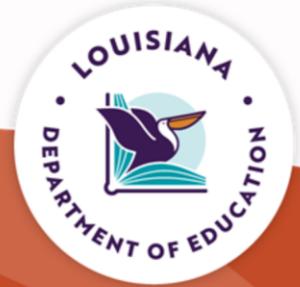


Procurement Overview



Utilizing State Contract Pricing

Q&A: Purchasing Goods and Services Using Cooperative Agreements, Agents, and Third-Party Services



LA has a State Contract that SFA's can utilize which has many items that the SFAs may use. Many SFAs believe that if the item is on the State Contract, then the items may be purchased with no further consideration to procurement, as mentioned in Louisiana Revised Statute 38:2212.1(F). This statute allows for the exception to bidding requirements for materials and supplies purchased under the cooperative purchasing agreement from the State Contract. Sponsors must always follow the most restrictive requirements. In this case, it would be USDA's requirements and not Louisiana Revised Statutes that are the most restrictive and according to Federal regulations purchasing off the State contract without conducting a competitive procurement process is limited to Micro purchases only and as you remember with Micro purchases they must be spread equitably among qualified sources.

Procurement regulations that govern procurement transactions are located in 2 CFR 200.318-327 and Appendix II to part 200. There are also Program procurement regulations that must be followed as well.

There is a USDA Memo SP-05-2017, entitled Purchasing Goods and Services Using Cooperative Agreements, Agents, and Third-Party Services which requires SFAs to conduct a competitive procurement process. Following all the regulations that I just mentioned. What does that mean?

SFAs must ensure that procurements are conducted in a manner that allows the most opportunity for open competition. State Contract pricing may be source of pricing when conducting a competitive process. This applies to both informal and formal procurements. Whether obtaining quotes or requesting bids/proposals, State Contract pricing can only be one source of pricing when obtaining goods and services.

All hyperlinks have been added above for sponsor review and convenience. Also included is the Louisiana Legislative Auditor's Public Bid Law question and answer document. It will assist the sponsors in understanding LRS 38:2212.1(F).

Q&A: Purchasing Goods and Services Using Cooperative Agreements, Agents, and Third-Party Services

Informal Procurement Methods

Micro purchases \$15,000 or less, unless the SFA self-certifies for the Louisiana Micro-purchase threshold of \$30,000 see 2 CFR 200.320(a)(1).

Small Purchase \$60,000 or less for public and private institutions. \$350,000 or less for charter schools.



Self-certification verification has now been added to the NSLP Annual Application

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Today we are going to discuss informal procurement methods.

As of October 1, 2025, OMB amended the FAR to adjust statutory acquisition-related thresholds for inflation. 48 CFR 2.101 shows the increased micro-purchase threshold from \$10,000 to \$15,000.

Micro-purchase is a tool that SFAs can use to purchase food, supplies or services with a value of \$15,000 or less. This method is generally used for occasional activities, such as the harvest of the month, sampling new products, trying out a vendor or an emergency purchase. When using the micro purchase method of procurement, SFAs must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may only be used when the SFA considers the price to be reasonable.

SFAs are able to establish a threshold higher than the micro-purchase threshold identified in the FAR (\$15,000). Reference 2 CFR 200.320(a)(1). In the State of Louisiana, the micro-purchase threshold is a single transaction of \$30,000 or less. The SFA must self-certify a threshold up to \$30,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with 2 CFR 200.334. The verification of self-certification has now been added to the NSLP Annual Application.

The Small purchase procurement threshold is \$60,000 or less (\$350,000 or less for charter schools). The local SFA may have more stringent requirements. The SFA must follow the most restrictive requirements. In all cases, state law requires that no less than 3 quotes be obtained.

Micro Purchase



Now, we will discuss the Micro Purchase method and how to utilize it.



**THE MICRO-PURCHASE
METHOD IS NOT TO BE
USED TO AVOID
PROPER PROCUREMENT!**



The Micro Purchase Method is not to be used to avoid proper procurement. If a Micro Purchase procurement is used several times in a year for the same product or products, it is likely that the Small Purchase procurement method should have been used.

Do not let this be your situation. It is up to the School Food Service Director to look at past costs and forecast costs for the upcoming school year. Performing a cost analysis will allow the SFA to always use the correct procurement method and make good use of child nutrition funds.

Question: What do you do if multiple micro-purchases for the exact same product will exceed the \$15,000 threshold?



Micro-purchases are not totaled annually, but per single purchase. However, if the SFA knows that multiple broccoli purchases for the school year will exceed \$15,000, micro-purchase is not the right method to procure broccoli throughout the school year. In this instance, the Small Purchase Threshold should be used.

The example listed does not refer to aggregate micro-purchases, where SFAs combine smaller purchases to make one larger micro-purchase. This example refers specifically to circumventing the procurement process by breaking up identical purchases to ensure the purchases fall under the small purchase threshold. Remember, it is up to the SFA Director to ensure that the total amount of the purchase will be under \$15,000.

The Small Purchase Method requires the SFA to obtain at least three quotes. One of the quotes can be the State Contract.

Purchase Orders – Charge Accounts

Purchase orders and charge accounts cannot be used as a reason to purchase from only one vendor!



Purchase orders and charge accounts cannot be used as a reason to purchase from only one vendor. This would be considered circumventing the procurement process.

Benefits of Micro Purchase

- Districts can react quickly to change markets and urgent needs
- Helpful for small SFAs
- Can be used for purchasing local products if cost does not exceed \$15,000 (\$30,000 for SFAs who self-certify)

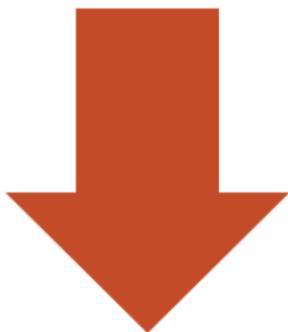


Micro purchasing allows districts to react quickly to changing markets and urgent needs. It is also useful to smaller districts where purchases may fall under \$15,000 for each occurrence. Before contacting a supplier to make a purchase, districts should perform market research to understand what a reasonable price for the product is.

Districts may choose to self-certify, annually, to the increased micro purchase threshold of \$30,000. If chosen, the SFA will have to retain all documentation it uses to self-certify, and the documentation should be readily available for review by regulatory auditors, State and/or federal agencies.

Micro purchases may be especially useful when purchasing local products. For example, a district is committed to purchasing a variety of products seasonally and has built flexibility into its menu to enable the district to purchase small quantities of produce when local farmers might have a surplus.

Micro Purchases



≤\$15,000 (or)
≤\$30,000*

*See 2 CFR 200.320(a)(1)(iv)



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When planning purchases, the first question to ask yourself about micro purchases is whether each transaction will be \$15,000 or below. If it will not be \$15,000 each or below, or if the total for all like items shall equal the small purchase threshold, then the SFA should receive quotes instead of procuring through micro purchase.

- The sponsor can increase to the state maximum micro purchase threshold of up to \$30,000. However, the sponsor has to self-certify on an annual basis and must maintain documentation to be made available to the State agency and/or Federal Agencies upon request 2 CFR 200.320(a)(1)(iv).
- As mentioned previously, the self-certification verification requirement has now been added to the annual NSLP application. Sponsors should ensure that all required documentation is in order and available prior to submitting the annual NSLP application for approval.

Micro-Purchase Higher Threshold Certification

- SFAs are able to establish a threshold higher than the micro-purchase threshold identified in the FAR (\$15,000). [2 CFR 200.320\(a\)\(1\)](#)
- In the State of Louisiana, the micro-purchase threshold is a single transaction of \$30,000 or less.
- The SFA must self-certify a threshold up to \$30,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with [2 CFR 200.334](#)
- The verification of self-certification is included in the NSLP Annual Application.

The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

- A qualification as a low-risk auditee, in accordance with the criteria in 200.520 for the most recent audit;
- An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,
- For public institutions, a higher threshold consistent with State Law.

[USDA Memo SP 02-2022](#)



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SFAs are able to establish a threshold higher than the micro-purchase threshold identified in the FAR (\$15,000). [2 CFR 200.320\(a\)\(1\)](#).

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- A qualification as a low-risk auditee, in accordance with the criteria in 200.520 for the most recent audit;
- An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,
- For public institutions, a higher threshold consistent with State Law.

Micro Purchases

Are prices reasonable?

Would a prudent person pay the same price?

Conduct Market Research

Note: The Buy American requirement also applies to Micro Purchases



The second question is: Are the prices reasonable?

- We don't have clear cut guidelines for what is "reasonable". The question, "Would a prudent person pay the same price as the SFA paid?" can be used to determine if the price is reasonable. For example, is \$10 for a loaf of bread "reasonable?" Of course not.
- The SFA should be doing some market research before purchasing to see what is reasonable. This step must be taken to make sure the purchase is below the \$15,000 threshold (\$30,000 if the SFA self-certifies annually). It is advisable to maintain documentation of your research.
- Market research could include things like listing stores in the area with the types of products they have available, looking through local circulars, and looking on the internet for price comparisons.

Micro Purchases

Review of invoices/receipts shows the SFA is compliant with the micro purchase method.



The final question is, based on a review of the invoices and receipts, is the SFA compliant with the use of the micro-purchase method?

- You can determine this by looking at the invoices and receipts and determining if the purchases were \leq \$15,000 (\$30,000 if the SFA self-certifies annually). Did the purchases seem reasonable? Were the purchases spread equitably among vendors?
- Micro purchase findings are amongst the highest number of findings during an audit due to SFAs misunderstanding of its use. Micro purchases are per occurrence, but if the SFA knows they will purchase milk every week from ABC Milk, Inc. for \$9,800, then micro purchase is not the way to go. If there are 30 weeks in the school year and the SFA spends \$9,800 per week with one milk producer, the SFA will have spent \$294,000 for the entire year with one company on milk. The SFA should have created a formal solicitation to formally procure milk, or obtained quotes for milk once per month to spread the wealth around.
- A better use of the Micro purchase method would be if the school is having a themed day. The cafeteria manager would like the day's menu to reflect the theme. The cafeteria workers go out and purchase food and supplies to prepare meals that go with the theme of the school day. Although three of the four purchases were \$15,000 per occurrence, the purchases were at different stores and spent on different products to make a successful themed breakfast and lunch for the entire school to enjoy. The SFA did not go over the micro purchase threshold for each occurrence, and also "spread the wealth" amongst qualified suppliers by using different stores to purchase goods.
- An exception to spreading the wealth would be when the SFA or site is in a small town that has only one grocery store and the next closest grocery store is 30 miles away. If this is the case, it should be reflected in the procurement plan.

