



GLENDALE UNIFIED SCHOOL DISTRICT

"Preparing our students for their future"

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PROCUREMENT AND CONTRACT SERVICES

PROCUREMENT & CONTRACT SERVICES DEPARTMENT

POLICY & PROCEDURES

Under the Business Services Division, the Procurement & Contract Services (PCS) Department is dedicated to providing our administration and schools with a highest level of customer service. The chief function of PCS is to serve the best interest of the District in assuring that all transactions are conducted in an ethical manner that builds public confidence and preserves the integrity of an open and fair procurement process for all our suppliers and contractors. We also provide an efficient centralized service to all schools and departments in the procurement and delivery of equipment, supplies, and services needed to support the District's educational programs at the most affordable pricing while adhering to Board policies, California legal codes, and all applicable county, state and federal laws and regulations. These policies are in compliance with Glendale Unified School District's Code of Ethics as well as Administrative Regulations related to Bids (AR 3311).

GOALS

- To facilitate the acquisition of the best quality goods and services for the best value to the District.
- Price, fitness, and quality being equal, the District encourages the use of local vendors.
- To ensure that the school district is obtaining materials and services at the most competitive price, state law requires "comparative shopping" before sizeable purchases are made. The guidelines for comparative shopping vary according to the size of the purchases ranging from informal price quotes to official, advertised requests for sealed bids.
- To provide exceptional customer service in a professional and courteous manner in a continuous effort to be client-focused, and to develop and maintain strategic procurement process.
- To continue building positive relations with the District staff and vendors.

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Purchasing and Vendor Relationships

Opportunity shall be provided to responsible vendors to do business with the District. Vendor visits shall be promptly acknowledged and interviews granted or not, depending upon the circumstances. PCS personnel are not required to put their time absolutely and indiscriminately at the disposal of any salespersons, however frequent, or on whatever mission they may be calling. The responsible Purchasing personnel must be the judge, but they are not relieved from the obligation of courtesy.

The PCS Department staff shall not extend favoritism to any vendor. Each order shall be placed on the basis of quality, price and delivery, with past services being a factor if all other considerations are equal. PCS will deal with each supplier, vendor, contractor, purveyor, or other business professional in a manner that demonstrates the District's "Best in Class" procurement processes.

In discussions with vendors, school district employees should be reminded that only the Director of Procurement & Contract Services has authority to commit District funds for the purchase of supplies, equipment and services. **Purchases made in the name of the District without an authorized purchase order shall be considered an obligation of the person making the purchase and not an obligation of the District.**

Vendor Verification

Vendors are subject to reference checks and are required to provide, including but not limited to the following forms/information:

- IRS W-9 Request for Taxpayer Identification Number and Certification
- Non-Collusion Declaration
- Certification Regarding Background Checks
- Department of Industrial Relations Registration, when applicable
- Certificate of Insurance naming the Glendale Unified School District as additional insured by endorsement, when applicable
- California State License Contractor Number, when applicable
- DIR registration number, when applicable

The PCS Department staff will verify the vendor information before the award of a contract, including verification for potential debarment of contractors listed on the California Division of Labor Standards Enforcement (DLSE) and the U.S. Department of Labor, Office of Federal Contract Compliance Programs (OFCCP).

Policy Guidelines

Purchases of non-instructional goods and services in the amount up to the bid limit (currently \$99,100) are submitted on a District Requisition to PCS. All requisitions are authorized by the administrator responsible for the funding indicated on the requisition, and/or the Assistant Superintendent or Chief Business & Finance Officer. The financial system does not allow a requisition to go through the system without adequate funding in the designated account. All requisitions are reviewed by the Director of Procurement & Contract Services Department. Follow-up may include processing, returning to initiator for additional information, or forwarding to a District Administrator for approval.

Requisitions for items between \$10,000 to \$99,100 are expected to have a minimum of three informal quotes. These quotes are often prepared by the site or department submitting the request. PCS is

available to prepare requests for quotes, set up vendor meetings, or provide other assistance. No commitments to vendors are to be made by employees when securing information/quote for products and/or services.

All purchases that exceed the legal bid limits must adhere to the advertised bid procedure required by the State of California. The Board must approve all bids prior to award. PCS will facilitate advertised bids and prepare bid document as required.

