



The California School District Produce Procurement Guide

A resource developed by Community Alliance with Family Farmers (CAFF) and Community Health Improvement Partner's (CHIP) Farm to Institution Center.



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Introduction

The California School District Produce Procurement Guide provides resources and tools for school nutrition service directors to purchase produce from local farms. This resource was created by Community Alliance with Family Farmers (CAFF) and Community Health Improvement Partners (CHIP)'s Farm to Institution Center, to support and encourage school districts to procure and incorporate products from local farmers and producers into their school meal offerings. This resource contains sections related to: Micro-Purchases, Informal Procurement, Request for Proposals, and Emergency Non-Competitive Solicitation with information on when to use, how to set up purchasing, requirements for purchasing, benefits to consider, and resources.



USDA Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotope, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: How to File a Complaint, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form.

To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

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

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

Benefits of Purchasing Local



Meal Participation – Average increase 9%



Fruit and Vegetable Consumption – Increased +.099 to +1.3 servings per day



Average increased income for farmers – 5% (higher for direct sales)



Minimized diet-related diseases such as childhood obesity and diabetes, especially for low-income students and students of color

In a study conducted by San Jose State in 2015, using Farm to School education and marketing strategies increased student consumption of highlighted fruits and vegetables by .6 cups per student. In addition, studies show that every dollar spent on local food can generate up to an additional \$2.16 in economic activity ([USDA National Farm to Schol Census 2015](#))



The Farm to School Census is a nationally representative survey of school districts. Nationwide, more than 42,000 schools have farm to school programs, which operate in conjunction with the National School Lunch Program and other school meal programs. Seventy-five percent of respondents with farm to school programs reported at least one of the following positive benefits as a result of participating in farm to school:

- Reduced plate waste (17%);
- Improved acceptance of the healthier school meals (28%);
- Increased participation in school meal programs (17%);
- Lower school meal program costs (21%); and
- Increased support from parents and community members for the healthier school meals (39%).

(NFSN, *The Benefits of Farm to School 2017*)

<http://www.farmtoschool.org/Resources/BenefitsFactSheet.pdf>

In addition, schools are expected to give preference to the Buy American Provision when purchasing, which is supported through supporting local California farmers.

Buy American Provision - "Section 12(n) to the National School Lunch Act (NSLA) (Title 42 United States Code [U.S.C.]) requiring school food authorities (SFA) to purchase, to the maximum extent practicable, domestic agricultural commodity products. The Buy American Provision supports the mission of Child Nutrition Programs (CNP), which is to serve children nutritious meals in schools and support American agriculture."

- [CDE Procurement in School Nutrition Programs Website](#)

What to Think About Before Sourcing Locally

- **Procurement methods/procedure:** First determine the terms of procurement, and the estimated value of the purchase, this will determine whether the procurement should be solicited informally or formally, or if it falls below the micro-purchasing threshold. Refer to Figure 1.1 Procurement Decision Tree or view [USDA Decision Tree](#).

- **Defining Local** – The definition of local varies from district to district. Most districts consider local as produce grown within California. Then they may prioritize produce grown within 250 miles of their facility, district, or county. Some districts may also include a priority tier of 50 / 150 miles to their local definition. The district definition of local should be constructed to fit the unique needs of the district and the region they're located in. Ask your local distributor(s) if they have any buy local programs, and have already established a definition that meets your goals.

Example Local Definitions:

- **By mileage** - Grown or raised within 250 miles from the central kitchen facility or distribution center.
- **By county** - Grown or raised within the [Insert County] line.
- **By tier** – Tier 1, Grown within 50 miles. Tier 2, Grown within 250 miles. Tier 3, Grown within California.



Procurement Decision Tree



e.g 1.1

Micro-Purchase Procurement Process: (< \$50,000)

When to use:

- Making a one-time purchase(s) from non-contracted farmers/ vendors, alternating small purchases across the farmers/ vendors throughout a season
- First time a buyer is trying something directly from a local farm
- Special events (e.g., Harvest of the Month Feature, California Crunch, Educational Events)
- Emergency Purchase



Benefits of Micro-Purchases:

- Great for schools to purchase local food without soliciting competitive quotes.
- Micro-purchases allow schools to react quickly to changing markets and urgent needs when making small purchases.
- Micro-purchases can be useful for school districts to try out produce from new local farmers.
- While some small local farms that districts want to support might not be a good fit for a longer-term contract, a few micro-purchases can mean a lot to a small farm business.
- Micro-purchases are a great way to feature local farms for promotional events such as Farm to School celebrations or Summer Meals promotions.
- School districts are responsible for determining their own appropriate micro-purchase threshold up to \$50,000.