Activity Time



Let's do an activity!

Compliant?

1. SFA purchased \$280 in food & supplies from Walmart in August
2. In September, \$120 in food & supplies was purchased from Dollar General
3. In October purchased \$15 from Walmart and \$35 from Dollar General



Let's look at some Micro purchases to see if they are compliant.

An SFA purchased \$280 in food & supplies from Walmart in August

In September, they purchased \$120 in food & supplies from Dollar General

In October they purchased \$15 from Walmart and \$35 from Dollar General

Would this be compliant?

Compliant?

Yes - the SFA spread the wealth!



Yes - the SFA spread the wealth

Compliant?

One purchase for printing applications for
\$2,354.78

No other printing services during the year



The SFA made one purchase for printing applications for \$2,354.78

There was no other printing purchase during the year.

Would this be compliant?

Compliant?

Yes - the SFA only purchased printing supplies once.



Yes. There was only one purchase. If printing services had been needed later in the year, a different vendor would need to be used to share the wealth.

Compliant?

SFA purchased repair parts 1 time from Ace Hardware for a total of \$122.

SFA purchased repair parts 11 times from Chandler's Parts for a total of \$1,456.



The SFA purchased repair parts 1 time from Ace Hardware for a total of \$122.

The SFA purchased repair parts 11 times from Chandler's parts for a total of \$1,456.

Would this be compliant?

Compliant?

No-the SFA did not spread the wealth equitably



No. The SFA did not spread the wealth equitably. The SFA purchased from two vendors but purchased one time from one vendor and eleven times from the other. The SFA did not spread the wealth in the number of purchases or the value of purchases.

Compliant?

There are only 3 stores in a small town.

*Store A	20 purchases	\$1,098
*Store B	12 purchases	\$1,456
*Store C	6 purchases	\$1,657



There are only 3 stores in a small town

- The SFA had 20 purchases from Store A for a total of \$1,098.00
- At Store B, there were 12 purchases for a total of \$1,456
- The SFA made 6 purchases at Store C for \$1,657

Would this be compliant?

Compliant?

Yes - the SFA spread the wealth!



Yes - the SFA spread the wealth!

Small Purchase Procurement



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Now we are going to review small purchase procurement. This gets more complicated because the thresholds are different depending on the type of SFA and limits imposed by the state of Louisiana and your local SFA.

As of October 1, 2025, 48 CFR 2.101 shows the simplified acquisition threshold (small purchase threshold) increased from \$250,000 to \$350,000.

In Louisiana, remember that the small purchase threshold of \$350,000 is for charter schools only.

For all other SFAs, the State of Louisiana small purchase threshold is \$60,000. Each SFA has to find out from their administration what their small purchase threshold is. This amount can vary by local agency. However, the municipal small purchase threshold should be listed in each sponsor's current procurement plan.

No sponsor should find out their municipality's small purchase threshold during a State Procurement Review. It is the sponsor's responsibility to know its district's procurement policies and thoughtfully enter them into the district's procurement plan for the current program year.

Requirements of a Small Purchase Procurement

Written Specifications

Clear and accurate descriptions of the technical requirements

Buy American language must be included



Small purchase procurements are typically called “quotes”. When doing a small purchase procurement, the SFA must provide potential vendors with written specifications.

There must be clear and accurate descriptions of the technical requirements. This could be delivery dates, times, etc.

When purchasing unprocessed agricultural products, or local agricultural products [7 CFR 210.21(g)], the Buy American requirements also apply 7 CFR 210.21(d) and must be included in all procurement procedures, solicitations, and contracts.

Local Procurement



State Small Purchase
threshold waived



Quotes can be used



<\$350,000



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While on the subject of local procurement, let's discuss how it applies to small purchase procurement in Louisiana.

- The State of Louisiana has waived the State Small Purchase Threshold when purchasing local agricultural products. See L.R.S. 17:194.D
 - Local agricultural products refer to meat, poultry, eggs, dairy, and seafood procured from local farmers, fishermen, or other producers that are unprocessed.

The Federal Threshold for Small Quotes may be used when procuring local agricultural products for contracts valued at less than \$350,000. All SFAs are allowed to utilize the federal simplified acquisition threshold of \$350,000, only when procuring local agricultural products. All other aspects of the procurement must comply with 2 CFR 200.319(b).

Local agricultural products refer to meat, poultry, eggs, dairy, and seafood procured from local farmers, fishermen, or other producers that are unprocessed.

Be mindful, if the SFA wants to combine procurement with canned goods, frozen foods, etc., the small purchase threshold is not waived for those procurements. In order to utilize the federal SAT, the solicitation must only include procurement of local agricultural products.

- Federal regulations have recently expanded the definition of what is considered local procurement, and how it can be procured.
- Now sponsors may apply geographic preference to solicitations when procuring unprocessed locally grown or locally raised agricultural products, including the use of the terms "locally grown", "locally raised", or "locally caught" as procurement specifications. Sponsors can also use the phrases as selection criteria for unprocessed or minimally processed food items. 7 CFR 210.21(g)
- It is up to the sponsor to determine the local area to which the geographic preference shall apply. Sponsors who receive local food grants through USDA, LA Department of Agriculture, or other means, shall review the grant requirements to determine geographic preference parameters. It is up to the sponsor and the sponsor's legal department to ensure compliance with all grant procurement procedures.

Local Procurement



<https://www.fns.usda.gov/f2s/procuring-local-foods>



Across the country, an increasing number of Child Nutrition Program operators are sourcing local food and providing complimentary educational activities that emphasizes food, nutrition, and agriculture.

Some of the benefits of doing this are:

- Supporting the local community
- Lower school meal program costs
- Increased meal participation
- Reduced food waste

Some great resources for helping you navigate the procurement of local foods are available on the Farm to School website's resources page.

- The website is www.fns.usda.gov/cfs

We suggest keeping a printout or saving a copy to your desktop of the Procuring Local Foods for Child Nutrition Programs guide.

This guide helps navigate the procurement rules correctly. It includes menu planning basics, fundamental principles of procurement, several potential sources of local products, and a variety of ways to procure the products.

Small Purchase: Solicitations

- USDA requires quotes be obtained from 2 or more sources
- Louisiana Revised Statute requires 3 documented quotes for purchases between \$30,000 and \$60,000.
- The State Contract can be one of the quotes, but cannot be the only quote for small purchase solicitation. (See hyperlinked references below.)

[L.R.S. 38:2212.1\(F\)](#)

[LLA Public Bid Law Q58](#)



USDA requires quotes be obtained from at least 2 sources. Louisiana Revised Statute 38:2212.1(A)(1)(b) states that 3 documented quotes are required for purchases between \$30,000 and \$60,000.

So which do we follow? We must always follow the stricter regulation/statute so 3 documented quotes are required.

As mentioned prior, if the sponsor chooses to utilize the State Contract, the sponsor must be aware that using the State Contract is only a tool in the procurement tool belt. The sponsor cannot just purchase from the State Contract without following proper procurement requirements.

The hyperlinks to the LA Revised Statutes and Public Bid Law are included on the slide.

Evaluation of Small Purchase Procurements

- 
- 1) Did the SFA restrict competition?
 - 2) Were specifications (crystal) clear?
 - 3) Was Buy American followed?
 - 4) Were adequate records maintained?



During a procurement review, the reviewer must make a determination as to whether the SFA restricted competition by:

- 1) Placing unreasonable requirements on the firm. This could include requiring that the company be located in the parish or state or currently have 15 contracts with other school districts.
- 2) Requiring unnecessary experience or excessive bonding, such as requiring 25 years of Food Service experience; and
- 3) Specifying a brand name
- 4) Purchasing from the State Contract without ever reviewing any other quotes.

They must also determine if the technical requirements for the product or services were crystal clear and accurate.

Solicitations should include specifications in which the SFA articulates their needs.

This description may include a statement of the qualitative nature of the material, product or service to be procured.

The description should not be overly detailed as to restrict competition.

You need to be careful here to balance against making sure the SFA gets what they need and avoiding restricting competition.

Does the solicitation include a requirement that food products must be produced and processed in the United States at the greatest extent possible, if applicable.

Were adequate records maintained that provide a history of the procurement. This history must include detailed records of any products purchased that are not produced or processed totally in the United States.

Evaluation of Small Purchase Procurements



Record Maintenance

Correct Vendor Selected



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SFAs maintaining records sufficient to detail the significant history of the procurement has been a finding on multiple Administrative Reviews in previous years.

The correct vendor should be selected based on the products/services requested and the vendor responses provided.

If the State Contract was the cheapest vendor, the SFA should request and retain all records sufficient enough to detail the history of the procurement, for the purposes of accountability during a procurement review.

Evaluation of Small Purchase Procurements



The reviewer will audit invoices and receipts to ensure the SFA purchased the products that were solicited from the vendor and that they paid the price that was in the bid.

Activity Time



Let's do an activity!

Compliant?

A small purchase of \$30,500 is required.

One quote was obtained and printed from Amazon.



Is this compliant?

The SFA obtained and printed a price quote from Amazon for a small purchase that exceeds \$30,000.

Compliant?

No - 3 quotes were needed



No. 3 quotes were needed

Compliant?

One quote obtained from the only local company providing the service



Is this compliant?

One quote was obtained from the only local company providing the service.

Compliant?

It depends

In this instance, it is best for the SFA to request approval for noncompetitive procurement.

This will ensure the SFA is compliant with procurement regulations.



It depends-how far away is the next closest company? Is it possible that they could compete with the local company despite being some distance away?

In this instance, it is best that the sponsor request noncompetitive procurement approval, to ensure compliance with procurement regulations.

Compliant

Three quotes requested on a Garland ES-10-S Master Series Convection Oven



Is this compliant?

Three quotes were requested on a Garland ES-10-S Master Series Convection Oven.

Compliant?

