# **Procurement Updates**

## **Charles Crawford**

Assistant Director of OCN

**July 2023** 





mdek12.org

## **Updated Procurement Laws**

**State Level Small Purchase Threshold** 

- Main Purchase Law July 1, 2022
- No changes to micro-purchases (up to \$5000)
- Small purchase threshold increased from \$50,000 up to \$75,000.00
- All other procedures still apply





## **Purchasing Thresholds**

#### Illustrates difference between Federal, State & Local regulations

Descriptor	Federal	State	Local
Micro-purchases	Up to \$10,000.00	Up to \$5,000.00	Whatever your board approves
Small purchases	From 10,000.01 – 250,000.00	From \$5,000.01 – to \$75,000.00	Whatever your board approves
Formal purchases	\$250,000+	\$75,000+	Whatever your board approves

#### INFORMAL

- Micro-purchasing (no bids)
- Small purchase (bids)

#### FORMAL

- Competitive Sealed Bid
- Invitation for Bid (IFB)
- Request for Proposal (RFP)



## **Updated Procurement Laws**

## **Reverse Auction Exemptions and Requirements**

- Applies to purchases over \$75,000
- Public/Charter Schools NOT required to utilize reverse auction as of 7/1/2022
  - school districts have a special exemption (reverse auctions only required for purchasing copyrighted educational supplemental materials and software – can get approval from school board to utilize Request for Qualifications
- Alternate method: Invitations for Bids





## **Procurement Procedures**

#### **Good Procurement**

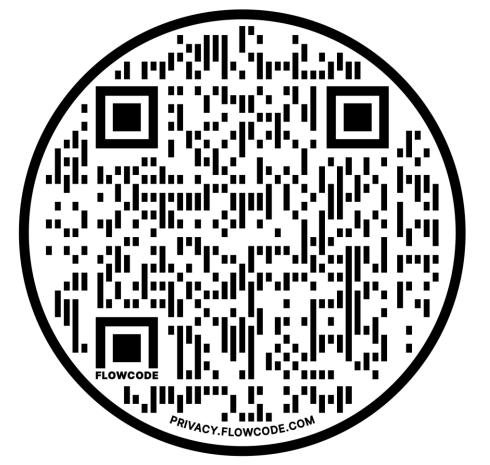
- Provides maximum open and free competition
- Does not create conflicts of interest
- Avoids unrelated and unrealistic requirements
- Documented procedures in place
  - Procurement Plan





## **Procurement Procedures – SA Template**

**Example of a procurement plan** 



# Also available on the OCN Website



## Why does the SA have two Procurement Templates?

#### **VERSION 1**

Commodity threshold is the same

Applies a more restrictive threshold for **services** and **perishable foods/supplies** 

> Micro: up to \$5K Small: \$5,000.01-\$75K Large/formal: exceeding \$75K

#### **VERSION 2**

Commodity threshold is the same

Applies a less restrictive threshold for **services** and **perishable foods/supplies** 

> Micro: up to \$10K Small: \$10,000.01K-\$250K Large/formal: exceeding \$250K



Takes advantage of difference between federal and state law (which allows an exemption for services and perishable foods/supplies). Districts can choose which to adopt.



## **Do I have to re-do my Procurement Plan?**

## If your district wants to!



- Could continue to operate under more restrictive Small
   Purchase Threshold
- Local Boards are allowed to have more restrictive threshold than State Law
- Must be Board Approved



## **Supply Chain Disruptions (Round 4 of Funding)**

#### We are here to help!

- Schools are facing challenges such as product shortages, unexpected substitutions, and unanticipated cancellations.
- Flexibilities | Resources | Hands-On Support
- Over \$1 Billion in funds available
- Minimally processed <u>domestic</u> food products **ONLY**
- Emergency Procurement



## **Emergency Purchases**

#### We know you are in a difficult position

- If items are not available due to supply chain disruptions, you may need to reach out to other suppliers
- We consider these as emergency purchases
- We understand that you may have to purchase off bid

NOTE: while purchasing off bid is acceptable for items not currently available, you should not be sourcing competing products because they are "preferred" by student body

Anything you purchase from a State Bid Distributor that is NOT on the bid must follow proper procurement (procurement plan)