Best Practices for Micro-Purchases



Highly recommend rotating vendors after two consecutive micro-purchases from the same vendor to demonstrate fair vendor selection. If you purchase more than twice from the same vendor, switch to an informal bid.



Remember: Each single purchase under \$50,000 is a micro-purchase, meaning it has to be one purchase under \$50,000, not multiple orders that combined are under \$50,000 orders throughout the year.

How: Basic Steps

1. Develop specifications, and determine:

- What do you want to buy?
- When do you need the product?
- What volume do you want to purchase?
- Where do you need the product delivered?

2. Conduct market research:

- Check to see if the product is in season and if the product is available in your area. If not, research alternative products in season and available in your area
- See Tips: Seasonal Availability and Product Availability for more information.
- According to the USDA, “Micro-purchases enable schools to purchase supplies or services without soliciting competitive quotes, if the school considers the price reasonable.” (USDA Guide, Page 40). For example, to demonstrate prices being reasonable, it is recommended to compare to two other prices from any source, including prices at farmers markets, a local farmer selling online, or grocery store, and document them.



3. Contact a vendor and make the purchase:

- Let the farmer/vendor know:
 - o Your estimated volumes per delivery site(s).
 - o What the farmer/vendor will need to provide to be added to your accounting system for payment (e.g., W2, food safety plan).
 - o How long they can expect to receive payment and make sure that the terms (i.e., “Net 10” vs. “Net 30” day payment turnarounds) work for them.
 - o Include any delivery conditions such as hours deliveries can be made, and how the item is packed for delivery.

4. Manage the contract and farmer relationship:

- Continue to stay connected with farmer/vendor.
- Communicate updates to farmer/vendor on shifts in menu, items of interest, etc.
- Celebrate your local purchase by sharing with your community! Include local farmer/vendor connection in flyers, newsletters, social media, and updates on your menu.

5. Track your purchases:

- CDE requires school districts to track vendors (i.e., farmers or aggregators) that district’s purchase from micro-purchases and informal bids.
 - o [CDE school procurement audit vendor list](#) – this is what CDE asks districts to fill out to reflect these purchases during audits.
 - o [CAFF micro-purchase and informal bid tracking lists](#) – use these to track the quotes you receive for informal bids and vendors you purchase from off-contract.



Tips: Working with Small- to Mid- scale local farms:

- Consider slightly higher prices for better quality products. Be prepared to be flexible and talk to the farmer about what you can pay.
- Farmers sometimes measure product by weight and/or whole item counts, while school food buyers measure in portions and portion counts. Expect flexibility and averages in converting pack sizes to servings. For more information on converting to weight, visit:
 - [USDA Pecks to Pounds Guide](#)
 - [Farm to School Product Specification Chart](#)
 - [LunchAssist Bulk Produce Calculator](#)



Image Courtesy of Vista Unified School District



Tips: Seasonal Availability and Product Availability

- Look up a seasonal availability chart in your region and look for what items are in peak season, in the middle of their overall months in season in your region. This will give you the most availability and best price.
- Example seasonal availability chart resources:
 - [San Diego Farm Bureau Harvest Calendar](#) (includes San Diego County area)
 - [CUESA Northern California Fruit & Nuts Seasonal Availability Guide](#) (includes Central Valley & Coast)
 - [CUESA Northern California Vegetable Seasonal Availability Guide](#) (includes Central Valley & Coast)
 - [CAFF Regional Seasonality Guides](#) (Sonoma County, San Joaquin Valley, Bay Area, North Coast)
- For more information on products available in your region, visit:
 - [California Local Farm Directory](#) - A new directory by CAFF that California small farms upload their availability, including info on growing practices.
 - [CDFA 2020 Certified Farmers by County](#) - Producers certified to sell at Farmers Markets in California.
 - [CCOF Organic Farm Directory](#) - Search for CCOF Organic Certified producers.
- For more information on what farms are available in your region, contact:
 - Community Alliance with Family Farmers, Northern CA
- Email: farmtocafeteria@caff.org
 - Farm to Institution Center, San Diego CA
- Email: f2icenter@sdchip.org

To learn more, visit your local farmers market and see what items are available in your region.



