

Administrative Regulations

BUSINESS

Food Services-Purchasing

1. Responsibility

It is the responsibility of the Supervisor of Food Services to arrange purchases of food, supplies, equipment and services in accordance with Board of Trustees policy for Board of Trustees approval.

2. General Statement

Food, supplies, equipment, and services shall be purchased in such quantities and in such a manner as to obtain the best possible price for intended use. To this end, purchases shall be made in quantities sufficient to require competitive bidding where practical aspects of product quality and storage permit.

3. Purchasing Controls

Food supplies, equipment, and services shall be purchased by competitive bidding--formal bidding, written price quotations, oral price quotations.

<u>Purchase Price Range</u>	<u>Minimum Requirement</u>
Food Supplies, Equipment, & Services	
\$ 300-\$ 2,000	Three Oral quotations
\$ 2,001-\$11,999*	Three Written quotations
**\$12,000 & Above (services/material)	Three Written quotations (Formal Bidding)
**\$16,000 & Above (supplies & equip.)	Three Written quotations (Formal Bidding)

* Will be increased to \$14,999 as of January, 1985.

** Will be increased to \$15,000 and \$21,000 as of January, 1985.

Contracts shall not be split for the purpose of avoiding the competitive bidding requirements. (E.C. 39649.5)

Exceptions to the above may be made under the following circumstances:

- A. The purchase is from another school district or State or United States federal surplus property. (E.C. 11001)

- B. Purchase of perishable goods and seasonal commodities. (E.C. 839873) This would include, but would not be limited to, bread, milk, and produce. This is not to mean,

- however, that quotations or competitive bidding shall not be used for these items if it is in the best interest of the District to do so.
- C. When advantageous to do so, and approved by the State, contracts may be entered into with specific companies for the processing of foods using our commodities and our specifications.
 - D. If an emergency exists, repair contracts may be awarded without competitive bidding. (E.C. 39648)

4. Specifications

- A. The Supervisor of Food Services shall establish specifications of the desired products that are clear and complete, and which will promote bidding. They will include all requirements which the bidder must fulfill in order for bids to be considered. (Fed. Reg. 210.19a(J))
- B. Brand, manufacturers, or patent names may be used in specifications for descriptive purpose and shall be followed by the words, "or equal." (Fed. Reg. 210.19a(g)) The final decision as to whether the product is equal to that specified, shall be made by the Supervisor of Food Services.
- C. Estimated quantities, as accurate as possible, shall be included and will clearly be specified as estimates.
- D. A statement will also be included declaring whether bid will be awarded on a line by line basis or in aggregate to the successful bidder.

5. Conflict of Interest

Employees shall not accept favors, gratuities, or anything of monetary value from vendors or contractors, or prospective vendors or contractors. Duties shall at all-times be performed in an unbiased manner to prevent conflicts of interest. (Fed. Reg. 210.19a(c), E.C. 35233, and G.C. 1090-1097) An annual statement in March at the time and in the manner prescribed in the California Government Code, Section 83700 and as per District Policy shall be filed.

6. Minority and Small Business

The School District shall make positive efforts to procure supplies and services from small businesses and minority owned businesses. They will be given every feasible opportunity to compete for the District's business. (Fed. Reg. 210.19a(h))

7. Formal Bid Procedures

Shall follow District procedures, including the following:

- A. Advertisement giving adequate description of bid, date, time, and place of opening shall appear in a widely circulated newspaper at least once a week for two weeks prior to bid

- opening. One week must be allowed between last advertisement and bid opening date. (E.C. 39641, 6000-6043, and G.C. 53068)
- B. Sealed bids shall be accepted and held until the time of the bid opening. (Fed. Reg. 210.19a(j))
 - C. Bid opening shall be in public and at the time and place specified in bid, under the supervision of a responsible District officer. Any bids received after the time of opening shall be returned unopened (E.C. 5306B)
 - D. After tabulation, bids will be available to anyone who wishes to examine them during normal working hours.
 - E. Contracts shall be awarded to the lowest responsible bidder who meets the requirements for the specifications set forth in the bid. The District shall have the right to determine, based on its best judgment, which bidder best meets the specifications and is most "responsible." Said judgment may include, but will not be limited to, such factors as price, discounts, transportation costs, taxes, and vendor's past performance.
 - F. Any or all bids may be rejected if conditions of bid are not met, and it is in the schools' interest to do so. (Fed. Reg. 210.19a(j)3)
 - G. In case of identical bids, the District may determine by lot which bid will be accepted.
 - H. Performance Bond, Bidders Bond, Labor and Materials Bond
Any or all of these bonds may be required as specified in the school district purchasing board policies.
 - I. All contracts shall include:
 1. Provisions to define a sound and complete agreement. (Fed. Reg. 210.19a(n))
 2. All contracts over \$10,000 shall include provisions for remedies or termination of the contract if a contractor should violate, breach, or default on the contract. Terms and penalties for termination shall also be included. (Fed. Reg. 210.19a(n)(1 & 2))
 3. All contracts over \$10,000 shall include a clause that the contractor will comply with the Equal Employment Opportunity Act. (Fed. Reg. 210.19a(n)(3))
 4. All contracts and subgrants for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick Back" Act. (Fed. Reg. 210.19a(n)(4))
 5. If a contract is above \$2500.00, a statement shall be included to assure compliance by the bidder of the "Work and Safety Standards Act." (Fed. Reg. 210.19a(n)(6))

8. Receiving Goods

All food, supplies, and equipment, unless otherwise specified, shall be delivered to the Food Service Warehouse for inspection, inventorying, and storage or delivery to school production sites. After supplies and equipment have been inspected and receipt acknowledged, payment authorization for such items shall be given by the Board of Trustees.

November 13, 1984