

Chapter 17: Child Nutrition

Rule 17.8 Purchasing System, Food Purchasing System for Public Schools

1. Awards for Price of Product
 - a. All awards for price of product, whether obtained by formal bids, competitive negotiations, or noncompetitive negotiation shall be approved by the State Board of Education.
 - b. In the event an unusual set of circumstances makes it necessary for a decision to be made between meetings of the State Board of Education, the State Superintendent of Education is authorized to make the decision and report at the next Board of Education meeting.
2. Product Identification and Brand Approval
 - a. All decisions related to product identifications and brands to be approved shall be made by the purchasing management committee composed of representatives of the member organizations.
 - b. The addition or deletion of items from the request for pricing shall be made by the product committee.
 - c. Prior to approval, all products shall be tested in a school environment with children as the test panel.
 - d. Member organizations, when purchasing items covered by this contract, shall be required to utilize only the brands approved from the specified distributor.
 - e. In the event it is necessary for a member organization to purchase an item not on the state contract, the organization shall be responsible for developing the identification for the product.
3. Purchasing Management Committee
 - a. The purchasing management committee shall consist of one representative for private schools, one representative for headstarts, one representative for superintendents of public school districts and one representative from each geographical region of the member school districts.
 - b. The members of the purchasing management committee shall be elected by a majority vote of the members of the category or region they represent.
 - c. A representative of a school district can be nominated for a position on the purchasing management committee by presenting the Bureau of Child Nutrition in the State Department of Education with a letter requesting your name be placed on the ballot.

- d. Members of the purchasing management committee shall serve staggered three year terms, with one third of the terms expiring each year.
- e. The expiration date of members' terms shall be June 30.
- f. The Director of the Division of School District Purchasing shall serve as the Executive Secretary for the Purchasing Management Committee.
- g. The members of the purchasing management committee shall annually elect a chairperson.
- h. During the initial year of start up, the purchasing committee shall be appointed by the State Board of Education. Initial appointments shall be staggered so that three appointments expire in each of the next three years.
- i. In the event a Member of the Purchasing Management Committee cannot be present at a meeting of the Purchasing Management Committee, the member can confer his vote by proxy to another member of the Food Purchasing System under the following conditions:
 - i. The member casting the proxy vote must be a current member of the Food Purchasing System and a member of the category or region that the Purchasing Management Committee member represents.
 - ii. The proxy is valid for one meeting only and must be accompanied by a letter from the Purchasing Management Committee member conferring the proxy status.
 - iii. The proxy vote is applicable only to the items listed on the official agenda for that meeting. The agenda shall be mailed to all members of the Purchasing Management Committee no later than one week before the meeting of the Purchasing Management Committee. The proxy vote will not apply to any new business presented at the meeting.

4. Other

- a. A onetime fee shall be assessed to each organization when they choose to join the purchasing system. The purpose of this fee is to cover the start up cost for the system.
- b. Annual fees shall be assessed in amounts as necessary to cover the cost of operation for the fiscal year. Any excess fees collected shall be utilized to cover a portion of the cost in the next year.
- c. The basis for assessing fees shall be the meal equivalents served in the prior year.
- d. An annual report of the revenue and expenditures shall be made to the State Board of Education, and the Board shall approve the fee structure for each fiscal year.

5. Vendor Deletions

- a. Vendors shall be removed from the qualified vendor list when a response has not been received in two successive applicable bid invitations. Removal shall be until the vendor can show reason why they should be reinstated.
- b. Vendors shall be removed from the qualified vendor list when a contract is canceled at the request of the vendor. In such cases the contractor shall be removed for the remainder of the contract period or twenty four months whichever is greater.
- c. Vendors shall be removed from the qualified vendor list when due to default a contract is canceled by the State. The vendor shall be removed for not less than twenty four months or until the vendor shows evidence that the reason for the cancellation has been corrected.

Source: *Miss. Code Ann. § 37-1-3 (Revised 2/2003)*