

Procurement and USDA Foods Questionnaire Supplemental Information and Instructions

Attachment A

New - Requirement for Written Procurement Procedures

Starting 2016-17 school year SFAs will need to have written procedures for procurement transactions (2 CFR §200.319(c) (1-2)).

DPI is developing examples of written procedures that SFA may use to develop its own procedures. These examples will be available on DPI's procurement website (<http://dpi.wi.gov/school-nutrition/procurement>).

Noncompliance with this requirement will not count against the SFA. However, the SFA must start developing written procedure over the school year if SFA doesn't already have written procurement procedures.

The written procedures must include the following:

SFA must have written procedures for procurement transactions.

- **These procedures must ensure that all solicitations:**

- a. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured.
 - i. Such description must not, in competitive procurements, contain features which unduly restrict competition.
 - ii. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use.
 - iii. Detailed product specifications should be avoided if at all possible.
 - iv. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement.
 - v. The specific features of the named brand which must be met by offers must be clearly stated; and
- b. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

- **Conflict of Interests** (2 CFR §200.318 (c))

- a. The SFA must maintain written standards of conduct covering **conflicts of interest** and governing the actions of its employees engaged in the selection, award and administration of contracts.

- No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a **Federal** award if he or she has a real or apparent conflict of interest.

- b. If the SFA has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest.
 - **Organizational conflicts of interest** means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related.
 - The organization must maintain written policies and procedures over procurement that meet the following standards and any other applicable laws and regulations.
 - Costs incurred must be necessary and cost-effective.
 - All procurement transactions must provide full and open competition.
 - The organization must maintain written standards of conduct covering conflicts of interest.
 - The organization must maintain documentation addressing cost and price analysis, and vendor selection, as applicable for selected method of procurement.

- **Competitive proposals:** Requests for Proposals (RFP)

Written policy for conducting technical evaluations of reviewing proposals and selecting the recipient.