No - Brand Name was specified with no equal or pre-approved equal allowed



No - a specific brand name was requested without allowing an equal product's specifications to be reviewed for possible acceptance.

Compliant?

The Buy American Certification Form was not provided as required with a quote for produce



Is this compliant?

The Buy American Certification Form was not provided as required with a quote for produce.

Compliant?

No – The vendor would be considered non-responsive. The only deviation of the requirement is if all the vendor's exceptions are listed on the FAR. If even one exception is not listed on the FAR or is due to cost of products being more expensive in the U.S. than non-domestically, the Buy American Certificate must be submitted.



No – The vendor would be considered non-responsive as they did not provide required information along with their quote. The only deviation of this requirement would be if all of the vendor's exceptions are listed on the FAR. If all products are listed on the FAR, the SFA/Sponsor is only required to track the products and not retain documentation. However, if the vendor has even one exception that is not listed on the FAR or is due to the product cost being higher domestically than non-domestically, the Buy American Certification form must be completed and submitted with the quote to be considered responsive.

Formal Procurement



2026

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We are going to discuss in detail how to use the Formal Procurement Method for procuring goods and services.

Cost/Price Analysis

2 CFR 200.324

Cost/Price
Analysis



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Before we select one of the methods, regulations include a requirement that a cost analysis be conducted. This is done so that we can determine which procurement method must be used and select the contract type that will result.

According to 2 CFR Part 200.324, Program operators must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold. This includes contract modifications. The method and degree of analysis is based on the individual procurement, but as a starting point, the SFA must make independent estimates before receiving bids or proposals.

This means every procurement estimated OVER \$60,000 including contract modifications, must include a cost estimate. Prior year cost records can be used to show the value of purchases for these products or services. USDA strongly recommends that the cost estimate be included in the solicitation. A statement can be included in the Scope of Services that "In the prior year the Program spent "X" dollars for the goods and/or services identified in this solicitation. This gives the potential vendor the knowledge of how much the contract is worth and will it be advantageous for them to bid on your IFB or RFP.

Cost/Price Analysis

- Cost/Price analyses do not have to be complicated.
 - The SFA can total invoices from the prior school year.
 - The SFA can utilize the Income and Expense Report submitted to LDOE annually.
 - The SFA can request totals from the previous year's vendors.



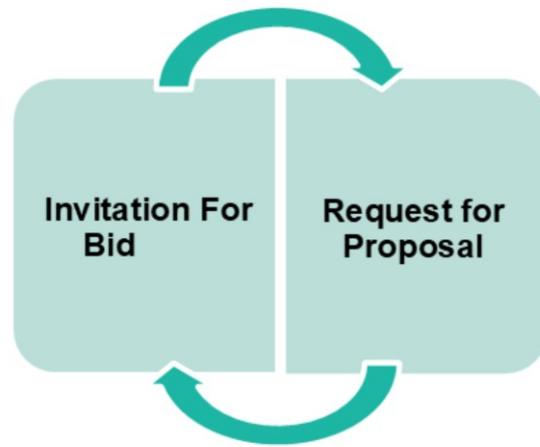
Cost/Price analyses do not have to be complicated. The SFA has several options to complete a cost/price analysis.

- The SFA can total all invoices for goods received during the prior school year to create a cost/price analysis.
- The SFA can use the Income and Expense report, submitted to LDOE annually, to establish a cost/price analysis for goods and/or services.
- The SFA can contact vendors and request totals spent with each vendor for the previous year. Those totals can be used as a cost/price analysis for certain goods/services solicitations.
- You can work with your business office, they can print you a report that shows expenditures spent per vendor last year.

The SFA should consider inflation when completing cost/price analyses. Consider using the current CPI index for Food Away From Home to account for price increases, when completing cost/price analyses.

Although Federal regulations require cost/price analysis only for formal procurement, it is recommended that SFAs complete a cost/price analysis for all procurement. It is important for sponsors to know how much they are spending on procuring items, to ensure the correct procurement method is utilized.

Select the Appropriate Method



When the value of the purchase is expected to be above the simplified acquisition threshold which is \$60,000 (\$350,00 For charter schools), the SFA should use one of the following:

Both of these are formal procurement methods. Formal procurement methods are competitive and require public notice.

We will be talking about Competitive Sealed Bidding, commonly called an Invitation for Bid or IFB or a Competitive Proposal, commonly called a Request for Proposal or RFP.

What is Competitive Sealed Bidding (IFB)?

Bids that are publicly solicited. A firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitations for bid, is the lowest in price.

[2 CFR 200.320\(b\)\(1\)](#)



Competitive sealed bidding procedures use an Invitation for Bid. These are publically solicited and a firm, fixed-price contract is awarded. There may be one contract awarded to the most responsive and responsible bidder that has the lowest overall price or multiple awards may be made if the SFA states in the IFB that awards may be made to multiple bidders based on unit price by item or group of items.

When is an IFB Used?

- Complete, adequate, and realistic specifications
- Three or more responsible bidders
- Firm fixed price contract



One would use an IFB when there is a complete set of specifications of products and services, there are 3 or more responsible bidders willing to respond, and a firm fixed price contract is awarded.

We saw in the last slide, bids may be awarded based on a lump sum price to one bidder, a line item award based on the unit prices that is awarded to multiple bidders, or a combination award to multiple bidders based on items that are grouped. The key is that bids are awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.

The sealed bid method or IFB is the preferred method when there are not a lot of complex technical factors. these contracts are awarded based on price. The following conditions should be present in order for an IFB to be feasible:

- (i) A complete, adequate, and realistic specification or purchase description is available and
- (ii) Three or more responsible bidders are willing and able to compete effectively for the business.

The procurement lends itself to a firm fixed price contract

What is a Competitive Proposal (RFP)?

- Includes technical and cost factors
- Multiple sources submit offers
- Results in a fixed price or cost reimbursable contract

[2 CFR 200.320\(b\)\(2\)](#)



Now let's look at the Competitive Proposal or RFP.

A Competitive Proposal or a request for proposal are used when conditions are not appropriate for using sealed bids. This procurement method may result in either a fixed-price or cost-reimbursement contract. Requests for proposals require public notice, and all evaluation factors and their relative importance must be identified.

This contract can either be a fixed price contract or a cost-reimbursable contract.

Components of an RFP



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When using an RFP, proposals must be solicited from an adequate number of qualified sources and have written procedures for conducting technical evaluations and making selections. What is a technical evaluation? It describes how technical and cost factors will be considered in making the final determination for the purchase of goods and services. RFP's must be awarded to the responsible offeror whose proposal is most advantageous to the SFA considering price and other factors;

Some examples of Key elements in scoring criteria are cost, quality, experience, compliance, and technical capabilities

Awarding Contracts Using a RFP

Contracts must be awarded to the responsible vendor whose proposal is most advantageous to the program, with price and other factors considered.



Contracts must be awarded to the responsible vendor whose proposal is most advantageous to the program, with price and other factors considered. However, price has to be the highest rated criterion in the list of criteria.

The SFA may use an RFP for qualification-based procurement of professional services where the competitors' qualifications are evaluated and the most qualified competitor is selected. Examples where an RFP would be appropriate are pest control services, consulting services, and commodity processing.

Activity Time



Let's do an activity!

IFB or RFP?

ABC Elementary is procuring frozen foods, canned goods, milk, fruits and vegetables for the upcoming school year. The SFA needs goods delivered three times per week, at specific hours. The SFA also requires the selected vendor to have 10 years experience in child nutrition and provide proof of financial viability. The SFA will use these criteria to determine which vendor receives the award, with price being the heaviest weighted criterion.

Should the SFA use IFB or RFP to solicit vendors?



Which procurement method is a better fit for the SFA's procurement situation?

ABC Elementary is procuring frozen foods, canned goods, milk, fruits and vegetables for the upcoming school year. The SFA needs goods delivered three times per week, at specific hours. The SFA also requires the selected vendor to have 10 years experience in child nutrition and provide proof of financial viability. The SFA will use these criteria to determine which vendor receives the award, with price being the heaviest weighted criterion.

Should the SFA use IFB or RFP to solicit vendors?

IFB or RFP?

If you said RFP, you are correct!

If the SFA is using criteria to evaluate submitted responses, the SFA must use the Request for Proposals option to solicit proposals.

Invitation For Bids should only be used when price is the only factor used to award bids.



If you said RFP, you are correct!

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Provisions for Formal Contracts



Buy American Provision

- Required for Fixed Price and Cost Reimbursable Contracts
- Must purchase domestic commodity products produced in the US using domestic commodity products to the maximum extent possible,

7 CFR Part 210.21(d)



The Buy American provision found in 7 CFR Part 210.21(d) is required for both fixed price and cost-reimbursable contracts. The Buy American Provision requires SFAs to purchase domestic commodity products to the maximum extent possible. These products must be produced and processed in the US using agricultural commodities that are produced in the US.

According to 7 CFR 210.21(d)(3) – SFAs must include language requiring the purchase of foods that meet the Buy American requirements in all procurement procedures, solicitations, and contracts.

This applies to SFAs located in the contiguous United States which must purchase domestic commodities or products for the NSLP and SBP.

Buy American Certification Form

BUY AMERICAN PROVISION CERTIFICATION FORM FOR FOOD PURCHASES

SFA Sponsor Name Enter SFA/Sponsor Name Here

The Buy American Provision 7 CFR Part 210.21(d) requires School Food Authorities to purchase, to the maximum extent practical, domestically grown and processed foods. "Domestic" is defined as a product that is grown in the United States, or with processed food items, the product must be processed in the United States of food that is produced and grown domestically in the United States. Any product processed by a responsive vendor must contain over 51% of the food component, by weight or volume, from U.S. origin. The Buy American Provision 7 CFR Part 210.21(d)(5) also requires SFA/Sponsors to track total food product purchases to ensure non-domestic food purchases do not exceed the established total annual commercial food cost caps (SY25-26 – 10%; SY28-29 – 8%; SY31-32 – 5%).

The vendor must include all component items proposed by the company that do not meet the definition of "domestic". This document must be included as a part of the quote. This document is provided in Microsoft Word format so the vendor may add additional food items.



