division of a procurement aggregate is a violation of the intent of Federal procurement regulation and may result in the disallowance of claims for reimbursement.**
  - An exception in this regulation exists for aggregate purchases that are divided for the purpose of encouraging the participation of small, minority, or other disadvantaged businesses.

### **Purchases of Fresh produce, Meat, and Frozen Goods**

Federal aggregate dollar thresholds typically do not apply to the purchase of fresh produce, meat, or frozen goods which, due to their perishability and/or rapid market fluctuations, are purchased more frequently. However, if purchases of perishable items made on a weekly, monthly, or bimonthly basis aggregate to more than the established thresholds for that period, the applicable procurement method requirements can apply.

### **4.4 Methods of Procurement**

Federal regulations allow four methods of procurement; **micro-purchasing procedures, small purchase procedures, competitive sealed bids, competitive proposals and noncompetitive proposals**. This section provides more detailed information on these four allowed methods of procurement and more specific guidance on when each method is appropriate.

Regardless of which method is utilized, agencies should avoid all provisions that might restrict competition or result in the agency paying higher prices because only one or a limited number of vendors can supply the needed product or service.

- “Negotiation” used in the following text is a generic term that refers to the mutual discussion and arrangement of the terms of a transaction or agreement for the purpose of arriving at a common understanding of contract essentials (e.g., technical requirements, schedule, prices, and terms). The applicability of negotiation to the various methods of procurement will be discussed below.

### **Simplified Acquisition Threshold – Procurement for < \$250,000 per Aggregate**

#### **a. Micro-purchase Method: < \$10,000**

Purchases of product and services may be made without obtaining price quotation from various suppliers when the aggregate cost is less than \$10,000 and the agency considers the costs to be reasonable.

To the extent practicable, purchases must be equitably distributed among qualified suppliers.

*For example, when the surrounding area has 3 comparable grocery stores, purchases should be rotated among these three grocery stores in order to “spread the wealth”*

#### **Aggregate Costs:**

Some examples of aggregate costs allowed under micro-purchasing:



- Similar or dissimilar products are purchased at the same time as a single, collective unit in one transaction, from one supplier.
  - When items normally purchased from a contracted vendor (*awarded through the Small Purchase or Competitive Seal Bid methods*) are not available, they are purchased equitably among qualified suppliers as long as the price is reasonable and the aggregate purchase amount for each transaction is less than \$10,000.
- **The micro-purchase method of purchasing should not be used when other methods (*Small Purchase, Competitive Sealed Bid, or Competitive Proposal*) will result in less cost.**

**b. Small Purchase Methods: >\$10,000 and <\$250,000**

Small purchase methods may be utilized when goods or services are under \$250,000 in aggregate value. Small purchase methods are not appropriate when a purchasing agency divides a unified contract requirement into smaller purchases in order to bring each individual purchase under \$250,000.

**i. Proper Protocol:**

The purchasing agency should contact at least three (3) known suppliers of the product or service and obtain competitive price quotations from them. Unlike sealed bidding, where bid prices must be considered firm and final, negotiation of prices and terms with one or more of the suppliers contacted is permitted. All suppliers must receive the same information about the purchasing agency's requirements.

**ii. Documentation of Procurement Method:**

Whether written or telephone contact is made for obtaining competitive price quotations, all information and prices discussed should be documented in the purchasing agency's files.

**When Competitive Price Quotations are Not Required:**

Agencies are not required to obtain competitive price quotations from vendors when:

- The micro-purchase method is appropriate;
- Meals are purchased from a public or private nonprofit school; and/or
- An existing contract is renewed or updated for an additional period of time.

**Formal Acquisition Threshold – Procurement for ≥ \$250,000 per Aggregate**

The contracting agency must analyze cost or price associated with each procurement action that will exceed the Simplified Acquisition Threshold of \$250,000 prior beginning the formal procurement process to assess which formal method will be most effective.

**a. Competitive Sealed Bids**

Procurement should be handled by competitive sealed bids when:

- The procurement value is expected to be \$250,000 or more;
- The product or service can be completely described in the agency's bid specifications; and
- The award of a contract can be made primarily on the basis of price alone. The steps to be taken in conducting a competitive sealed bid are described below.