## **SCA Funding**

#### **Proper Procedures for Documentation**

- Separate invoicing and/or accounting not required
- Recommend that you track purchases put toward SCA until you have expended total amount received
- Sample Spreadsheet tracking tool available on SA Website
- MUST be minimally processed, domestic product. NO EXCEPTIONS!
- Just because it is on the State Bid order guide does not mean it qualifies for SCA purchase





## Loaning money from the Non-Profit School Food Serv. Acct. 12

Strict limitations on loaning money from NPSFSA to other funds

- Must be pre-approved by SA
- Short Duration (less than 1 year)
- Reasonable interest charged





## **Unallowable Costs**

#### **Common Questions we get regarding allowable costs**

- Construction projects
  - must have SA Pre-Approval!
- Staff "parties"
  - Professional development is ok!
- Special Events T-shirts that are only worn once
  - Required uniforms for every day use is ok!
- When in doubt about allowable costs ask the SA!





## **FSMC Contracts**

#### Recommend involving the SA in the process as early as you can!

- SA should review RFP
- SA must review final contract
- There are lots of federal requirements you don't want to miss anything!





# Preparing for a Procurement Review

## **Charles Crawford**

Assistant Director of OCN

July 2023



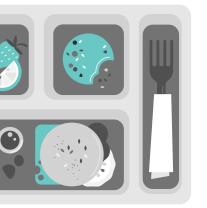


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## **Procurement Review Plans – SY 22/23**

### **How SA will conduct Reviews**

- Completely Virtual Desk Review Format
- Review will cover Prior SY (2022/2023)





## Who is conducting your Review?

#### **Procurement Specialist**

Deborah Newton <u>dnewton@mdek12.org</u>







## **Procurement Review Plans – SY 23/24**

#### Lead Reviewer – Deborah Newton

#### AMBITION PREP

CHICKASAW CONSOLIDATED SCH DIST COLUMBIA SCHOOL DISTRICT ENTERPRISE CONS SCHOOL DIST FRANKLIN CO SCHOOL DISTRICT GULFPORT SEPARATE SCHOOL DIST TAWAMBA CO SCHOOL DISTRICT KOSCIUSKO SCHOOL DISTRICT LAMAR CO SCHOOL DISTRICT LEAKE CO SCHOOL DISTRICT LELAND SCHOOL DIST LOUISVILLE MUN SCHOOL DISTRICT MADISON COUNTY SCHOOLS MCCOMB SCHOOL DISTRICT MS SCHOOLS FOR BLIND/DEAF

NESHOBA CO SCHOOL DISTRICT NEWTON MUNICIPAL SCHOOL DIST NORTH TIPPAH CONS SCH DIST OCEAN SPRINGS SCHOOL DISTRICT PASCAGOULA SEPARATE SCH DIST PEARL RIVER CO SCHOOL DISTRICT PETAL SCHOOL DISTRICT **OUITMAN SCHOOL DISTRICT RANKIN CO SCHOOL DISTRICT** RICHTON SEPARATE SCHOOL DIST **RON'S BROTHERS ACADEMY** SOUTH PANOLA CONS SCHOOL DIST STONE CO SCHOOLS UNITY MB CHURCH OF ELIZABETH WEST TALLAHATCHIE CONS SCH DIS WILKINSON CO CHRISTIAN ACADEMY



# **Procurement Review Timeline**

1<sup>st</sup> Round Docs Due

to SA by <mark>October 13.</mark>

SA will send email reminders Formal Confirmation/ Request Letter

2

Will include list of specific documents due to SA for 2<sup>nd</sup> Round.

Will list a specific due date (varies by district) 2<sup>nd</sup> Round Docs Due Once received, the SA will conduct the review and ask any follow up questions necessary.

3

Exit Conference scheduled with CND, Business Officer, and Superintendent upon conclusion of review. Via TEAMS Closing Letter *or* Corrective Action

5

(if applicable)

Will have 30 days from SA findings letter to complete CAP



## **Documents Due to SA**

### Friday, October 13th



- Approved Procurement Plan that was in effect last SY
  - Let us know if you are planning to make changes soon
- Approved Bid Protest Policy
- General Ledger (SY 2022/2023)
- Vendor's Paid List (SY 2022/2023)
  - MUST be excel spreadsheet