VENDORS MUST CERTIFY EITHER: (CHECK NUMBER 1 OR 2)	
<input type="checkbox"/>	1. I certify that all food products proposed by my company are 100% produced in the U.S., or processed in the U.S. with the final processed product including over 51% of food that was grown in the U.S.
<input type="checkbox"/>	2. I certify that all food products proposed by my company are 100% produced in the U.S., or processed in the U.S. with the final processed product including over 51% of food that was grown in the U.S. with the EXCEPTION of the following items listed below.
NAME OF FOOD ITEM	COMPLETE BELOW AND CHECK THE APPROPRIATE REASON THE NON-DOMESTIC PRODUCT IS PROPOSED FOR EACH ITEM.
Click or tap here to enter text.	This product includes _____% U.S. Content. The product is grown in _____.
	<input type="checkbox"/> The product is listed in the FAR at 48 CFR 25.104 and/or is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality.
	OR
	<input type="checkbox"/> The cost of the U.S. product is significantly higher than the non-domestic product. List prices and unit pack size below for item to be considered:
	\$ _____ Price of Domestic or U.S. Grown Product Per Unit
	\$ _____ Price of Price of Non-Domestic Product Per Unit



- The State agency requires all procurements involving the purchase of agricultural products to include the Buy American Certification Form in the procurement document. Each vendor must include the completed Buy American Certification form along with their bid/proposal. A bid/proposal that does not include the form should be considered non-responsive. By completing and signing the Buy American Form, the vendor is certifying that a product is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of satisfactory quality or the vendor has provided sufficient documentation for the SFA to determine whether or not the cost of the US product is significantly higher than the non-domestic product.
- The only deviation to this requirement would be if all the vendor's exceptions are listed on the FAR. As listed in 7 CFR 210.21(d)(5)(iii), if all the exceptions are listed on the FAR, SFAs are only required to track the items and not keep documentation of the exceptions.
- However, if even one of the vendor's exceptions is due to the cost of the US product being significantly higher than the non-domestic product, the Buy American Certification form is required for the vendor to be considered responsive.

Buy American Exceptions

Exceptions to the Buy American provision should be used as a last resort; however, an alternative or exception may be approved upon request.

To be considered for the alternative or exception, the request must be submitted in writing to a designated official, a minimum of 14 days in advance of delivery.

The request must include the:

1. Price of the domestic food alternative substitute
2. Availability of domestic alternative substitute and quantity
3. Reason for exception: the product is listed in the FAR and/or is limited/lacks availability **or** price is significantly higher in the U.S. (price must be included)
4. Prices must include:

Price of the domestic food product; and

Price of the non-domestic product that meets the required specification of the domestic product



Exceptions to the Buy American provision should be used as a last resort; however, an alternative or exception may be approved upon request. To be considered for the alternative or exception, the request must be submitted in writing to a designated official, a minimum of 14 days in advance of delivery. The request must include the:

1. Price of the domestic food alternative substitute
2. Availability of domestic alternative substitute and quantity
3. Reason for exception: the product is either listed in the FAR and/or is limited/lacks availability or price is significantly higher in the U.S. than for the non-domestic product (price must be included)
4. Prices must include:
 - a. Price of the domestic food product; and
 - b. Price of the non-domestic product that meets the required specification of the domestic product.

Buy American Exceptions

Limited Exceptions to the Buy American Requirement - [7 CFR 210.21\(d\)\(5\)](#)

1. The product is listed on the Federal Acquisitions Regulations Non-available articles list found at [48 CFR 25.104](#) and/or is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality; or
2. Competitive bids reveal the costs of a U.S. product is significantly higher than the non-domestic product.
3. Non-domestic food purchases (those that do not meet the definition of domestic commodity or product, as defined above) – by July 1, 2025, non-domestic food purchases must not exceed ten (10) percent of total annual commercial food costs that a SFA purchases per school year. [7 CRR 210.21\(d\)\(5\)\(ii\)\(A\)](#).
4. SFAs must maintain documentation, except when the item purchased is found on the FAR Non-available Articles List, when using the Buy American Exception.
5. SFAs must maintain documentation, to demonstrate that when using a Buy American Exception, their non-domestic food purchases do not exceed the annual threshold specified in #3 listed above. See the available USDA [Exceptions Tracking Standard Form](#) for use complying with the ten percent total annual commercial food cost purchases.



The regulations have changed concerning the Buy American provision. The regulation for Exceptions to the Buy American Requirement can be found in [7 CFR 210.21\(d\)\(5\)](#)

Remember when the exceptions were for cost of the product and availability. Well now these are the two exceptions

1. The product is listed on the Federal Acquisitions Regulations Non-available articles list found at [48 CFR 25.104](#) and/or is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality; or
2. Competitive bids reveal the costs of a U.S. product is significantly higher than the non-domestic product.

There is now a tracking requirement of non domestic food purchases.

- Beginning July 1, 2025, Non-domestic food purchases (those that do not meet the definition of domestic commodity or product, as defined above) must not exceed ten (10) percent of total annual commercial food costs that a SFA purchases per school year. [7 CFR 210.21\(d\)\(5\)\(ii\)\(A\)](#).
- SFAs must maintain documentation, except when the item purchased is found on the FAR Non-available Articles List, when using the Buy American Exception.

SFAs must now maintain documentation, to demonstrate that when using a Buy American Exception, their non-domestic food purchases do not exceed the annual threshold specified in #3 listed above. See the available USDA [Exceptions Tracking Standard Form](#) for use complying with the ten percent total annual commercial food cost purchases.

(a) If the SFA is unable to comply with the Buy American Exceptions tracking during SY2025-26, the SFA should complete the Buy American Accommodation Request form. The form can be found on the CNP website.

Harvested Fish under Buy American Requirement – [7 CFR 210.21\(d\)\(6\)](#)

1. To meet the definition of a domestic commodity or product, harvested fish must meet the following requirements:
 - a. Farmed fish must be harvested within the U.S. or any territory or possession of the US, and
 - b. Wild caught fish must be harvested within the Exclusive Economic Zone of the US or by a US flagged vessel.

Buy American Provision Changes

- SFAs should be mindful of Buy American requirements when conducting formal procurement.
- Buy American Provision Certification Forms are required when conducting both formal and informal procurement. (See the [Buy American](#) factsheet)
- SFAs should address Buy American provision requirements in their procurement plan. The SFA should also create procedures for tracking non-domestic purchases to ensure compliance with the final rule.
- SFAs that cannot meet the enacted SY2025-26 non-domestic purchase cap of 10% can receive a temporary accommodation from the State agency.



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There have been changes to Buy American Provisions that SFAs should also address in their respective procurement plans. The Buy American Provisions Related to the Final Rule – CNP Meal Patterns Consistent with the 2020-25 Dietary Guidelines for Americans (DGAs) has implemented a cap on non-domestic food purchases annually. (<https://fns-prod.azureedge.us/sites/default/files/resource-files/SP23-2024os.pdf>)

The hyperlink for the Buy American Factsheet is listed on the slide. (https://fns-prod.azureedge.us/sites/default/files/resource-files/FactSheet_BuyAmerican.pdf)

SFAs should address Buy American provision requirements in their procurement plan. The SFA should also create procedures for tracking non-domestic purchases to ensure compliance with the final rule.

- All non-domestic food purchases must be tracked throughout the year to ensure that purchases do not exceed the food purchasing cap.
 - Purchases can be tracked on the Buy American Exceptions Tracking Standard Form Template. (<https://www.fns.usda.gov/sites/default/files/resource-files/SP23-2024a.xlsx>)
 - SFAs can request an accommodation if they are unable to meet the Buy American Provision requirements to cap non-domestic food purchases to 10 percent. The form is located on the CNP website and should be submitted to the CNP general email address. See 7 CFR 210.21(d)(8)
 - If you cannot meet the cap requirements and have not yet requested an accommodation, go to the CNP website and submit the Buy American SFA Accommodation Plan.

Buy American Cap on Non-Domestic Food Purchases

The limit on the percent of total commercial food costs from non-domestic foods will be phased in over 7 school years.

SY2025-26 through SY2027-28, the non-domestic food purchasing cap is 10%
SY2028-29 through SY2030-31, the non-domestic food purchasing cap will be 8%
SY2031-32 on, the non-domestic food purchasing cap will be 5%

Non-domestic food purchases must not exceed 10 percent of total annual commercial food costs as outlined in 7 CFR 210.21(d)(5)(ii)(A) and 7 CFR 220.16(d)(5)(ii)(A).



USDA established in regulations a new threshold for school food authorities that use exceptions. The limit on the percent of total commercial food costs from non-domestic foods will be phased in over 7 school years. This phased-in approach will allow schools to gradually adjust to the new requirement and will allow USDA to continue to collect data on use of the Buy American exceptions.

SY2025-26 through SY2027-28, the non-domestic food purchasing cap is 10%
SY2028-29 through SY2030-31, the non-domestic food purchasing cap will be 8%
SY2031-32 on, the non-domestic food purchasing cap will be 5%

Non-domestic food purchases must not exceed 10 percent of total annual commercial food costs as outlined in 7 CFR 210.21(d)(5)(ii)(A) and 7 CFR 220.16(d)(5)(ii)(A).

Buy American Exceptions Tracking Standard Form Template

[Buy American Exceptions Tracking Standard Form Template](#)

(USDA website - Under Resource Materials)

- Optional template that School Food Authorities can use to document the use of exceptions to purchase non-domestic foods under the Buy American provision
- Purpose of this form is to track both the exceptions and costs related to non-domestic product purchases
- SFAs can input data related to non-domestic product costs in the Exceptions Tracker tab
- Exceptions Summary tab will help the SFA calculate its percentage of costs from non-domestic products within a specified time frame



The Exceptions Tracking Standard Form is an optional template that school food authorities can use to document the use of exceptions to purchase non-domestic foods under the Buy American provision.

The link on this slide will take you to the USDA website where you can find the tracking form which is under the resources materials.

The Buy American Exceptions Tracking Standards Form template has been added to the CNP website.

The purpose of this form is to track both the exceptions and costs related to non-domestic product purchases.

School food authorities can input data related to non-domestic product costs in the Exceptions Tracker tab, and the Exceptions Summary tab will help the school food authority calculate its percentage of costs from non-domestic products within a specified time frame.