Bid Thresholds and Guidelines

The following guidelines will provide a consistent means to ensure that the District complies with California Public Contract Code and related regulations when purchasing equipment & supplies

1. **\$10,000 threshold:** If a required purchase of equipment and/or supplies is less than \$10,000, supplier can be a sole source if the district has previous positive experience with the supplier. However, the project initiator is encouraged to provide two (2) quotes.
2. **\$10,000 – 99,099:** If a required purchase of equipment and/or supplies is valued between \$10,000 - \$99,099, at least three (3) quotes are required. The PCS department staff will search for vendors who have been awarded Government bids, offer Educational discounts, and maintain the highest quality items at the best price available.
3. **\$99,100 threshold:** For major purchases of equipment, material, supplies, non-construction services, repairs and selected maintenance projects, the bid threshold is \$99,100. All such purchases must be legally bid according to Public Contract Code 20111. This amount is increased annually by the State of California according to published inflation indices.

The following guidelines will provide a consistent means to ensure that the District complies with California Public Contract Code and related regulations for public works projects and/or construction:

1. **\$10,000 threshold:** If project is less than \$10,000, contractor can be sole source if the District has previous positive experience with the contractor. However, the project initiator needs to obtain two (2) proposals. The project will require approval according to current procedures. A field service agreement or an agreement for small construction projects may be required.
2. **\$10,001 - \$59,999 threshold:** If project is greater than \$10,000 but less than \$60,000, the project initiator will obtain three proposals. FASO will determine if the project meets the \$60,000 threshold for public works projects. If the project is more than \$60,000, FASO will work with PCS to perform the requirements of bidding. All projects \$25,000 and above will require a Payment Bond.
3. **\$60,000 – 199,999:** If a project is between \$60,000 – \$199,999 the district shall utilize the informal bidding procedures as required by the California Uniform Public Construction Cost Accounting Act under Public Contract Code 22000 et .seq. (CUPCCAA).
4. **\$200,000 threshold:** If a project is valued at \$200,000 and above, the district shall utilize the formal bidding procedures as required in California Public Contract code 20111-20112.
5. On all bid projects, the scope of work shall be clearly written in order to avoid change orders and the appearance of bid splitting. Part 3, Chapter 1, Article 3, Section 20116 of the Public Contract Code addresses the issue of separating projects into smaller segments to avoid competitive bidding.

Advertised Bids

Except when utilizing alternative procurement methods permitted by law, Board Policies, or as indicated here, the District shall seek competitive bids through advertisement for contracts involving an expenditure of \$200,000 or more for a public project or repairs.

For a public project or repairs involving an expenditure of \$60,000 to \$199,000, the District shall utilize the informal bidding procedures as required by the California Uniform Public Construction Cost Accounting Act procedures under Public Contract Code 22000 et. seq. (CUPCCAA). For a public project or maintenance work involving an expenditure of less than \$60,000, the District let those contracts after negotiation or by force account and shall seek quotes, when feasible, (Public Contract Code 22000 et seq.)

The amount by which contracts shall be competitively bid shall escalate automatically based upon the annual adjustment by the Superintendent of Public Instruction.

Competitive bids shall be sought through advertisement for contracts exceeding the amount established by the state of California per the annual state advisory for the following: (Public Contract Code 20111; Government Code 53060)

1. The purchase of equipment, material or supplies to be furnished, sold or leased to the District
2. Services, not including construction services, or special services and advice such as accounting, financial, legal or administrative matters
3. Repairs, including maintenance that is not a public project, subject to the bid limits of CUPCCAA.

Upon a determination that it is in the best interest of the District, Procurement & Contract Services may purchase, lease or contract for data-processing equipment, purchase materials, supplies, and equipment using existing piggybackable bids without advertising for bids (Public Contract Code 20118).

Type of Requisition

1. Warehouse Requisition

Warehouse stock orders are processed in the BEST Financial System. Departments and Sites in need of warehouse stock items must initiate a XSRQ (warehouse stock requisition) online in BEST system.

2. Buy-Out Requisition

- A detailed and itemized buy-out requisition is required to request goods and services. Requisitions are entered in the BEST Financial System which is setup to go through a predetermined financial workflow of approvals.
- **Printed Copies of ALL requisitions entered in the BEST system need to be sent to Procurement & Contract Services Department. All with backup, such as quotes, should be attached to the requisition online.**
- All requisitions for orders over \$1,000 are routed online to an Assistant Superintendent or Director for approval.

