

School Districts and Procurement Regulations

Purpose:

To provide guidance to School Food Authorities (SFA) in developing procurement documents.

Scope:

Participants in the Child Nutrition Programs

Description:

The SFA cannot allow a potential contractor that is expected to participate in the bidding process help in anyway to develop or provide assistance writing specifications, requirements, statement of work, invitation to bid, request for proposal, contract terms, or any other bid documents. Any vendor that participates in the development process under the above aspects cannot be awarded a contract. This is a direct violation of USDA regulations.

While the SFA has broad discretion in gathering information, if it comes from a potential bidder then the information must be modified to develop tailored specifications.

Any action which diminishes open and fair competition seriously undermines the integrity of the procurement process and may subject the SFA to bid protest.

In addition all SFAs need to develop a protest procedure, as a part of the procurement process, to handle disputes and must disclose information regarding a protest to the State Agency.

Source:

USDA Memorandum SP 15-2006; 7 CFR Part 3016,3019; 3016.60(b); 3016.36(b)(12)