Buy American Exceptions Tracking Standard Form

INVOICE NUMBER	INVOICE DATE	SOURCE	PRODUCT DESCRIPTION	FOOD COMPONENT	NON-DOMESTIC	EXCEPTION TYPE	UNIT	PRICE PER UNIT	NUMBER OF UNITS	TOTAL AMOUNT
<i>If relevant</i>	(MMDDYYYY)	What is the origin of the invoice?	(e.g., lettuce mix, applesauce, whole wheat rolls, ground beef, etc.)	Select the most appropriate food component label for the product purchased	Was this product produced in one of the 50 states, the District of Columbia, Puerto Rico, or any U.S. territory? If not, confirm by selecting "Non-domestic". Does this product consist of more than 51 percent of domestically grown food by weight or volume? If not, confirm by selecting "Non-domestic".	Exception 1. The product is listed on the Federal Acquisition Regulations Nonavailable articles list found at 48 CFR 25.104 and/or is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality. Exception 2. Competitive bids reveal the cost of a U.S. product is significantly higher than the non-domestic product.	Optional (e.g., case, dozen, pound, bunch). If you prefer not listing items by unit, you can leave this column blank or enter "N/A".	Optional. If you prefer not listing items by unit, you can leave this column blank or enter zero.	Optional. If you prefer not listing items by unit, you can leave this column blank or enter "N/A".	Enter the total cost for this line. If you choose to include price per unit and number of units, you can use this column to calculate the total by multiplying price per unit by number of units.
1200A76B	8/15/2025	Fresh Food Hub	Tomatoes, diced, #10	Vegetables	Non-domestic	Exception 2	Case	\$ 40.00	25	\$ 1,000.00
1459A76B	8/20/2025	Star Food	Bananas, whole, fresh	Fruits	Non-domestic	Exception 1, listed on the Nonavailable articles list	N/A	\$ -	N/A	\$ 300.00
								\$ -		\$ -
								\$ -		\$ -
								\$ -		\$ -
								\$ -		\$ -
								\$ -		\$ -
								\$ -		\$ -

Buy American Exceptions Summary

Total Non-domestic Costs This will be automatically calculated.

Total Annual Commercial Food Costs Please enter the SFA's total annual commercial food costs here.

Percentage of Commercial Food Costs from Non-domestic Foods This field will highlight green, yellow, or red depending on the percentage calculated.



Here is a snippet of the Buy American Exceptions Tracking Standard Form

The first tab is the Overview of the Buy American Exception Tracking Standard Form. The Exceptions Tracker tab is a spreadsheet that has some cells that have some required cells and some cell that auto calculate. This is where you enter in all of the non-domestic products.

The Exceptions Summary Tab calculates the percentage of commercial food costs from non-domestic foods based on the data inputted into the Exceptions Tracker.

Buy American Exception Documentation and Reporting Requirements

SFAs must document the use of exceptions to purchase non-domestic products and must be able to produce this documentation as needed.

SFAs do not need pre-approval or a waiver from the State or FNS to use an exception under the Buy American provision.

When SFAs purchase a product found on the FAR 25.104 Nonavailable articles list, this must be included on the tracker for the purpose of accurately tracking total non-domestic costs.

However, when a school food authority purchases a food item found on the FAR 25.104 Nonavailable articles list, no further documentation is required.



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SFAs do not need pre-approval or a waiver from the State or FNS to use an exception under the Buy American provision.

When SFAs purchase a product found on the FAR 25.104 Nonavailable articles list, this must be included on the tracker for the purpose of accurately tracking total non-domestic costs.

However, when a school food authority purchases a food item found on the FAR 25.104 Nonavailable articles list, no further documentation is required.

Buy American Accommodation Process for School Year 2025-2026

- Refer to USDA Memo [SP 09-2025](#) Buy American Accommodation Process for School Year 2025-2026
- SFAs seeking a temporary accommodation from the Buy American threshold requirement should complete and submit to their State agency the “SFA Accommodation Plan SY 2025-26” attached in the memo
- State agencies must report to their USDA regional offices on a quarterly basis the total number of accommodations requested, the total number approved, and the types of non-domestic food products purchased by SFAs requesting the accommodation
- State agency will provide technical assistance to SFAs to support the temporary accommodation as SFAs demonstrate they are unable to meet the requirement
- We have not received guidance from USDA regarding school year 2026-2027



Refer to USDA Memo SP 09-2025 Buy American Accommodation Process for School Year 2025-2026. We have not received guidance from USDA regarding school year 2026-2027.

SFAs seeking a temporary accommodation from the Buy American threshold requirement should complete and submit to their state agency the “SFA Accommodation Plan SY 2025-26” attached in the memo

State agencies must report to their USDA regional offices on a quarterly basis the total number of accommodations requested, the total number approved, and the types of non-domestic food products purchased by SFAs requesting the accommodation.

State Agency will provide technical assistance to SFAs to support the temporary accommodation as SFAs demonstrate they are unable to meet the requirement.

SFA Accommodation Plan

Submit form to
ChildNutritionPrograms@LA.GOV

LDOE will notify the SFA in writing if approved.

State agency will provide technical assistance to SFA to support the temporary accommodation as the SFA demonstrates they are unable to meet the requirement.

SFA Accommodation Plan SY 2025-2026

SFA Name: [REDACTED]

Please select all categories of food that require an accommodation from the threshold requirement (i.e. exceeding 10 percent):

- Fruit
- Vegetables
- Fruit/Vegetable Juices
- Cereals
- Other, please specify: [REDACTED]

Description: [REDACTED]

Please select all that apply for reasons for the accommodation from the threshold requirement (i.e. exceeding 10 percent):

- Timing of procurement cycle
- Student preference/anticipated participation impacts
- Items that help meet meal standards
- Items that facilitate meal service models (e.g. grab n' go, Breakfast in the Classroom)
- Other, please describe: [REDACTED]

Description: [REDACTED]

Please briefly describe the anticipated timeline to make modifications to meet the Buy American requirements (this could include timing of calculating the baseline percentage of non-domestic food purchases (or include the baseline percentage if available), obtaining documentation, and balancing the accommodation and exception process with making menu changes).
Description: [REDACTED]

The is what the SFA Accommodation Plan form looks like. You will submit the form to childnutritionprograms@la.gov
The SFA Accommodation Plan SY 2025-2026 form has been added to the LDOE CNP website.
The State agency will review the completed requests for accommodation in a timely manner and may approve these requests. LDOE will notify the SFA in writing if approved.
State agency will provide technical assistance to SFA to support the temporary accommodation as the SFA demonstrates they are unable to meet the requirement.

Buy American Certification Form

DALLAS : PEACHES Offerings : VERY LIGHT.

PEACHES Package: 25 lb cartons loose Variety: VARIOUS YELLOW FLESH VARIETIES

Date	Low-High Price	Mostly Low-High Price	Origin	Origin District	Item Size
04/24/2020	25.00 - 26.00		CHILE		60s

PEACHES Package: cartons 1 layer tray pack Variety: VARIOUS YELLOW FLESH VARIETIES

Date	Low-High Price	Mostly Low-High Price	Origin	Origin District	Item Size
04/24/2020	25.00 - 26.00		CHILE		30s

<https://www.ams.usda.gov/market-news>

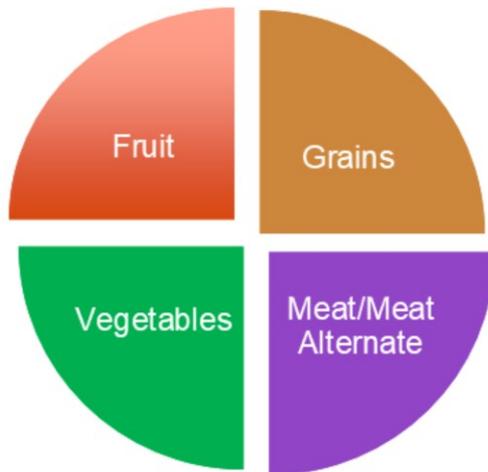
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Now we are going to discuss the Buy American Certification form. This form is part of your solicitation that gets sent out to vendors. The SFA Director must also sign the Buy American Certification Form after researching all items the vendor is proposing to use that are non-domestic and determining that the product is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of satisfactory quality or that the cost of the U.S. product is significantly higher than the non-domestic product and is approving the use of the non-domestic product. One way of researching is to use the Agricultural Marketing Service website. The website provides guidance to the SFA in determining if domestic products are available. The downside of using this website is that the information being provided includes only the information available for the particular day you search.

In the snapshot on this slide, we are looking to see if domestic peaches are available domestically. According to the chart, peaches are available in the Dallas Terminal Market only from Chile. No domestic peaches are available.

Many fresh items are seasonally available in the U.S. You can require the vendor to only use a non-domestic product only if it is out of season in the USA.

Buy American Provision: Food Components



The creditable food component is the agricultural commodity. As you know there are 5 food components-Meat and Meat Alternates, Vegetables, Fruit, Grains, and Milk.

Foods from Guam, American Samoa, Virgin Islands, Puerto Rico, and the Northern Mariana Islands are considered domestic

Activity Time



Let's do an activity!

Is the Buy American Certification Form Required?

XYZ Elementary received submissions from an IFB solicitation. Two of the five vendors did not submit Buy American Certification Forms. Vendor One noted that all of their exceptions were listed on the FAR. Vendor Two noted that most of their exceptions are listed on the FAR with the exception of one. One of Vendor Two's exceptions was due to the cost of the item being more costly in the U.S. than nondomestic markets.

Are the vendors required to submit the Buy American Certification Form, or should both vendors be considered nonresponsive?



Is the Buy American Certification Form required?

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Are the vendors required to submit the Buy American Certification Form, or should both vendors be considered nonresponsive?

Is the Buy American Certification Form Required?

Yes and No.

Vendor One's exceptions were all listed on the FAR. According to 7 CFR 210.21(d)(5)(iii), SFAs must maintain documentation except when the items purchased are found on the FAR. Items must still be tracked, but do not require documentation.

However, Vendor Two has one exception that is not listed on the FAR and requires documentation.

Vendor Two must submit the Buy American Certification Form.



Yes and No.

Vendor One's exceptions were all listed on the FAR. According to 7 CFR 210.21(d)(5)(iii), SFAs must maintain documentation except when the items purchased are found on the FAR. Items must still be tracked, but do not require documentation. However, Vendor Two has one exception that is not listed on The FAR and requires documentation. Vendor Two must submit the Buy American Certification Form for that one exception..