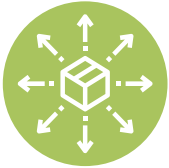
Tips: Food Safety

- Many small farms practice food safety, however, they do not all have third-party Good Agricultural Practices (on-farm food safety) certifications, as these certifications can be cost-prohibitive and unnecessary depending on what the farm is growing and who they are selling to. Consider asking the producer what food safety measures they have in place; if they have a food safety plan, CDFA Food Safety Inspection, or a Good Agricultural Practices (GAP) training certification.
- One suggestion is to visit the farm. Getting to know the farmers, asking about food safety and seeing their practices in person is another way that many institutions understand food safety.
- A district may ask the producer questions based on the fundamental food safety principals: soil, water, hands, and surfaces. Every school district has different food safety guidelines and requirements, which may be mapped out in your district's Procurement Procedures.
- For more information on Food Safety, visit [USDA's Food Safety Q&A Guide](#)



Image Courtesy of Fallbrook Union Elementary School District

Requirements for Micro-Purchases:



Distribute micro-purchases equitably among qualified suppliers to maximum extent practicable



Determine and document an appropriate threshold based on internal controls, risk evaluation, and procurement procedures. Document all purchases



Develop written specifications, required terms, contract provisions and conditions



Highly recommend: Shop around! Connect with farmers and vendors to compare and get a sense of pricing before purchasing

Resources/Sample Documents:



- [Sheet to track your micro-purchases](#)
- [Procurement Review Instructions](#)
- [Vendor Paid List](#)



Informal Procurement Process:

(>\$250,000 Federal, State threshold will change)

When to use

- Informal Procurement is also known as “Three Bids and A Buy,” meaning you must obtain quotes from at least 3 different vendors before making a purchase from one of those 3 vendors.
- Ideal to use Informal Procurement to purchase local products by lowest price through soliciting responses from vendors. Use when:
 - o You need to make more than two consecutive purchases from the same vendor, without rotating in purchases from other vendors, regardless of the total value (i.e., when you have surpassed the micro-purchase threshold).
 - o The value of the combined purchases will be greater than \$10,000 and less than \$250,000 (Dollar amounts determined through the Simplified Acquisition Threshold as of 2020).
- Informal Procurement provides an opportunity to compare products, without having to release a public notice of the bid.
- Informal bids are for contracts for one or more purchases from the same vendor in a single school year (vs. Formal RFPs for multi-year contracts).

Benefits of Informal Procurement



Easier than the public bid process required for Request for Proposals (RFPs).



Flexibility in how schools solicit bids to vendors compared to RFP.



Choice in which vendors to solicit bids from.



Great for schools to purchase local food from a vendor more than two times in a row without rotating in other vendors.

How: Basic Steps

1. Develop specifications and, terms, and conditions. (See Resource/Sample Documents on Page 19.)

- Detail the requirements of the intended agreement, including delivery and packing conditions.
- Consider your requirements for selecting local farms in your area. Highly recommend to not include unnecessary requirements which will increase the price and/or decrease the number of producers who apply. As awarded, contract is based on lowest priced responsible and responsive vendor, **not** any other evaluation criteria.
- Create an Item List detailing specific product information. (See Resource/Sample Documents on Page 19.)

2. Identify sources and gather quotes from at least 3 different suppliers.

- Bids might be received over the phone, face to face, or at a market. *District must document all bids.* (See Resource/Sample Documents on Page 19.)
- Contact vendors and provide product specifications. If calling, read off the written specification from your purchase log. The goal is to provide the same language to each vendor. Written communication is preferred but not required.
- Districts can solicit quotes directly from vendors without advertising the solicitation.
- If district cannot identify 3 sources to meet their specifications, the district must document why and make note of any efforts taken to broaden specification in order to receive responses from more bidders.

3. Evaluate bidders' responses to your specifications

- Ensure responders are responsible, responsive, and in accordance with all aspects in specifications.

4. Award the contract

- Determine which bidder offers the best value and award the contract to bidder that is most responsive and responsible bidder at the lowest price.

