***OSPI Child Nutrition Services Procurement and Code of Conduct Checklist***

## Building an Organization Procurement Plan and Code of Conduct

## 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 goods with federal funds.

## 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.

## Checklist

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

* 1. Who will write the Procurement Plan and Code of Conduct?

title or role

* 1. Who will review the plan and code annually?

title or role

* 1. Who is authorized to conduct procurement(s) and purchase goods and services?

title or role

* 1. Who will ensure that all procurements are conducted in compliance with applicable Federal regulations, State statutes or Sponsor policies?

title or role

* 1. Who is responsible for documenting and keeping records of all procurement activities?

title or role

* 1. Who will write product specifications, evaluate the quotes submitted and select the successful supplier or vendor?

title or role

* 1. Who is authorized to select acceptable alternates if a desired product is unavailable?

title or role

* 1. Who is authorized to receive and sign for deliveries?

title or role

### Procurement Using Federal Funds

1. **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-Small Purchases | $ |  |
| Formal Purchases | $ |  |

For small and formal purchases, how are prices obtained?

Examples:

* Small Purchases - quotes via phone, internet, email or US Mail
* Formal Purchases - bids will be advertised and received/newspaper, sealed bid, etc.

1. **Non-Competitive Procurement**
2. Who will decide when sole source, non-competitive procurement is acceptable?

title or role

1. Who will implement emergency procurement procedures (if necessary)?

title or role

1. **Suspension and Debarment**

Review suspension and debarment requirements [Electronic Code of Federal Regulations (eCFR)](https://www.ecfr.gov/cgi-bin/text-idx?SID=0d169e098dee1f70823e3e0a9c05503a&mc=true&node=pt2.1.200&rgn=div5#se2.1.200_1213) 2 CFR 200.214

* 1. Who will check the vendors suspension and debarment status and maintain files?

title or role

1. **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.

1. Who will define the maximum dollar value for unsolicited items of nominal value which may be accepted from a vendor/supplier?

title or role

1. What disciplinary actions will be invoked if the Code of Conduct is violated?

### **Procedures – Formal Sealed Bids**

Fill in blanks in [procurement plan template](https://www.k12.wa.us/sites/default/files/public/childnutrition/pubdocs/ProcurementPlanCodeofConductTemplate.docx).

### Procedures – Formal Request for Proposals

Fill in blanks in [procurement plan template](https://www.k12.wa.us/sites/default/files/public/childnutrition/pubdocs/ProcurementPlanCodeofConductTemplate.docx).

## 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

## Definitions

* **Simplified Acquisition Threshold-**means the dollar amount below which a non-Federal entity may purchase property or services using small-purchase methods. The federal threshold for organizations (non-public entities) is $250,000. 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](https://dictionary.cambridge.org/us/dictionary/english/act) of [stopping](https://dictionary.cambridge.org/us/dictionary/english/stopping) something [happening](https://dictionary.cambridge.org/us/dictionary/english/happening), [operating](https://dictionary.cambridge.org/us/dictionary/english/operate), etc. for a [period](https://dictionary.cambridge.org/us/dictionary/english/period) of [time](https://dictionary.cambridge.org/us/dictionary/english/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.