Geographic Preference

SFAs may apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products.

This is an optional criterion available to SFAs.

7 CFR 210.21(g)

Using Federal Funds to Procure Local Foods Memorandum

<https://fns-prod.azureedge.us/sites/default/files/resource-files/SP11-CACFP09-SFSP05-2025os.pdf>

Geographic Preference Option QA Memo

<https://www.fns.usda.gov/f2s/geographic-preference-option-qa-memo>



7 CFR 210.21(g) applies to Geographic Preference

Geographic Preference – Local Agricultural Products

SFAs may apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products, including the use of locally grown, locally raised, or locally caught as procurement specifications or selection criteria for unprocessed or minimally processed food items.

The SFA has the discretion to determine the local area to which the geographic preference will be applied



In accordance with 7 CFR 210.21(g) A school food authority participating in the Child Nutrition Program may apply a geographic preference when procuring unprocessed locally grown or locally raised agricultural products. When utilizing the geographic preference to procure the products, the school food authority making the purchase has the discretion to determine the local area to which the geographic preference option will be applied.

2 CFR 200 doesn't allow geographic preference in the evaluation of bids or proposals, except for unprocessed local grown or locally raised agricultural products. There is no definition of "local". The SFA determines what will be considered local. The USDA example states that SFAs in a state with many ranches and a few fruit and vegetable farms may decide that local beef must come from within the state, while local fruits and vegetables must come from the state or neighboring states within a certain number of miles.

In addition, Louisiana Revised Statute 17:194.D waived the State Small Purchase Threshold when purchasing local agricultural products. All SFAs are allowed to utilize the federal simplified acquisition threshold of \$350,000, only when procuring local agricultural products. All other procurement must comply with 2 CFR 200.319(b).

Local agricultural products refer to meat, poultry, eggs, dairy, and seafood procured from local farmers, fishermen, or other producers that are unprocessed.

Be mindful that the increased small purchase threshold only applies to local agricultural products. If the SFA wants to combine procurement with canned goods, frozen foods, etc., the small purchase threshold is not waived for those procurements. In order to utilize the federal SAT, the solicitation must only include procurement of local agricultural products.

Definition of Unprocessed Locally Grown or Locally Raised Agricultural Products



Slicing



Dicing



Pasteurization

7 CFR 210.21(g)(2)



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This provision only applies to those agricultural products that retain their inherent character.

7 CFR 210.21 provides specifics as to food handling and preservation techniques that do not change the character of a product.

Some examples are cooling, refrigerating, freezing, size adjustment made by peeling, slicing, dicing, cutting, chopping, shucking or grindings; forming ground products into patties without any additives or fillers; drying/dehydration; washing, packaging, vacuum packing and bagging; butchering, cleaning, and pasteurization of milk.

Flavoring of milk is not included so Geographic Preference can not be used when awarding a bid for flavored milk.

PRODUCT DESCRIPTION SPECIFICATIONS



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Writing product specifications is both time-consuming and involved. Writing detailed specifications allows vendors to bid on like products and allows the SFA to receive the product they desire. There is some key information that should be included in your specifications.

Name of the Product

Be specific

Research the quality indicators for the product

Include “or equal” when applicable



The first step in writing product specifications is to name the product. Be specific to assist the vendor with understanding the product you want. Make sure you have researched quality indicators of the product. Include “or equal” or “or pre-approved equal” when applicable

You may also want to obtain samples and taste-test the product before adding it to your solicitation.

Description of the Product

Code Number

Pack Size

Case Pack and Weight

Minimum and Maximum Size and Pieces



In addition to the name of the product, include a code number if applicable, the pack size, the case pack and weight. How do you want the item packaged and how big are the cases. Include the maximum weight if desired. Some other descriptions might be that the product should be individually wrapped or there should be 72 to a case. To avoid injuries from lifting heavy items, you may want to state that a case should not exceed 20 pounds.

Include minimum and maximum size of the product. An example of this would be a minimum of 3.9 ounces and a maximum of 4.1 ounce. Be careful when giving minimum and maximum serving sizes. It can skew the portion size cost.

Description of the Product

Main Ingredient(s)

Other Product Ingredients

Prohibited Ingredients

Nutrition Standards



You may want to include the main ingredient or ingredients of a product. An example might be for a bean burrito where the main ingredients desired is pinto beans, black beans, or whole-grain tortilla.

The description could include other product ingredients desired.

Are there any prohibited ingredients? If so, include those. Some examples might be that the product can't contain MSG, pork, fish by-products, soy derivatives, or food dyes.

What are the nutritional standards for this product? Is there a minimum or maximum number of calories or sodium? Does the specification state added sugar limits?

Description of the Product

Meal Pattern Requirements/Child Nutrition Label

Unit on Which the Award is Made

Quality Indicators

Buy-American



Some additional descriptions might include that the product has a CN label or that the product must meet specific crediting requirements, such as “the product must equal 1.5 oz. equivalent for the Grain component”.

How will the SFA determine which company is offering the best price for a product?
How will the unit price be determined for an acceptable product? One might include a description such as by the case, by the serving size, or per pound.

What are some quality indicators that are needed. For example, Salad Dressing cannot be called mayonnaise, and a non-dairy frozen yogurt can not be called ice cream.

If the product is an agricultural product, the description should state that this product must meet USDA's Buy American Provision Requirements.

Detailed Product Description

Product	Pack Size	Specifications	Price Per	Estimated Quantity	Vendor Price	Vendor Total
Biscuits, Frozen, Whole Grain	220/case	Biscuit, Whole Grain, Preformed, Frozen. Made from whole grain flour. Must be whole grain rich. Biscuit not to be split. Each biscuit must be no less than 2.2 ounces in weight. Per serving there shall be no more than 200 calories, 10 grams fat and 300 mg sodium. Each biscuit must provide 2 oz. equivalent grain for USDA Child Nutrition Program. Must meet USDA's Buy American Provision Requirements. Packed approximately 220/2.2-2.5 oz./case.	case	200 cases	\$65.05	\$13,010



This is an example of a detailed product description. The SFA wants an frozen, whole grain, biscuit. The product must be made with whole grain flour and must be whole grain rich. The biscuit must be at least 2.2 oz. by weight. Each serving must be no more than 200 calories, 10 grams of fat and 300 mg of sodium. Each biscuit must credit as 2 oz. equivalents of grain for the Child Nutrition Program. Since flour is an agricultural product, the biscuit must meet USDA's "Buy American Provision Requirements". The case should be packed with 220/2.2-2.5oz biscuits per case.

Electronic Bidding

[L.R.S. 38:2212.1](#) requires that all schools post their bid to a secure, interactive electronic bid platform.

Posting the solicitation documents on the school website will not satisfy this requirement.

Offering electronic bidding is a state requirement and any solicitations conducted without offering electronic bidding will be considered noncompliant procurement and will result in a finding during procurement reviews.

Any special condition or requirement for the submission must be specified in the advertisement for bids, including in the solicitation documents posted for use on the electronic bidding platform.



Louisiana Revised Statute 38:2212.1 requires that all schools post their bid to a secure, interactive electronic bid platform. Posting the solicitation documents on the school website will not satisfy this requirement. Offering electronic bidding is a state requirement and any solicitations conducted without offering electronic bidding will be considered noncompliant procurement and will result in a finding during procurement reviews.

Any special condition or requirement for the submission must be specified in the advertisement for bids, including in the solicitation documents posted for use on the electronic bidding platform.

Fixed Price Contracts



When using a fixed price contract, the bids are received sealed and held until the date and time of the bid opening. The bids are opened during the public bid opening and are read aloud to all participants.

A firm fixed price contract award is made in writing to the lowest responsive and responsible bidder. Where specified in bid documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of.

Competitive Proposal (RFP) Contracts



For competitive proposals or RFPs, you must first identify all evaluation factors and their relative importance in the solicitation. Meaning how will each factor be scored and what specifically warrants one score from another. Evaluators must be knowledgeable in the areas being reviewed as well as being knowledgeable in the scoring process. Again the SFA must provide detailed, documented justification for scoring. The State agency or USDA should be able to review each of the bid documents and come up with the same score as the SFA. If that can't be done, the SFA is not being specific enough with scoring criteria.

Limitations on consultants, agents or contractors

[L.R.S. 38:2212.7](#) and [2 CFR 200.319\(b\)](#)

Consultants, contractors or agents who are hired to draft specifications are excluded from bidding and competing on those procurements



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This is very important to note. L.R.S. 38:2212.7 and 2 CFR 200.319(b) both outline a consultant, agent or contractor who helps the SFA for the purposes of developing bidding documents, requests for proposals, or any other type of solicitation related to a specific procurement shall be prohibited from bidding, proposing, or otherwise competing for award of that procurement.

Both regulations for Federal and State are hyperlinked on the slide.

<https://www.legis.la.gov/Legis/Law.aspx?d=631349>

L.R.S. 38:2212.7(A) notes if the consultant was hired for the purpose of developing solicitation documents for procuring professional services, they are prohibited from competing for said contract. Further, the consultant cannot be a hired subcontractor for the company awarded the consulting contract.

2 CFR 200.319(b) states that contractors that develop or draft specifications, requirements, statements of work, or invitations for bids must be excluded from competing on those procurements.

Further, the SFA has to ensure that when utilizing another organization, like a FSMC for instance, the assigned duties for the consultant and FSMC do not overlap.

Overlapping duties are considered double dipping and may result in unallowable costs for certain redundant functions between the two vendors. Please be sure to read over each contract and ensure the SFA Legal Department approves the execution of the contract prior to submitting contracts to the State agency for review and approval.

Award and Execute Contract

Once evaluated, a contract may be awarded and the contract executed.

***Remember, contracts for FSMCs require prior approval by the State agency before the contract can be awarded.



Once evaluated, a contract may be awarded and the contract executed. This may be an “official” signing with a contract meeting that includes providing clarification and expectations to the prospective vendor as well as to answer the vendors questions.

Remember, contracts for FSMCs require prior approval by the State agency before executing the contract.

