Procurement Policy for Wyoming Private Non-Profit
St. Mary's Catholic School

ST. MARY'S CATHOLIC CHURCH will adhere to the following policy requirements for any procurement related to food service:

Purchases:

- Purchases greater than $150,000.00:
    - If the procurement amount exceeds this simplified purchase threshold it is considered a **formal purchase**, and a contract must be awarded through a formal procurement process and a call for bids or proposals shall be published at least once in a newspaper of general circulation in the State, and region, posted on the SFA's website, sent to know prospective vendors, and posted to trade periodicals as appropriate. No contract shall be divided for the purpose of avoiding this paragraph.

    - The simplified purchase threshold is defined by 2 CFR 200.88 and is periodically adjusted for inflation. Therefore this amount can be adjusted as allowable.

- Purchases less than $150,000.00:
    - Any purchase less than this simplified purchase threshold is considered a **small purchase** and does not require a bid process, however, the small purchase shall be made on a competitive basis.

    - The simplified purchase threshold is defined by 2 CFR 200.88 and is periodically adjusted for inflation. Therefore, this amount can be adjusted as allowable.

    - Micro Purchases

        - Purchase equal to or less than $3,500.00 based on the Federal threshold established in the Federal Acquisition Regulations (FAR) or the current set, self-certified threshold (per 2 CFR 200.320).
        - Purchases may be awarded without soliciting competitive quotes if the price is considered reasonable based on research, experience, purchase history or other information and documentation. Additionally, the SFA should distribute micro-purchases equitably among qualified suppliers to the extent practicable.

- Per 2 CFR 200.321 the SFA will purchase from small, minority and women's business enterprises and labor surplus firms whenever possible

Farm to School Geographic Preference:

As part of Farm to School ST. MARY'S CATHOLIC SCHOOL may choose to apply a geographic preference and/or a local procurement specification when procuring unprocessed or minimally processed locally grown or locally raised agricultural products.

Buy American:
ST. MARY'S CATHOLIC SCHOOL is required to purchase, to the maximum extent possible, domestic products for use in meals served in its National School Lunch Program. The "Buy American" requirement (7 CFR Part 210.21(d)) specifies that SFAs should purchase domestically produced food and food products. The purpose of this requirement is to ensure that the highest quality foods are available, and to support American agriculture. The Buy American provision also applies to entities that purchase on behalf of the district.

ST. MARY'S CATHOLIC SCHOOL will include a "Buy American" clause in all product specifications, bid solicitations, requests for proposals, purchase orders, and any other type of procurement documents issued.

Below are requirements and policy for all formal purchases.

Specifications:
ST. MARY'S CATHOLIC SCHOOL contracts will not be awarded to any potential vendors who write any of the specifications, the solicitation documents, or any of the contract language. Identical specifications for any bid and/or request for proposal will be provided to all potential vendors.

ST. MARY'S CATHOLIC SCHOOL will avoid acquisitions of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase.

Market Basket Analysis:
When using a market basket analysis, ST. MARY'S CATHOLIC SCHOOL will use a percentage of the estimated total purchase value (contract value) to determine a representative sample.

The Market Basket Analysis sample is established to represent [75] % of the total estimated value of the contract to be awarded. The most recent velocity/sales report from our current vendor(s) was used to project the balance of the year and adjusted for any estimated change in menu and participation for the following year. As a result, the list of [100] goods to be purchased under the solicitation includes the top [60] goods purchased by dollar volume representing the [75] % threshold. Prices for the remaining [40] goods listed in the solicitation should also be included, though they will not be a part of the market basket analysis.

Civil Rights Compliance/Assurance:
ST. MARY'S CATHOLIC SCHOOL will include a Civil Rights Compliance/Assurance clause in all bid solicitations, requests for proposals, and contracts.

Below are ST. MARY'S CATHOLIC CHURCH requirements and policy for all formal purchases.

Bid Specifications:
ST. MARY'S CATHOLIC CHURCH contracts will not be awarded to any potential vendors who write any of the bid specifications, the solicitation documents, or any of the contract language.

Identical bid specifications and/or request for proposals will be provided to all potential vendors.