- All requisitions for technology related items are routed online to the Director of ETIS for approval.
- **Employee reimbursements** require Assistant Superintendent/Superintendent approval and are not entered in the BEST Financial System.
 - Original receipts should be attached to a paper requisition and routed for approval as follows: a) site administrator; b) Assistant Superintendent; and then c) Director of PCS. PCS sends it to Accounts Payable for processing.
 - *The reimbursement request must be submitted within 30 days within the same fiscal year.*

Type of Purchase Order

1. Line Item Purchase Order

After requisitions are approved, a purchase order is sourced in the BEST Financial System to procure all goods and services for the District, listing product/services in detail by line item.

2. Blanket Purchase Order

Blanket POs are open accounts with vendors that authorize purchases up to the approved total dollar amount of the purchase order, including tax and shipping/handling. Blanket Purchase Orders are good through the end of each fiscal year. Each site/department is responsible to maintain running balances for each blanket PO.

3. Purchase Orders for Personal Service Agreements (PSA)

Whether the service provider is an individual or a business, a PSA form is required. All consultant contracts shall be brought to the Board of Education for approval. After the Board approval, a requisition shall be entered online in the BEST system. Attach a copy of the Board approval, completely filled out and signed PSA form, Employment Development Department form, and Payment Request Form (if applicable) to the requisition online in the BEST system and send a printed copy of the requisition to Purchasing.

No consultant can be paid prior to Board approval. Purchasing will not issue a PO without the Board approval. No person currently employed by the District can be paid as a consultant. (See the section below for more information about PSAs.)

4. Purchase Order for Equipment Maintenance Contracts

At the beginning of each year, sites and departments need to renew the maintenance contracts for their copiers and duplicators. PCS distributes renewal contracts to schools/departments based on their duplicating needs. Schools/departments submit a requisition, attach a copy of the renewal contract and send to PCS Department.

5. Purchase Order for Field Agreements

When a site needs contracted work done (construction, repairs, landscaping, tree trimming, etc.) and the total does not exceed \$60,000, they need to contact Facility & Support Operations (FASO) Department. FASO will coordinate work with the vendor, prepare Field Agreement, attach a signed

copy with a requisition, and send it to PCS Department. Three proposals are required for projects below \$60,000.

6. Purchase Order for Professional Services (Construction Related)

All independent consultant agreements shall be brought to the Board of Education for approval. Independent Consultant Agreement for Professional Services (Construction Related) form needs to be used for engineering services, environmental services, land surveying, etc.

7. Purchase Order for Travel and Conference

Separate requisitions are needed for each of the following: Conference Registration (attach a copy of the completed registration form); Hotel Reservation (attach a copy of the hotel confirmation); and Airline Reservation (attach a copy of the flight itinerary). Travel arrangements will be done through the Purchasing Department. Please refer to separate instructions that are available in PCS.

8. Pre-authorized Purchase Order

PCS recognizes that emergency needs may occur. These situations will require approval of the Chief Business and Financial Officer or Director of PCS.

9. Purchases Made by District Credit Card

PCS authorized, card holders may procure from vendors that do not accept purchase orders. Upon receipt, the credit card statement is matched with purchase orders and sent to Accounts Payable for payment.

10. Confirming Purchase Orders

Confirming purchase orders are discouraged because the product or service requires approvals. Considering using a blanket Purchase Order when appropriate.

Any purchase that results in a confirming Purchase Orders will require prior approval by an authorized signatory (similar to employee reimbursements).

Closing/Canceling a Purchase Order

- Purchase Orders are closed/finalized if the items or services have been received, paid, and no other charges will be made against the PO.
- PSC will cancel a PO if the vendor cannot fulfill the order, the items have been discontinued, or items are no longer needed.

Personal Services Agreement (PSA)

- The Board of Education authorizes the use of consultants to provide professional, specialized, technical, or training services that are not needed on a permanent basis and cannot be provided by District staff because of limitations of resources, time, experience, or knowledge. Individuals, firms or organizations employed as consultants may assist management with decisions and /or

project development related to financial, economic, accounting, engineering, legal, administrative, instructional, or other matters.