5. Manage the contract and farmer relationship:

- Ensure the school receives everything from the vendor that the contract stipulates.
- Celebrate your local purchase by sharing with your community. Include local farmer/vendor connection in flyers, newsletters, social media, and updates on your menu.



Annual Publishing of Solicitation for Informal Bids

- Note: There is a little-known requirement in CA Public Contract Code (PCC), Section 20116 Article 3, School Districts [20110 - 20118.4], that if a school district is going to solicit informal bids, "...the [school district] board shall publish annually in a newspaper of general circulation published in the district... a notice inviting contractors to register to be notified of future informal bidding projects." In turn, the district would notify any contractors that respond of any informal bid solicitations.
- We recognize that most newspapers no longer offer classified ads that a district can post to, and if they do, that it can be cost prohibitive.
- If this is not possible within a reasonable cost from your local newspaper, we recommend documenting a communication with the newspaper that demonstrates a newspaper cannot do this (or it is cost prohibitive) to show during a Procurement Review.

Requirements for Informal Bids

- Required for contracts over \$10k and up to \$250k. These purchasing thresholds are subject to change, please check the "Bid Thresholds" tab on the [Procurement in School Nutrition Programs webpage](#).
- Minimum of 3 price quotes solicited directly from vendors (competitive)
- Additional criteria, such as delivery location or reasonable support of a school nutrition education program, can be included. However, bids cannot be scored against each other based on which criteria they can meet. Only vendors who can meet all criteria can be considered.
- Lowest price of responding bids who meet requirements wins.
- Document entire procurement process (i.e., solicitation, responses, items, invoices, etc.). See "Resources" below for more information.
- Informal purchases can result in either a fixed-price or cost-reimbursable contract (also known as cost plus fixed-fee). Cost-reimbursable contracts are best for seasonal items like fresh fruits and vegetables in which price varies throughout the year. They **cannot** result in a cost + % of cost contract. In other words, a vendor may charge \$2.00/case for shipping and handling, but they cannot charge the cost of the case +10%.





Image Courtesy of San Diego Unified School District

Recommendations for Bid

- **Competitive** – Request a minimum of three price quotes.
- **Responsive** – Pick vendors who have open communication. (Meet needs and specs)
- **Responsible** – Pick vendors who meet requirements of solicitation. (Meet contract terms)
- **Find vendors who** - are local and that you want to support.
- **Pick vendors who** - are reasonable and can provide products.

Resources/Sample Documents:



- [Informal Bid Notice Template Link](#)
- [Informal Bid Item List Template Link](#)
- [Micro-Purchase and Informal Bid Tracking Document Link](#)

Request for Proposals (RFPs): Constructing a bid (<\$250,000 Federal, State threshold will change)



When to use

- Anytime the total contract value exceeds \$250,000 and is for recurring purchases, and/or the duration of the contract will be more than one year (RFP contracts are up 3 years including two 1-year extensions).
- Anytime scoring potential vendors is preferred instead of basing selection on price.
- Anytime you want to compare vendors based on which vendors have the best ability to:
 - o Provide local product (i.e., geographic preference)
 - o Provide source identity tracking and reporting
 - o Provide planning and marketing support
 - o Provide nutrition education resources



Tips

- o An RFP is a great opportunity to incorporate local food language to optimize for local vendors.
- o Example RFP language for geographic preference, “The District is committed to offering seasonal menu items and purchasing from local farmers whenever possible. Bidders should be making an effort to procure and offer California grown produce to schools and indicate these products on price lists and invoices. The District prefers locally grown products whenever possible and has a goal of procuring, at minimum, 40% locally grown and produced.” - RFP Template Language, CAFF
- o See the RFP and Contract Checklist, CNIPS Download Form ID PRU-05, for all required federal and state regulations for your contract.
- o Learn more about geographic preference through the USDA [Procuring Local Foods](#) Website.