Debarment and Suspension:

ST. MARY'S CATHOLIC CHURCH will obtain verification regarding debarment and suspension for all food service contracts to be paid with Federal assistance.

- To meet this requirement ST. MARY'S CATHOLIC CHURCH will include a suspension and debarment statement within the text of all contracts and solicitation documents.

Standard of Conduct for ST. MARY'S CATHOLIC CHURCH Employees:

ST. MARY'S CATHOLIC CHURCH maintains the following code of conduct for any employees engaged in award and administration of contracts supported by Federal Funds:

- No ST. MARY'S CATHOLIC CHURCH employees will engage in any procurement when there is a conflict of interest, real or perceived, and ST. MARY'S CATHOLIC CHURCH employees cannot solicit or accept any gratuities, favors or anything of monetary value from prospective vendors

- No ST. MARY'S CATHOLIC CHURCH employee shall participate in the selection, award or administration of a contract when any of the following persons have a financial interest in the firm selected for award:

    - The employee
    - Any member of his/her immediate family
    - People with whom there is an affectionate personal relationship
    - An organization which employs or is about to employ any of the above

- ST. MARY'S CATHOLIC CHURCH would like all employees to behave with the utmost integrity and never be self-serving, be fair in all aspects of the procurement process, be alert to conflicts of interest, and avoid any compromising situations.

- Employees found to be in violation of this policy are subject to disciplinary action. Based on the severity of the infraction, the penalties could include a written reprimand to their personnel file, a suspension with or without pay, or termination.

Contract Administration:

ST. MARY'S CATHOLIC CHURCH will maintain a contract administration system which will ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. ST. MARY'S CATHOLIC CHURCH Business Manager will review all aspects of any contractor bid documents, expenditures, processes, and procedural aspects to ensure compliance with all federal, state, and school SFA regulations.

ST. MARY'S CATHOLIC CHURCH **contract administration system** will address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms. Appropriate sanctions and/or penalties will be included.

All contracts in excess of $10,000.00 must address termination for cause and for convenience and include the manner by which it will be effected and the basis for settlement.

Contracts made under a Federal Award (such as with funding from the USDA Child Nutrition Programs) will also contain all applicable federal provisions as referenced under *Appendix II to Part 200-Contract Provisions for Non-Federal Entity Contracts Under Federal Awards.*

Discounts, Rebates, Credits:

ST. MARY'S CATHOLIC CHURCH will verify that all food program contracts and procurements are net of all applicable discounts, rebates, and credits. All contractors will maintain records and source documents in support of all costs, discounts, rebates, and credits.

Records Retention:

ST. MARY'S CATHOLIC CHURCH will retain all Food Program records for three years after final payments and/or three years after any pending matters have been closed and completed. ST. MARY'S CATHOLIC CHURCH will also maintain records sufficient to detail the history of any procurements. These records will include, but are not limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

Bid Protest Procedures:

Any vendor who desires to protest the award of a bid pursuant to this policy shall, within fifteen (15) days after award of the bid, give notice of their protest. The notice shall state in detail the basis of the claimant's bid protest and the resolution requested. The bid protest shall be provided to the Food Service Director or other person designated by the Board of Directors to handle bid protests pursuant to the food service procurement policy.

The Food Service Director or other person so designated shall investigate the claim and issue a written decision within fifteen (15) days after receipt. If the claimant is not satisfied with the decision of the Food Service Director, the claimant may appeal the decision to the board of directors of the SFA. The notice of appeal shall be filed with the board of directors at the business office within fifteen (15) days after issuance of the decision being appealed from. The appeal shall state the basis of the appeal and provide to the board the original bid protest, together with a copy of the decision being appealed from. The specific grounds for the appeal shall be stated in the appeal and shall not include additional claims or information not provided with the original bid protest.

The board of directors at the next regular board meeting following the receipt of the appeal shall either hear the appeal or set a time to consider the appeal. The board may in its discretion, render a decision based upon the information and records before the board of directors or, in the board's discretion, may request the claimant and a representative of the SFA to each present information pertaining to the bid protest. In the event the board chooses to hear from the bid protester and a representative of the SFA, each will be entitled to present or have someone on their behalf present their position to the board.

Thereafter, the board shall render its decision either at that meeting or at the next regular board meeting.