## Send all documents via email to your Lead Reviewer



## **Example of a Procurement Plan**

#### This is what the SA template looks like. Don't forget Chart of Procedures!

							rt 415, a ocedures	as applica	able, a
Rev. 07/2022				T OF PROCEDUR		FIX	leadies		
A (Category) WHAT	B (Frequency) WHEN	C (Method) HOW	D Writes & Interprets Specifications & Instructions, etc.	E Issues, Requests, Receives & Tabulates Pricing	F Awards & Reviews Bids or Quotes	А.	Purcha	ses of SEI	RVICES
1. Fresh Produce							a.	For purc	
2. Dry Groceries									The co Purcha
3. Frozen Fruits & Vegetables									
4. Frozen Meats							b.	For purc the SFA	
5. Paper Goods									Develo
6. Miscellaneous Cleaning Supplies									Obtair Prepai
7. Dish machine & Other Special Chemicals									
8. Equipment-Small									
9. Equipment-Large									
10. Milk									
11. Bread									
12. Ice Cream									
13. Emergency Purchases									

#### Rev. 07/2022 ver. 1

#### CHILD NUTRITION PROCUREMENT PLAN

The \_\_\_\_\_\_ (School Food Authority) will purchase food and other items for use in the Child Nutrition Program in compliance with 2 CFR Part 200, Subpart D and USDA implementing regulations, 2 CFR part 400 and part 415, as applicable, and Mississippi State Law, using the procedures outlined in this document and the Chart of Procedures.

#### A. Purchases of SERVICES or COMMODITIES (including perishable food or supplies)

- . For purchases between \$0.01 and \$5,000.00, Micropurchasing may be utilized.
  - i. The cost must be reasonable.
  - i. Purchases should be spread equitably among suppliers to the extent practicable.
- For purchases between \$5,000.01 and \$75,000.00, small purchase procedures are required to be utilized (unless the SFA elects to utilize formal purchasing procedures).
  - i. Develop specifications for the services, food, or supplies to be procured.
  - ii. Obtain price quotes from an adequate number of suppliers.
  - iii. Prepare price quote documentation sheet and note supplier awarded.

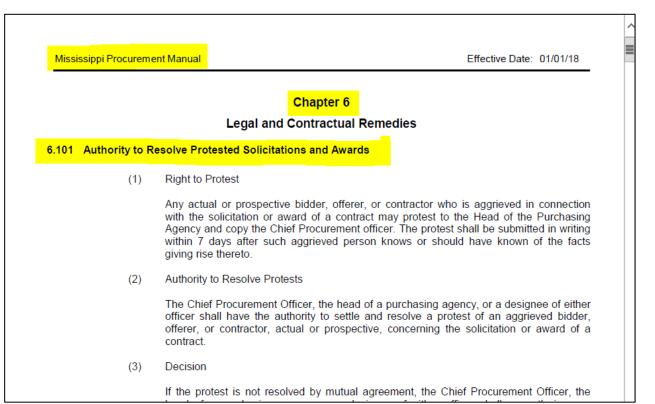


Just because you have a board approved Procurement Plan, does NOT mean that you have a Bid Protest Policy. These are two different documents!



## **Example of Bid Protest Policy**

#### SA does NOT have a template. Recommend looking at DFA's website



NOTE: you would have to make substantial changes to this to fit needs of your district. Could not copy and paste. Recommend involving your board attorney.



## **Example of a General Ledger**

#### Make sure you are sending us the correct time frame and account (2110)

			RANDO		Y SCHOOL DISTRI Transaction	UT .				
Report Date:	08/01/2022	2		Journals:	ALL					
Date:	07/01/2021	- 06/30/2022		Acct Begin:	000-000-000-000-00					
Fund:	2110-SCH	OOL FOOD SER		Acct End:	999-9999-999-999-99					
Reference	Date	Debit	Credit	Descriptio	n	Claim No	Check No	Balance	J	
2110-101-000	00-000-000-00	)		Beginning	Balance: 290,799.20					Ī
	OD SERVICE									_
201807100	07/10/2021	0.00	3,042.64	RIMB AP C	Ck00023327-00023444			287,756.56	AJ	
17647	07/31/2021	147.68	0.00	FIRST STA	ATE BANK			287,904.24	RJ	
17647	07/31/2021	0.30	0.00	FIRST STA	ATE BANK			287,904.54	RJ	
17647	07/31/2021	0.28	0.00	FIRST STA	ATE BANK			287,904.82	RJ	
17647	07/31/2021	0.19	0.00	FIRST STA	ATE BANK			287,905.01	RJ	
17647	07/31/2021	0.12	0.00	FIRST STA	ATE BANK			287,905.13	RJ	
17649	07/31/2021	818.68	0.00	STATE OF	MISSISSIPPI			288,723.81	RJ	
17877	07/31/2021	548.00	0.00	DAILY SAL	ES-ONLINE			289,271.81	RJ	
201807310	07/31/2021	0.00	9,229.98	Payroll 07/	31/18			280,041.83	PJ	
201910001	07/31/2021	0.00	11.81	SERVICE	CHARGES			280,030.02	GJ	
201808140	08/14/2021	0.00	5,672.91	RIMB AP C	Ck00023449-00023564			274,357.11	AJ	
17687	08/22/2021	123.33	0.00	IPS ADDIT	IONAL REBATES			274,480.44	RJ	
17680	08/28/2021	25.42	0.00	THE MERC	CHANTS COMPANY			274,505.86	RJ	-