Benefits of RFPs



Vendors provide a self-assessment of their ability to meet specifications outlined by school district



Flexibility to purchase seasonal products outside of the contract



Opportunity to purchase local products through distributor



Schools are not compelled to award contract

How: Basic Steps

1. Review CDE Requirements for formal procurement, including public bid process, by visiting the CDE [Procurement in Schools and Nutrition Program](#) Website.
2. Consider reaching out to CAFF and CHIP to utilize existing bid solicitation templates, resources, and automated bid creation tools based on extensive review of best practices and examples.
3. CDE Recommended Steps in developing an RFP contract: [Click Here to learn more](#)
 - Evaluate which types of services are needed and prepare a Scope of Work (SOW) that describes the services and tasks or products requested. The SOW should align with procurement plans and procedures.
 - Draft the RFP, which must include the Statement of Work (SOW) and a sample contract
 - Provide the RFP to contractors known to offer the desired services or products
 - Publicly advertise the RFP
 - Establish a date and time for opening proposals/bids
 - Evaluate the proposals/bids
 - Award the contract and publicly post the outcome of the RFP

Steps on Determining your “Scoring Process” on How the RFP will be Evaluated

- RFPs will allow you to award points or credit to bidders via evaluation criteria other than price.
- Federal regulations require that the highest evaluation criteria must be price; however, regulations do not prescribe the way that other scoring criteria (e.g., local/ geographic preference) should be applied. This should be decided based on the unique needs and core values of the district.
- Other criteria to be considered can include: Delivery Specification, Tracking & Source Identification, Service Reliability & Past Performance, Food & Nutrition Education, Vendor Consultation, and more.
- To find additional Evaluation Criteria and view an example Score Card: [Click Here](#)
- Note, while price alone is not the sole basis for award, it should remain the primary consideration when awarding a contract under the RFP method.
- It is recommended that evaluation criteria scoring is done on a 100-point scale, where each point accounts for 1 percent of the scoring.
- Tip: Price needs to be the highest evaluation criteria, but does not have to receive the majority of the points. For example, price can be scored for 30 of the 100 bid points, as long as all other categories are scored 30 points or less.



Steps to Incorporate Local/ Geographic Preference into Your Bid

- Define Local: Establish a definition of “local” with your school district. Make sure the solicitation makes perfectly clear how the preference will be applied. Since school districts have the flexibility to determine what defines “local” and how much preference will be applied, it is very important to clearly and explicitly state your definitions and preferences. Clearly state that is a priority to purchase locally in the general information section at the opening of the bid solicitation. (See **Micro-Purchases for more info on defining “Local”**)
- Include evaluation criteria that supports your geographic preference (I.e., how local will be scored on your “Scorecard” in the bid). (See **“Resources/ Sample Documents” on page 24.**)
 - o Points awarded based on ability to provide California grown and produced food based on tiers of the % of local able to be offered.
 - o Ability for vendor to provide purchasing reports that include farm name and origin.
 - o Ability for vendor to support seasonal purchasing planning and marketing.
 - o Ability for vendor to provide nutrition education materials, such as signage, for the cafeteria.
- Decide how much preference to apply: Determine the realistic amount of local foods your district can purchase. Be sure to evaluate whether there is enough availability of local product, and the cost at which you can realistically spend. In brainstorming local items, think about items you want to add to the menu and your purchasing history to get an idea of your usage. Consider items which are popular with students and/or consistently purchased at high volumes.
- Outline how geographic preference will be evaluated: Solicitation needs to include a description of the evaluation, including an explanation on the grading standards on how the winning bid will be selected. (See **“Resources/ Sample Documents” on page 24.**)



Requirements for RFPs

- All details of the requirements of the agreement need to be included, including delivery and packing conditions.
- Solicitations must state the criteria used to evaluate vendors' bids.
- Follow step 3 in How: "Basic Steps" above.
- RFPs can result in either a fixed-price or cost-reimbursable contract (also known as cost plus fixed-fee). Cost-reimbursable contracts are best for seasonal items like fresh fruits and vegetables in which price varies throughout the year. They **cannot** result in a cost + % of cost contract. In other words, a vendor may charge \$2.00/case for shipping and handling, but they cannot charge the cost of the case +10%.
- While RFPs aren't scored only on (lowest) price, price must be the largest scoring section. Price does *not* need to make up the majority of the total points, but must be the largest scoring section. I.e. Out of the 100 total points, if the maximum score for the pricing section is 25 points, every other scoring section must be 25 points or less. See Resources/ Sample Documents for Sample RFP.
- Maintain bidding documents for three years after the final contract payment and/or three years after an audit. Include details on the history of procurement including the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

Resources/Sample Documents:



- [Sample RFP Document from San Diego Unified School District \(2016\)](#)

What about Invitation for Bid (IFB)?