**i. Preparation of Bid Specifications**

The Invitation for Bid (IFB) communicates uniform information regarding your agency's specific contracting requirement (the product or service to be procured) to all prospective bidders. All prospective bidders must be informed of any amendments or changes to the IFB.

→ **Please contact your assigned consultant to obtain DPI approval of your agency's IFB template prior to finalizing it for release.**

**ii. Product/Service Description:**

The product or service to be procured must be described as clearly and completely as possible in the IFB. However, procurement descriptions should not include information that could serve to restrict competition. Information that could restrict competition may include the specification of brand name products or the inclusion of nonessential product characteristics. Furthermore, unallowable cost provisions must be excluded.

**➤ IFB Submission Information:**

- The IFB must clearly state where and when bids must be submitted.

➤ **The IFB must, at a minimum, allow 21 days between the public advertisement of an IFB and the deadline for submission of bids.**

**iii. Publicizing the Procurement**

After the IFB has been prepared, it is then sent to suppliers of the product or service to be procured. Since it is difficult to send IFBs to all suppliers of certain products or services, it is acceptable to rotate through a list of suppliers on a predetermined basis and to include any new supplier who requests to be added to the bidder list.

**→ Formal Advertisement of the IFB:**

In addition to mailing IFBs, the contracting agency must formally advertise the proposed procurement to other potential vendors by publishing a legal notice in area newspapers and/or in newspapers of general circulation in the State. The costs of mailing IFBs and placing newspaper advertisements are allowable to be charged to the CACFP for agencies that have current agreements with the WDPI.

**A formal advertisement must include:**

- a) The name, address, and telephone number of the contracting agency;
- b) Information on how to obtain the IFB;
- c) A brief and general description of the contracting requirement;
- d) The deadline for receipt of bids; and
- e) The date, time, and place of the public bid opening.

**iv. Bid Opening and Contract Award**

Any bids received prior to the final deadline for bid submission must be kept unopened in a secure place. Bids received after the deadline should be returned unopened to the bidders.

**Bid Opening:** Bids must be opened at the time and place specified in the IFB. Bids must be opened publicly when the contracting agency is a local or tribal government entity.

**A contract award should not be announced until the contracting agency has had time to examine the lowest bid for responsiveness to the IFB and to ascertain that the lowest bidder is a responsible vendor.**

➤ **Responsive Bids:** For a bid to be considered "responsive", it should offer a product that does not substantively deviate from the requirements of the IFB.

- All terms of the IFB, including price, expected quantities, delivery schedule, and quality must be considered as minimum requirements for being responsive, and any attempt to modify these minimum requirements (i.e. for a bidder to offer twice a week delivery rather than the daily delivery required in the IFB) would make the bid nonresponsive. Furthermore, any attempt to make the bid price conditional or contingent upon other factors would make the bid nonresponsive unless contingent bids had been authorized within the IFB.
- **Responsible Vendors:** For a bidder to be considered “responsible, they must be willing and able to furnish the specified goods and services.
- **Contract Award:** In a competitive bid situation, the low bidder must be awarded the contract unless the bidder is found to be nonresponsive or not responsible. Such a finding must be well documented since a low bidder may bring suit if not awarded the contract. Contracts cannot be awarded based on any unallowable cost provisions included within the bid.
- If only one bid is received after competitive solicitation, approval must be obtained from the DPI prior to awarding the contract.

**b. Competitive Proposal**

Competitive proposals are appropriate when procurements are expected to be over \$250,000 but:

- Are of such a complex and technical nature (i.e. consulting, research and development, etc.) that they cannot be fully described in bid specifications; and
- The award of the contract must be based on evaluation factors other than price, **but price must be a primary evaluation factor.**

**Important Point:** Evaluation factors must be clearly described in the agency’s bid specifications; in the case of a competitive proposal, this is called a Request for Proposal (RFP).

- **Please contact your assigned consultant to obtain DPI approval of your agency’s RFB prior to finalizing it for release.**

**i. The Request for Proposal (RFP):**

In a competitive proposal, the contracting agency requests the respondent to detail how the objective can best be attained. Therefore, in addition to a cost proposal, a respondent to an RFP also submits a technical proposal that describes the methods the respondent will employ in carrying out the project described in the RFP. It also relates these methods back to their underlying costs, as described in the respondent’s cost proposal.