- As part of the contract process, the department hiring a consultant shall determine, in accordance with Internal Revenue Service guidelines, that the consultant is properly classified as an independent contractor. District employees who perform extra-duty services shall not be retained as independent contractors. They shall be considered employees for all purposes, even if the additional services are not related to their regular duties. Any person no longer employed by the District must be verified to have had all termination papers on file and recorded with the County before use as a consultant.
- All consultant contracts shall be brought to the Board for approval.
- All qualified firms or resource persons shall be accorded equal opportunity for consultant contracts regardless of race, creed, color, gender, national or ethnic origin, age, or disability.
- Independent contractors applying for a consultant contract shall submit a written conflict of interest statement disclosing financial interests as determined necessary by the Superintendent or designee, depending on the range of duties to be performed by the consultant. The Superintendent or designee shall consider this statement when deciding whether to recommend the consultant's employment.
- Independent contractors will set his/her own hours without any supervision. The District does have the right to request that work not be performed during specified hours.
- An independent contractor will be responsible for all his/her expenses. The District should not reimburse for expenses separately from the contract price. Expenses should be estimated and included in the contract fee calculation.
- All independent contractors shall procure and shall maintain during the life of their contract Worker's Compensation Insurance. All independent contractors shall procure and shall maintain during the life of their contract Public Liability Insurance in an amount not less than \$1,000,000 for injuries, including accidental death, and Provider's Property Damage Insurance in an amount not less than \$1,000,000.

FEDERAL GUIDELINES

The following Federal guidelines and procedures shall apply:

Code of Federal Regulations (CFR) 200.318 – General Procurement Standards, a non-Federal entity must use its own documented procurement procedures which reflect State and local laws and regulations.

When Federal and State Codes conflict, the more stringent of the two shall apply.

When procuring goods, materials and contracting for services under a grant, all projects are subject to audit. Contracts must be competitively bid, if applicable and comply with Federal, State, and local procurement standards, pursuant to 44 CFR 13.36.

1. Type of Contracts

- Lump sum: Contract for work within a prescribed boundary with a clearly defined scope and total price
- Unit price: Contract for work done on an item-by-item basis with cost determined on a unit basis

- Cost plus fixed fee: Either a lump sum or unit price contract with a fixed contractor fee added into price
- Time & Materials: Should be avoided, but may be allowed for work necessary immediately after disaster and after a determination that no other contract is suitable; include a cost ceiling or “not to exceed” provision [44CFR13. 36(b)(10)]
- Cost plus % of cost: Not allowed by FEMA Regulations
- Contingency: Not allowed by FEMA Regulations

2. Methods of Procurement

Small Purchases - Simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold fixed at 41 U.S.C. 403(11), currently set at \$100,000. If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.

- Do not exceed simplified acquisition threshold of \$100,000
- Obtain price or rate quotation from adequate number of qualified sources
- Relatively simple and informal method

Sealed Bids – Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the materials and terms & conditions of the invitation for bids, is the lowest in price. The sealed bid method is preferred method for procuring construction, if the conditions in 44 CFR §13.36, apply.

- Bids publicly solicited and advertised and a firm-fixed-price contract (lump sum or unit price) awarded
- Adequate and realistic description of project is available.
- Two or more responsible bidders are able to compete effectively
- Allow sufficient time for bidders to respond
- Invitation for bids defines project adequately
- Bids publicly opened at time and place prescribed in invitation
- Approved and awarded in writing
- All bids may be rejected for sound documented reason

Competitive Proposals – The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, follow guidelines in 44 CFR §13.36, Section 3.

- Bids publicly advertised; identify all evaluation factors that will be used
- Any response shall be honored to the maximum extent practical
- Proposals solicited from an adequate number of qualified sources
- Method for conducting technical evaluations of proposals in place

Non-Competitive Proposals – Solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Procurement by non-competitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposal and one of the following circumstances applies:

- The item is available only from a single source

- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation
- The awarding agency authorized non-competitive proposals
- After solicitation of a number of sources, competition is determined inadequate.

3. Awarding Agency Review

Grantees and subgrantees must make available, upon request of the awarding agency, technical specifications on proposed procurements where the awarding agency believes such review is needed to ensure that the item and/or service specified is the one being proposed for purchase. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the grantee or subgrantee desires to have the review accomplished after a solicitation has been developed, the awarding agency may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

Grantees and subgrantees must, on request, make available for awarding agency pre-award review procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc. when:

- A grantee's or subgrantee's procurement procedures or operation fails to comply with the procurement standards in this section; or
- The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation; or
- The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product; or
- The proposed award is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
- proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.
- A grantee or subgrantee will be exempt from the pre-award review in paragraph (g)(2) of this section if the awarding agency determines that its procurement systems comply with the standards of this section.
- A grantee or subgrantee may request that its procurement system be reviewed by the awarding agency to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews shall occur where there is a continuous high-dollar funding, and third-party contracts are awarded on a regular basis.
- A grantee or subgrantee may self-certify its procurement system. Such self-certification shall not limit the awarding agency's right to survey the system. Under a self-certification procedure, awarding agencies may wish to rely on written assurances from the grantee or subgrantee that it is complying with these standards
- A grantee or subgrantee will cite specific procedures, regulations, standards, etc., as being in compliance with these requirements and have its system available for review.