Rejecting Bids

The SFA may reject any and all bids for just cause

Maintain documentation of repeated failures despite repeated communication with the vendor.

R.S. 38:2214(B)



The SFA may reject any and all bids for just cause L.R.S. 38:2214(B)

Maintain documentation of repeated failure of the vendor despite repeated communication with the vendor.

Maintaining the documentation is your justification as to why you will not award to that particular vendor even if they came in at the lower price. This can help in a bid dispute if the vendor challenges your SFA awarding to another vendor

Protests from a Vendor

1. The name, address, and telephone number of the protestor
2. The signature of the protestor or an authorized representative of the protestor
3. Identification of the purchasing agency and the solicitation or contract number
4. A detailed statement of the legal and factual grounds of the protest including copies of relevant documents
5. The form of relief requested
6. The protest must be filed within 10 days of receiving the award notice



Language has been added to the RFP or IFB/Contract to provide a vendor with instructions on how a protest is to be conducted.

The Sponsor shall indicate the person the protest is to be sent to, along with their title and mailing address. The protest must be filed within 10 days after receiving the award notice. The protest must include the name, address, and telephone number of the protestor; the signature of the protestor or authorized representative, identification of the purchasing agency and the solicitation or contract number, a detailed statement of the legal and factual grounds of the protest. Copies of relevant documents must also be included. And finally, the vendor representative must provide the form of relief requested.

Protests from a Vendor

The Sponsor must:

- Provide a written response within 30 days of receipt of the protest
- Provide a written response to the protest will be made within 30 days from receipt of the protest
- Pending final determination of a protest or appeal, the validity of a contract awarded and accepted in good faith shall not be affected by the fact that a protest or appeal has been filed
- Notify the State agency of the protest or appeal



The Sponsor must:

Provide a written response within 30 days of receipt of the protest.

A written response to the protest must be made within 30 days from receipt of the protest. Pending the results of the protest or appeal, the contract that has been awarded shall not be affected by the protest or appeal. Pending final determination of a protest or appeal, the validity of a contract awarded and accepted in good faith shall not be affected by the fact that a protest or appeal has been filed.

The Sponsor shall in all instances disclose information regarding protests to the State agency.

Managing The Contract

Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts

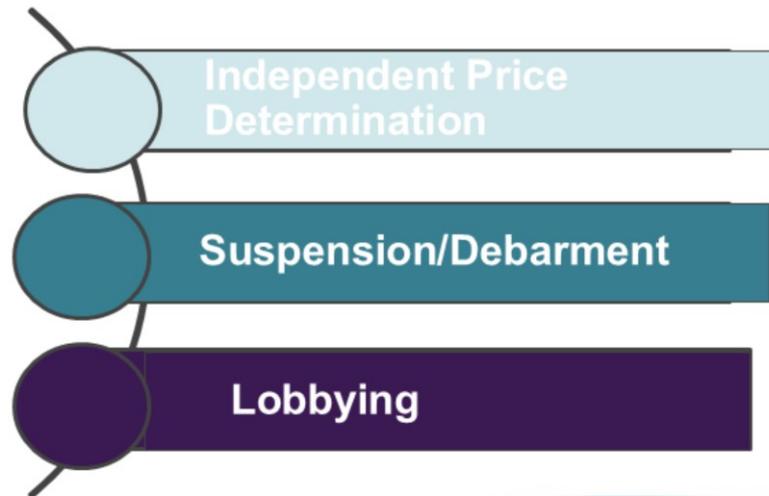
[2 CFR Part 200.318\(b\)](#)



Managing contracts is the real work. The work is not complete just because the solicitation, evaluation and contract award has occurred. In accordance with 2 CFR Part 200.318(b), the SFA must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts

[https://www.ecfr.gov/current/title-2/part-200/section-200.318#p-200.318\(b\)](https://www.ecfr.gov/current/title-2/part-200/section-200.318#p-200.318(b))

Managing The Contract



How do you manage the contract:

One of the first functions in managing the contract is determining that you have received the required certificates-The Independent Price Determination Certificate, the Suspension and Debarment Certification Form, and the Lobbying Certification Form.

Collecting of all forms from the vendor and keeping the signed copy on file.

Managing The Contract



Some examples of managing the contract is ensuring that the solicitation and contract match. The SFA should make sure that the description and price of products and/or services match the item description and price in the bid document.

There should be written communication with the vendor when products are delivered that do not match the bid requirements.

If the SFA contracts with an FSMC and participation in an advisory committee is required, is a representative from the FSMC participating and are they following through with requests from the SFA, students, parents, and other stakeholders.

Has the Buy American documentation been provided by the vendor and is the SFA receiving the domestic products that were bid by the vendor. Is the company requesting substitutions for items if US products are not available.

Is the company requesting substitutions of other products before sending them and are they providing those products at the bid price.

Notice that this is a continual cycle. The cycle doesn't end until the contract ends.

Managing Processing Contracts

- **Reconciliation**
- **Correct price on invoice**
- **Monitoring the processor's performance**



When managing USDA Foods processing contracts, the requirements include:

Reconciliation of amounts of USDA products sent to the processor and the amount of product received by the SFA from the processor

The Bid price must be correctly reflected on each delivery ticket/invoice

The SFA must continually monitor the processor's performance

System For Award Management



Home Search Data Bank Data Services Help

Search

All Words e.g. 1606N020Q02

Select Domain Assistance Listings +

Filter By -

Keyword Search

For more information on how to use our keyword search, visit our [help guide](#)

Simple Search Search Editor

Any Words ⓘ

All Words ⓘ

Exact Phrase ⓘ

e.g. 64.106

Dates ∨

Federal Organizations ∨

Eligibility ∨

SAM.GOV



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Did you check the SAM.GOV website to be sure that the vendor has not been disbarred? The company must be “Active” in SAM.

Cancellation/Disqualification

Notification/Documentation

Breach of Contract

Cancellation Notice



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Listed on the slide are the steps that should be taken when a vendor repeatedly fails to deliver according to the contract.

Part of good contract management is identifying areas of deficiency that would lead to a vendor's bid rejection. Example: deliveries are always outside of business hours, produce arrives bruised or rotten, or substitutions never contain CN labels, as specified in the contract. SFAs should document these incidents as part of their monitoring efforts. The documentation gives the SFA written justification to reject a bid even when the bid price is the lowest. The documentation also protects the SFA if a bid is protested. Once a breach of contract is documented and the SFA has been given an opportunity to correct the issues, the SFA may send a cancellation notice to the vendor in accordance with contract requirements.

Remember, a bidder disqualified for lack of responsibility must be notified in writing and given an opportunity for a hearing. If the SFA is rejecting a bid because of unresponsiveness, the bidder must be informed of why the bid was rejected.



Remedies for Breach

Termination Cause and Convenience

Equal Opportunity Provision

Davis-Bacon Act

Required Provisions Appendix II 2 CFR 200

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All formal bids must include these provisions from Appendix II of 2 CFR 200.

The bid must include the Administrative, contractual, or legal remedies the SFA plans to take if the vendor breaches the contract.

It must include language concerning termination for cause and convenience in any contract that exceeds \$10,000. The sample procurement plan has some sample language that can be used.

There are steps the SFA should follow to ensure maximum protection, in the event the SFA needs to terminate a contract for either cause or convenience.

1. The vendor should be notified by telephone and email any time the vendor fails to deliver in accordance with the signed contract. The notification should indicate how the problem needs to be corrected.
2. The SFA must maintain records of the dates, times, and information discussed.
3. If the problem is not resolved, the SFA must give the vendor written notification of the problem, indicating that immediate correction is expected and that failure to do so will be considered a breach of contract and could result in the cancellation of the contract.
4. If cancellation of the contract becomes necessary, the SFA will provide written notice of the proposed action to the vendor. Reasons for the proposed action will be included.
5. If the contract is not canceled, the SFA may disqualify the vendor from future bidding due to poor performance.

The Equal Employment Opportunity Provision must be included in the bid.

The Davis-Bacon Act is only applicable if the contract is for construction.

Contract Work Hours



Rights to Inventions



Clean Air Act and Federal Water Pollution Control



**Byrd Anti-Lobbying Amendment/Debarment and
Suspension**

Required Provisions Appendix II CFR 200

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Appendix II to 2 CFR 200 also requires the following provisions be included in your contracts :

1. Contract Work Hours and Safety Standards- if the contract is above \$100,000
2. Rights to Inventions
3. Clean Air Act and Federal Water Pollution Control Act- if the contract is above \$150,000
4. Debarment and Suspension
5. Byrd Anti-Lobbying Amendment and Certificate if the contract is more than \$100,000



**Procurement of Recovered
Materials**



**Minority, Women's, Labor
Surplus**



Buy American Provision

Required Provisions Appendix II CFR 200

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In addition, Appendix II to 2 CFR 200 requires the following provisions:

1. Procurement of Recovered Materials
2. Minority, Women's, Labor Surplus
3. Buy American Provision

Required Civil Rights Laws

**Civil Rights
Act**

**Education
Amendment**

**Rehabilitation
Act**

**Age
Discrimination
Act**

**Americans
Disability Act**

**Civil Rights
Compliance**



All bids/proposals must include an assurance of Civil Rights compliance. The assurance must include Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.); Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794); Age Discrimination Act of 1975; Americans with Disabilities Act; and all provisions required by the implementing regulations of the Department of Agriculture.

Administrative Review Findings: Commodity Storage and Delivery

- Commodity Storage and Delivery requires proper procurement
- Complete a cost/price analysis to determine the value of the proposed contract
- Determine the procurement method to use
- Follow the procurement requirements for the method used
- Procurement requirements are found in the Procurement Plan



Administrative Review Findings: Commodity Storage and Delivery

- **Commodity Storage and Delivery requires proper procurement**
- **Complete a cost/price analysis to determine the value of the proposed contract**
- **Determine the procurement method to use**
- **Follow the procurement requirements for the method used**
- **Procurement requirements are found in the Procurement Plan**

Administrative Review Findings: Reconciliation of Commodities when using an FSMC

- The FSMC must credit the SFA for the value of all donated foods received for use in meal service in a school year or fiscal year.
- Crediting by the FSMC must provide clear documentation of the value received from donated foods
- The SFA must reconcile the credits received from the FSMC to the value of all donated foods received



Administrative Review Findings: Reconciliation of Commodities when using an
FSMC

- **The FSMC must credit the SFA for the value of all donated foods received for use in meal service in a school year or fiscal year.**
- **Crediting by the FSMC must provide clear documentation of the value received from donated foods**
- **The SFA must reconcile the credits received from the FSMC to the value of all donated foods received**

Additional Information



Now, we will discuss some changes to the Louisiana Revised Statutes that affect child nutrition programs.