- Invitation for Bid (IFB) solicitations and Request for Proposals (RFP) are both used when soliciting contracts above \$250,000. IFBs are less conducive to local procurement because any vendor can bid but the lowest price bid meeting all requirements must be awarded. Whereas RFPs have a more robust scoring system based on a range of evaluation criteria, not just price.
- We highly encourage school districts to procure through RFPs rather than IFBs. RFPs allow local geographic preference language and other factors to be scored, allowing more vendors supporting local farmers to be competitive in bidding.

More Ways to Support Local Farms



Cross-docking

(can be used with RFPs and Informal Bids)

- **What is cross-docking?** “Cross-docking” in Farm to School is when district’s buy directly from farms or aggregators while utilizing the shipping and invoicing of their existing distributors. This allows the school to have a closer relationship with the farmer and without having to bring them on as a new vendor.
- **Things to note:**
 - Districts should either make sure that the product they are purchasing included in the distributor contract is on their bid item list. If not, the product should not exceed 10% of the overall value of the distributor contract per the market basket rule.
 - Work with your distributor to arrange the price of shipping and invoicing in a cross-docking partnership, which is typically lower than the distributor’s full service.
 - **For Formal Bids:** Cross-docking does not need to be included in the bid but can be used for scoring if the district wants to weigh the distributor’s ability in their solicitation.
 - **For Informal Bids:** If utilizing cross-docking through a vendor solicitation through an informal bid, the item must be on the bid item list. The Market Basket rule does not apply to Informal Bids.
- **For more information about cross-docking:**
Contact Community Alliance with Family Farmers (CAFF) by email: farmtocafeteria@caff.org



Image Courtesy of Fallbrook Union Elementary School District



Utilizing your USDA DoD Program

DoD entitlement funds can be used on local (within California) and occasionally Organic purchases, however, typically from larger farms and aggregators in which farm name is not identified. If purchasing through the DoD entitlement program already, or considering to open up more funding for local purchasing outside of DoD, consider utilizing the FFAVORS local and organic options. You can also apply to shift DoD funds over to the Unprocessed Fruit and Vegetable Pilot Program (UFVPP) to access more local and organic options from vendors in your region.

Unprocessed Fruit and Vegetable Pilot Program vs. DoD/commodities

While USDA DoD purchasing does not allow for purchasing from source-identified independent farms, the DoD FFAVORS availability list shows districts which items are coming from California, allowing SFAs to use their DoD dollars on CA Grown produce.

California schools can also opt into participating in the [Unprocessed Fruit and Vegetable Pilot Program](#). This program allows school districts to request to have some of their USDA entitlement funds reallocated from the DoD produce program to purchase from source-identified local farms through approved vendors participating in the UFVPP program, including organic and small-to mid-scale family farms.

- Schools can request to reallocate their funding to the UFVPP program on a rolling basis by emailing Sherry Tam (stam@cde.ca.gov) at the [CDE Food Distribution Program](#).
- Unlike the DoD program, school districts must follow USDA procurement procedures to purchase from UFVPP vendors.
- Example: [Informal Bid Document for UFVPP](#)
- Example: RFP language for UFVPP: "This RFP contains sections pertaining to the School District's primary fruit and vegetable requirements, as well as the USDA Unprocessed Fruits and Vegetable Program (UFVPP). Firms are not required to sell through UFVPP to respond to this RFP, however the District will select an alternate firm for the portions of the contract designated to the UFVPP."



Image Courtesy of San Diego Unified School District

Emergency Noncompetitive Solicitations (ENS)

When to use

Emergency Noncompetitive Solicitations (ENS) are noncompetitive proposals in which district only reaches out to one source to solicit their vending and may be used only when one or more of the following apply:

- The item is available only from a single source
- Procurement decisions need to be made faster than competitive solicitations allowed, due to the “exigency (need/urgency) or emergency,”
- Example: The District’s milk supplier has a shortage so the district needs to go directly to another milk vendor to ensure no disruption to meal service.
- The school district (aka non-Federal entity) sends a written request via email to the California Department of Education (aka pass-through entity) [Procurement Resources Unit](#) requesting to use non-competitive solicitations and the California Department of Education responds authorizing school district to use non-competitive solicitations, OR
- After solicitation of a number of sources, only one bid is received.