## **Vendors Paid List**

#### Example – MUST BE IN EXCEL

Vendor	Exp Amount
JP&G II, LLC	\$95.00
JP&G II, LLC	\$31.00
JP&G II, LLC	\$95.00
JP&G II, LLC	\$31.00
JP&G II, LLC	\$34.00
CND	\$106.33
MISSISSIPPI STATE TREASURY	\$1,755.83
B & W OF MAGNOLIA INC	\$1,950.00
B & W OF MAGNOLIA INC	\$1,150.00
B & W OF MAGNOLIA INC	\$133.00
B & W OF MAGNOLIA INC	\$290.93
B & W OF MAGNOLIA INC	\$763.46
INSTITUTIONAL SANITATION SOLUT	\$28.83
INSTITUTIONAL SANITATION SOLUT	\$216.60
INSTITUTIONAL SANITATION SOLUT	\$223.00
BORDEN DAIRY CO OF ALABAMA LLC	\$31.13
BORDEN DAIRY CO OF ALABAMA LLC	\$373.50
BORDEN DAIRY CO OF ALABAMA LLC	\$207.50
BORDEN DAIRY CO OF ALABAMA LLC	\$103.75
BORDEN DAIRY CO OF ALABAMA LLC	\$249.00
BORDEN DAIRY CO OF ALABAMA LLC	\$207.50
BORDEN DAIRY CO OF ALABAMA LLC	\$249.00
BORDEN DAIRY CO OF ALABAMA LLC	\$415.00
BORDEN DAIRY CO OF ALABAMA LLC	\$241.80
CRUMBLEY PAPER CO INC	\$388.71
MERCHANTS FOODSERVICE	\$977.11
MERCHANTS FOODSERVICE	\$892.02
MERCHANTS FOODSERVICE	\$405.37



## **Vendors Paid List**

#### SA will Use That Excel File to Create a Pivot Table



		Data	
Vendor	Ŧ	Count of Vendor	Sum of Exp Amount
AMAZON.COM		18	3797.04
B & W OF MAGNOLIA INC		30	12416.83
BORDEN DAIRY CO OF ALABAMA LL	С	171	76535.78
CENTRAL RESTAURANT PRODUCTS		5	8720.58
CGJ Enterprises Inc.		3	400
CINTAS CORPORATION		18	688
CRUMBLEY PAPER CO INC		195	200944.96
DECKER EQUIPMENT/SCHOOL FIX		1	289.95
GIGANTIC BAG LLC		1	300
CND		11	838.54
HANDY HARDWARE		19	291.85
HEARTLAND SCHOOL SOLUTION		4	4501.5
HUBERT		9	1670.29
INSTITUTIONAL SANITATION SOLUT		6	1100.63
JP&G II, LLC		28	1535
MCCOMB WHOLESALE PAPER		5	9069.78
MERCHANTS FOODSERVICE		120	182397.29
MISSISSIPPI STATE TREASURY		1	1755.83
MS FRUIT & VEGETABLE., LLC		3	2150.99
Newell Paper Company		4	1062.36
OFFICE DEPOT		15	1390.5
SCRUB AC, INC.		1	180.31
SNA		1	332
SOUTHERN ACCENT FLOORING		2	10912.56
TEMCO, INC.		11	4879.77
Wheelers Janitorial Supplies		1	135
(blank)			
Grand Total		683	528297.34



Next, we will look at the Procurement Tool, but we won't ask you to complete this until we send a formal confirmation letter and give you a deadline for 2<sup>nd</sup> Round of documentation.