**ii. Contract Award:**

Unlike competitive sealed bidding, the contracting agency may negotiate price and methodology with respondents to the RFP after receiving their proposal. After negotiating with one or more of the respondents, the contracting agency would then award a contract. The contract cannot be awarded based on any unallowable cost provisions.

**iii. The Competitive Proposal Process:**

The steps in the process of actually conducting a competitive proposal are:

- a) The RFP is prepared which states the contracting agency’s requirements and objectives;
- b) The procurement is formally advertised and the RFPs are sent to known suppliers of the product or service. Two to six weeks after publication of the RFP (depending on the complexity of the procurement), a deadline for receipt of proposals is set; and

## Guidance Memorandum 4:

## CACFP Procurement Requirements - Purchasing and Vendor Agreements to Provide Meals/Snacks

- c) After two to six weeks of evaluation and negotiation, a contract is awarded to the vendor that proposes an overall cost and technical specifications which are most advantageous to the contracting agency, excluding any consideration of unallowable cost provisions.

### c. Noncompetitive Proposals

This method of procurement is appropriate only when:

- A public emergency for the procured goods or services will not permit a delay that would result from following the formal competitive bidding process;
- Only one source of the product or service exists;
- The Federal or State Agency authorizes the contracting agency to use noncompetitive procurements in response to its written request; or
- After solicitation, only one bid or proposal is received and/or competition is determined inadequate.

#### Funding Approval for Noncompetitive Procurements:

To obtain approval for using USDA funds for noncompetitive procurements, the contracting agency must submit documentation of its attempts to properly solicit competition. Such documentation would include:

- A copy of the public advertisement;
- A copy of the IFB or RFB;
- Copies of all letters received from prospective bidders or respondents, including letters indicating prospective bidders' lack of interest in competing for the contract; and
- Any other materials which would serve to justify the agency's use of noncompetitive procurement.

→ **All contracts over \$250,000 using a noncompetitive proposal must have the approval of the DPI prior to awarding the contract.**

Refer to *Addendum 1 - Summary of Required Procurement Methods* under this guidance memorandum for a summary of the allowed procurement methods and required procedures for each, as specified above.

[Addendum 1 - Summary of Required Procurement Methods](#)

## 4.5 Purchasing Local Foods

Agencies (independent agencies and sites of sponsoring organizations) participating in the CACFP are encouraged to purchase local foods or grow their own food within gardens for enhancing the meal service experience and nutrition education activities for their enrolled participants. When purchasing local foods, agencies should purchase them in a manner that promotes open and fair competition.

- CACFP funds may be used to cover for expenses relating to growing food, such as for seeds, fertilizer, labor, plot rental etc.; allowable expenses relating to growing food are detailed in *FNS Instruction 796-2, Revision 4, Financial Management of the CACFP*. (Refer to guidance memorandum F to access this FNS Instruction.)

**Local Foods:**

Agencies may purchase local foods directly from farmers, farmer's markets, farmer's markets, food hubs, and Community Supported Agricultures (CSAs). They may also use local foods donated from local gardens or farms within their meals prepared for their enrolled children.

- **Locally purchased meat, poultry, eggs, and dairy products:** agencies must only use these items for meals prepared to serve their enrolled participants **if they have been properly inspected and/or pasteurized.**
- DCF licensed group child care centers should adhere to the requirements specified within the *Department of Children and Families (DCF) 251 Licensing Rules for Group Child Care Centers Manual* for food items that must be properly inspected and/or pasteurized.
  - **Refer to the [Local Meats, Poultry, and Eggs](#) handout for more information.**
- **Home canned goods:** Agencies must never use home canned goods within meals prepared for their enrolled participants, regardless whether the home canned goods are from a staff member or from anyone else including farmers or farmer's markets.

**Please refer to DPI's *Farm to Early Care and Education* web page for further information on the *Farm to Early Care and Education*. DPI's [Farm to Early Care and Education](#)**