Benefits of ENS procurement

ENS procurement enables food service buyers to make short-term decisions to maintain supply during disruptions in their contracted supply. In situations in which the larger supply chain is disrupted, purchasing from local farms can fill supply needs while prioritizing food security in the local food system.

How: Basic Steps

- Evaluate ENS procurement needs based on the allowances within *Title 2 Section 200.320(f)(2)* (explained above).
- Contact the CDE [Procurement Resources Unit](#) to request ENS, if possible.
- Document all justifications and explanations of instances of noncompetitive procurement as well as details of vendors purchases normally required.

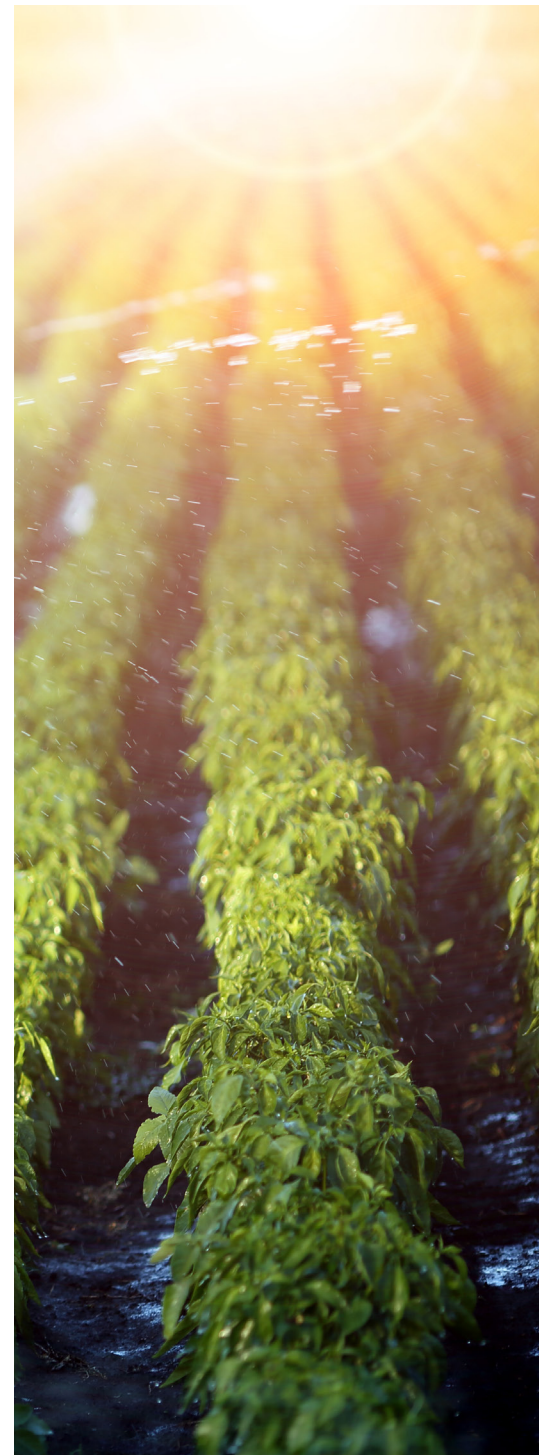
Requirements

- Circumstances in which noncompetitive procurement is applicable can be found in *Title 2, Code of Federal Regulations, Section 200.320(f)(2)*
- ENS procurement is only allowed for procurement within the context or timeframe of the emergency. Districts are still expected to go to bid for long-term contracts beyond the scope of the emergency.
- If you have questions or are in doubt, connect with your CDE Analyst or the [Procurement Resource Unit](#).



Tips:

- If after a number of sources, only one bid is received, ask prospective bidders why they didn't bid to make sure it wasn't due to an overly restrictive bid.
- If the emergency has passed, the district may still need to utilize ENS. When in doubt, ask CDE.
- Track any records or communications that are corresponded for future Procurement Reviews.



Fact Sheets on Case Studies



USDA Community Food Systems Fact Sheets



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- [CAFF List of Evaluation Criteria](#)
- [Bid Language Example](#)
- [Informal Bid Notice Template Link](#)
- [Informal Bid Item List Template Link](#)
- [Informal Bid Response Tracking Document Link](#)

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