## **Completing the Procurement Tool**

#### This is the ONLY tab that you will be completing – rest will be done by SA

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## **Completing the Procurement Tool**

#### SA may prefill some info for you, but you need to provide us with descriptions

Micro Purchases (Purchases valued be restrictive threshold) 5FA instructions: A selecting "yes", "no," or "not applicable," the	Answer if micro-purchasing is used	Not Applicable			
Vendor Name	General Goods/Services Provided	Total Paid to Vendor	# Purchases from this vendor during the SY?	Comments	(FOR STATE AGENCY USE ( Select for Review?
Amazon		3797.04	18	emergency purchases	Select for Review
Handy Hardware		291.85	19		



## **Emergency Purchases**

May be required due to Supply Chain Issues

- If State Bid items are not available due to supply chain disruptions, you may need to reach out to other suppliers. We consider these as emergency purchases. We understand that you may have to purchase off bid.
- During your Procurement Review we may be asking for your log of emergency purchases





## **Emergency Purchases**

#### **Check your Procurement Plan!**

#### Non-competitive Purchases\*

- a. Non-competitive purchases may only be made when an emergency arises that threatens continued service of the Child Nutrition Program, or when the service/commodity being purchased is available from only one vendor (i.e. sole source). If it is necessary to make a non-competitive purchase in order to continue service, the purchase shall be made and a log of all such purchases shall be maintained and reviewed by the review official listed in Column E of the Chart of Procedures. The log shall show:
  - i. Item name;
  - ii. Dollar amount;
  - iii. Vendor; and
  - iv. Reason for emergency/justification of sole source designation.

\* This is just an example from the SA Procurement Template. Your Board Approved Procurement Plan could require something different!



## **Supply Chain Assistance (SCA) Funding**

### **Proper Procedures for Documentation**

- Separate invoicing and/or accounting not required
- Recommend that you **track purchases** put toward SCA until you have expended total amount received
- Sample Spreadsheet tracking tool available on SA
  Website
- MUST be minimally processed, domestic product. NO EXCEPTIONS!
- Just because it is on the State Bid order guide does not mean it qualifies for SCA purchase



## **Supply Chain Assistance (SCA) Funding**

	А	В	С	D	E	F	G	Н
1		Total amount o	of SCA Funds distributed	to SFA	\$400,000.00			
2	*only	y include value of allow	wable, domestic food products. It may	not be the total of the invoice if	it includes other unallowable item	5		
3	Invoice #	Invoice Date	Vendor		f Domestic Items ble items purchased)	Dollar Amount *	Total Amount of Allowable Products Purchased to Date	Remaining SCA Funds <u>(Must be</u> expended prior to 9/30/23)
4	2365987	4/4/2022	Prairie Farms	Milk - Total invoice		\$789.35	\$789.35	\$399,210.65
5	2365988	4/4/2022	Prairie Farms	Milk - Total invoice		\$1,000.23	\$1,789.58	\$398,210.42
6	2365989	4/4/2022	Prairie Farms	Milk - Total invoice		\$644.22	\$2,433.80	\$397,566.20
7	2365990	4/4/2022	Prairie Farms	Milk - Total invoice		\$491.34	\$2,925.14	\$397,074.86
8	2365991	4/4/2022	Prairie Farms	Milk - Total invoice		\$566.87	\$3,492.01	\$396,507.99
9	2365992	4/4/2022	Prairie Farms	Milk - Total invoice		\$1,327.22	\$4,819.23	\$395,180.77
10	446123986	4/5/2022	Merchants	Tomatoes - Partial Invo	<mark>pice</mark>	\$67.51	\$4,886.74	\$395,113.26
11								#VALUE!
12								#VALUE!
13								#VALUE!
14								#VALUE!