4. System for Award Management (SAM) - Verification of Debarment Procedures for Federally Funded Programs

Pursuant to 7 CFR 3017.110 (B), 7 CFR 3017.115, 7 CFR 3017.510, USDA Certification Regarding Debarment, any procurement contract for goods or services between the District and a Vendor in which the contract amount is equal to or exceeds \$25,000, the Program Administrator or their designee shall validate there are no issues with a vendor.

Program Administrators or their designee shall create a user account in the System for Award Management (SAM) at: <https://www.sam.gov/SAM/>

5. Bonding Requirements

For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold, the awarding agency may accept the bonding policy and requirements of the grantee or subgrantee provided the awarding agency has made a determination that the awarding agency's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

- *A bid guarantee from each bidder equivalent to ten percent of the bid price.* The “bid guarantee” shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.
- *A performance bond on the part of the contractor for 100 percent of the contract price.* A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- *A payment bond on the part of the contractor for 100 percent of the contract price.* A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

6. Contract provisions

A grantee's and subgrantee's contracts must contain provisions in paragraph (i) of this section. Federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by the Office of Federal Procurement Policy.

- Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. (Contracts more than the simplified acquisition threshold)
- Termination for cause and for convenience by the grantee or subgrantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of \$10,000)
- Compliance with Executive Order 11246 of September 24, 1965, entitled “Equal Employment Opportunity,” as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000 by grantees and their contractors or subgrantees)
- Compliance with the Copeland “Anti-Kickback” Act ([18 U.S.C. 874](#)) as supplemented in Department of Labor regulations (29 CFR Part [3](#)). (All contracts and subgrants for construction or repair)
- Compliance with the Davis-Bacon Act ([40 U.S.C. 276a](#) to 276a-7) as supplemented by Department of Labor regulations (29 CFR part [5](#)). (Construction contracts in excess of \$2000 awarded by grantees and subgrantees when required by Federal grant program legislation)
- Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act ([40 U.S.C. 327-330](#)) as supplemented by Department of Labor regulations (29 CFR Part [5](#)). (Construction contracts awarded by grantees and subgrantees in excess of \$2000, and in excess of \$2500 for other contracts which involve the employment of mechanics or laborers)

- Notice of awarding agency requirements and regulations pertaining to reporting
- Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.
- Awarding agency requirements and regulations pertaining to copyrights and rights in data.
- Access by the grantee, the subgrantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.
- Retention of all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.
- Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act ([42 U.S.C. 1857\(h\)](#)), section 508 of the Clean Water Act ([33 U.S.C. 1368](#)), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part [15](#)). (Contracts, subcontracts, and subgrants of amounts in excess of \$150,000)
- Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163, 89 Stat.

California Department of Education - School Food Authorities (SFA):

1. Open and Free Competition Requirements

Both federal regulations and California state law require all procurements – without regard to dollar value – to be conducted in a manner that promotes maximum open and free competition. School Food Authorities (SFA) must conduct either a formal or an informal process in accordance to Title 2, Code of Federal Regulations, Part 200.319(a).

2. Bid Process for Food Services Management Company Contracts

FSMC contracts must be obtained through competitive bidding process and must submit all bid documents to the CDE’s School Food Service Contracts Unit (SFSCU) for approval prior to issuance, in accordance to Code of Federal Regulations 7, Section 210.19[a][5] and 220.16 [c][1]. Documents may be sent by e-mail at: SFSCONTRACTS@cde.ca.gov, by fax at 916-445-5731, or by mail to: School Food Services Contracts Unit, Nutrition Services Division, California Department of Education, 1430 N Street, Ste 4503, Sacramento, CA 95814-5901.

STATE PRESCHOOL PROGRAM

Public agencies shall comply with the applicable sections of the State of California Public Contract Codes as well as California Code of Regulations, Title 5, Section 18040.

1. Equipment Bidding and Approval

All equipment and equipment replacement purchases in excess of \$7,500.00, including tax, per purchase shall be approved in writing in advance by CDE by submitting form CD-2703.

2. Equipment Quotes

All equipment purchases exceeding \$5,000.00, including tax, per purchase will not be approved by CDE unless three (3) bids or estimates have been obtained. If three (3) bids or estimates cannot be obtained, the District shall provide adequate documentation of the reason(s) why three (3) bids or estimates could not be obtained.