## Loaning money from the Non-Profit School Food Serv. Acct. 34

Strict limitations on loaning money from NPSFSA to other funds

- Must be pre-approved by SA
- Short Duration (less than 1 year)
- Reasonable interest charged





## **CNP** Reimbursements Promptly deposited into NPSFSA

#### Should not be held in other accounts for extended periods of time

 Will check during PR to ensure reimbursements are deposited promptly into the Non-Profit School Food Service Account





## **Buy American**

### We provide a lot of Technical Assistance in this area

- Anything you purchase from State Bid is covered for Buy American
- If you contract for your own produce, or purchase anything else off State Bid, you are responsible for Buy American
  - Should include "Buy American" Verbiage in all contracts
  - Should document any exceptions
- Frontline staff should be trained to identify irregularities when receiving and inventorying product



## **Buy American**

### **Documenting Exceptions to Buy American**

Documentation to prove that domestic alternatives were considered and if an exception was granted by the SFA because:

- The agricultural food component is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality; or
- Competitive bids reveal the costs of domestic agricultural food components are significantly higher than the non-domestic ones.
- The exception was related to the domestic food as prohibitively costly or limited quantity availability.



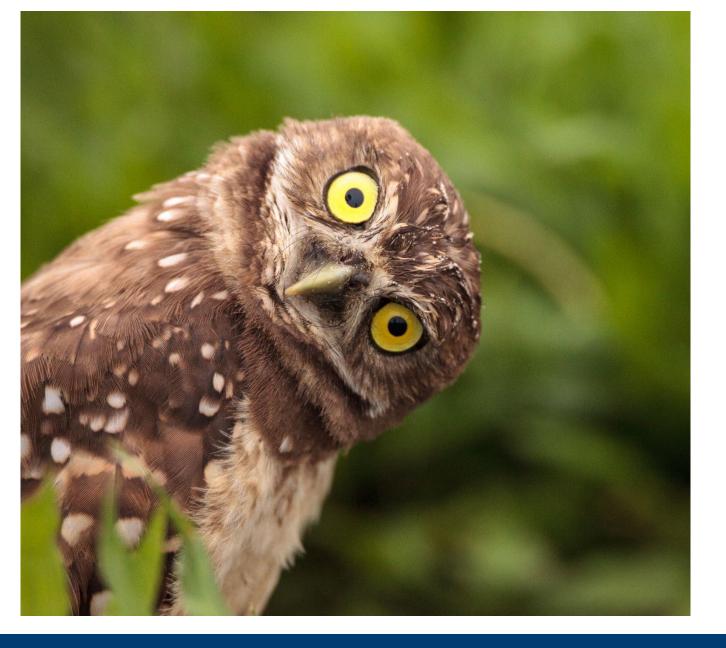


## **Buy American**

#### **Bid/Contract Sample Verbiage**

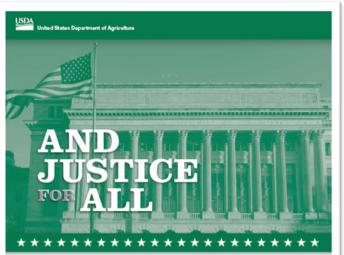
Date:		
To:		
From:		
RE: Buy A	merican Provision Contr	act
-	-	participates in the National school Lunch ram and is required to use the nonprofit food service funds, to the r domestic commodities or products for Program meals.
agricultura substantial legislation	l commodity that is produ ly using agricultural com noted that "substantially ssed product (by weight of	ol Lunch Act (NSLA) defines, "domestic commodity or product" as an uced in the U.S. and a food product that is processed in the U.S. modities produced in the U.S. Report language accompanying the means over 51% from American products." Therefore, over 51% of th or volume) must consist of agricultural commodities that were grown
approved u	upon request. To be cons a designated official, a m :: (1) Alte spec	<ul> <li>ovision are very limited; however, an alternative or exception may be idered for an alternative or exception, the request must be submitted in inimum of 7 business days (s) in advance of delivery. The request must mative Substitute(s) that are domestic and meet the required iffications: <ul> <li>a. Price of the domestic food alternative substitute(s); and</li> <li>b. Availability of the domestic alternative substitute(s) in relation to the quantity ordered.</li> </ul> </li> <li>a. Price of the domestic food product; and</li> <li>b. Price of the domestic food product; and</li> <li>b. Price of the non-domestic product that meets the required specification of the domestic product.</li> </ul>
		, Certifies that for the school year we will, to th
product of were grow	the food processed in the	le unprocessed domestic commodities, and that over 51% of the final U.S. (by weight or volume) consists of agricultural commodities that ded exceptions to the Buy American provision will be stated on for further review
	Signature	Date





# **Questions?**





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mail: U.S. Department of Agriculture Office of the Assistant Secretary for Civil Rights 1400 Independence Avenue, SW Washington, D.C. 20250-9410; or

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