SENATE BILL NO. 14

BY SENATORS MCMATH, BOUDREAU, CLOUD, CONNICK, DUPLESSIS, EDMONDS, FESI, HENRY, HENSGENS, KLEINPETER, LAMBERT, MIGUEZ, MIZELL, MYERS, REESE, SELDERS, STINE AND TALBOT AND REPRESENTATIVES ADAMS, AMEDEE, BAMBURG, BAYHAM, BEAULLIEU, BERAULT, BILLINGS, BUTLER, CARRIER, CARVER, CHIENEVERT, COATES, COX, CREWS, DEVILLIER, DICKERSON, DOMANGUE, ECHOLS, EDMONSTON, EGAN, EMERSON, FIRMENT, FISHER, GALLE, HILFERTY, HORTON, ILLG, JACKSON, MIKE JOHNSON, KERNER, MCMAHEN, MCMAKIN, MELERINE, MENA, OWEN, ROMERO, SCHAMERHORN, SCHLEGEL, SPELL, STAGNI, THOMPSON, VENTRELLA, VILLIO, WILDER AND WYBLE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 37:1270(A)(8) and to enact R.S. 17:197.2, R.S. 37:920(G), and

Part I-B of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:661 and 662, relative to nutrition; to provide for serving certain foods in schools; to provide for continuing education for certain healthcare providers; to provide for disclosure of certain ingredients by manufacturers; to provide for disclosure of seed oil use by food establishments; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:197.2 is hereby enacted to read as follows:

§197.2. Prohibited ingredients; local production preference

A.(1) No public school governing authority shall serve any food or beverage containing a prohibited ingredient to students in schools under its jurisdiction.

(2) No nonpublic school that receives state funds shall serve any food or beverage containing a prohibited ingredient to students.

Act No. 463 was passed during the 2025 Legislative Session.

It enacts L.R.S. 17:197.2 regarding prohibited ingredients in school food service.



Before we close, we would like to bring some new rules, regulations, and statutes to your attention.

During the 2025 Regular Legislative Session, Senate Bill No. 14 was passed and became Act No. 463. Why is this important for procurement? It is important because food or food products are at the center of school food service procurement.

Let's look at the changes a little further.

Prohibited Ingredients in School Food Service

Act Number 463 enacts Louisiana Revised Statute 17:197.2 which states:

- A.
 - (1) No public school governing authority shall serve any food or beverage containing a prohibited ingredient to students in schools under its jurisdiction.
 - (2) No nonpublic school that receives state funds shall serve any food or beverage containing a prohibited ingredient to students in schools under its jurisdiction.
 - (3) The provisions of this Subsection shall apply to breakfasts and lunches served to a student on a school campus during regular school hours and to any food or beverages served by the school to a student during aftercare.
 - (4) The provisions of this Section shall not apply to any food or beverage sold in concession stands or vending machines.

<https://legis.la.gov/legis/ViewDocument.aspx?d=1426851>



- Section 1 of Act number 463 applies to all LEAs. (Public, private, and charter schools.)
- L.R.S. 17:197.2 applies to breakfast, lunch, afterschool snacks, and supper served to students during school hours and during aftercare.
- The Act states that no public or nonpublic school shall serve any food or beverage containing a prohibited ingredient to students in schools under its jurisdiction.
- The hyperlink to view Act number 463 is at the bottom of the slide. Section 1 of Act Number 463 will take effect school year 2028-2029.

Act Number 463 - Prohibited Ingredients

B. For purposes of this Section, "prohibited ingredient" means any of the following:

- (1) Blue dye 1 (CAS 3844-45-9)
- (2) Blue dye 2 (CAS 860-22-0).
- (3) Green dye 3 (CAS 2353-45-9).
- (4) Red dye 3 (CAS 16423-68-0).
- (5) Red dye 40 (CAS 25956-17-6).
- (6) Yellow dye 5 (CAS 1934-21-0).
- (7) Yellow dye 6 (CAS 2783-94-0).
- (8) Azodicarbonamide.
- (9) Butylated hydroxyanisole (BHA).
- (10) Butylated hydroxytoluene (BHT).
- (11) Potassium bromate.
- (12) Propylparaben.
- (13) Acesulfame potassium.
- (14) Aspartame.
- (15) Sucralose.



This slide lists the prohibited ingredients in Act 463. Again, this legislation goes into effect SY 28-29.

Disclosure of Harmful Ingredients

Act Number 463 enacts Louisiana Revised Statutes 40:661 and 662 which state:

- 40:661.A – Names the artificial colors, additives, or banned chemicals.
- B.
 - (1) – The product label shall include a QR code, with a statement adjacent to the code that informs the consumer that additional ingredient information can be accessed by scanning the code.
 - B.(2) – The QR code shall link to a web page that is under the control of the manufacturer.
 - B.(3) – The web page shall state: “NOTICE: This product contains “insert ingredient here”. For more information about this ingredient, including FDA approvals, click HERE.”
 - B.(4) – The disclaimer shall link to the U.S. FDA’s web page regarding food chemical safety.
- C.
 - (1) The provisions of this section shall only apply to food or beverages intended for human consumption.

<https://legis.la.gov/legis/ViewDocument.aspx?d=1426851>



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- Section 3 of Act Number 463 relates to the disclosure of harmful ingredients and the way those ingredients must be labeled. This portion of the Act will become effective January 1, 2028. CNP Directors are advised to review product labels of applicable foods to ensure compliance with this requirement.
- All harmful ingredients should have product labels with QR codes, as mentioned in the statute. CNP Directors are advised to familiarize themselves with the difference between the allowable and unallowable harmful ingredients in the school food service program.

Noncompetitive Procurement

- 2 CFR 200.320(c) states that there are specific circumstances in which noncompetitive procurement may be utilized.
 - (1) The aggregate amount of a transaction does not exceed the micro-purchase threshold.
 - (2) Procurement can only be fulfilled by a single source (Sole Source Procurement).
 - (3) Public exigency or emergency does not lend itself to competitive solicitation.
 - (4) The sponsor requests noncompetitive procurement in writing and receives written State agency approval.
 - (5) After soliciting several sources, competition is determined inadequate.

Complete the Noncompetitive Procurement Request Form, and receive State agency approval prior to any noncompetitive procurement, except micro-purchases.

[Memo SFS-25-061](#)



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Noncompetitive procurement has a foothold in informal procurement. Micro-purchasing is a form of noncompetitive procurement.

2 CFR 200.320(c)

(1) states that micro-purchases are a form of noncompetitive procurement.

(2) refers to Sole Source Procurement, that often falls between the micro-purchase and small purchase thresholds. Software updates, renewals, or maintenance fall under the sole source umbrella. The original software company is usually the only vendor who can update/maintain or renew the software.

(3) refers to emergency situations. If the SFA has an emergency, call the State agency to let them know that a noncompetitive procurement approval must be requested and State agency staff will inform you of next steps. Even though the situation may be emergent, the Noncompetitive Procurement Request Form still needs to be completed and submitted.

(4) refers to the SFA wanting to work with a specific vendor and forego competitive procurement. State agency approval is required every time. The Noncompetitive Procurement Request Form must be submitted with sufficient justification. Be aware, requests will not be approved if the SFA's only justification is that they do not want to go through the competitive procurement process. The justification has to be overwhelming for this type of procurement request to be approved.

(5) refers to a situation where you have requested quotes and no vendor met all the specifications required in the solicitation. For instance, you requested quotes. You received the required three quotes. However, no vendor was able to meet the required delivery schedule. In this case, you have solicited several sources and the competition was inadequate, as no vendor was fully responsive. The SFA would submit a noncompetitive procurement request form to procure necessary items.

Please be sure that you understand the noncompetitive procurement policies. The Noncompetitive Procurement Request Form can be found on the CNP website. Follow the instructions listed in the form and submit the form and all required documentation to the childnutritionprograms@la.gov

Noncompetitive Procurement Request Form



Noncompetitive Procurement Request Form

Louisiana Department of Education (LDOE), Division of Nutrition Support (DNS) requires sponsors to receive written approval prior to any noncompetitive procurement. The purpose of this form is to request State Agency approval for noncompetitive procurement. The form must be completed and submitted prior to executing noncompetitive procurement. Prior approval is required to comply with state and federal regulations and to utilize Child Nutrition Program funding to pay for said procurement. Email the completed, signed form to childnutritionprograms@la.gov.

Definitions:

- A. **Noncompetitive Procurement:** An umbrella term meaning procurement where competitive bidding is not utilized. Sole Source and Emergency Procurement are included under the noncompetitive umbrella. All noncompetitive procurement must comply with [2 CFR 200.318-327](#).
- 1. [2 CFR 200.320\(c\)](#): This method may be utilized under specific circumstances. One of the following circumstances must occur for noncompetitive use:
 - i. The aggregate amount of the procurement transaction does not exceed the micro-purchase threshold;
 - ii. The procurement transaction can only be fulfilled by a single source;
 - iii. The public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of a competitive solicitation;
 - iv. The recipient or subrecipient requests in writing to use a noncompetitive procurement method, and the Federal agency or pass-through entity provides written approval; or
 - v. After soliciting several sources, competition is determined inadequate.
- B. **Sole Source Procurement:** A specific type of noncompetitive procurement. The buyer determines only one supplier is able to fulfil all the requirements of the contract due to proprietary information, subject matter expertise, or other factors.
- C. **Emergency Procurement:** A specific type of noncompetitive procurement. Circumstances that do not allow time for competitive processes.
- D. **Inadequate Competition:** A specific type of noncompetitive procurement. All competitive procedures were completed. However, the results were inadequate. (e.g., Buyer received no responses or only one response.)

Sponsor Name: _____

Type of Noncompetitive Procurement:

Describe the proposed noncompetitive procurement, in detail. What is the product/service and why is this the only product/service that meets the sponsor's needs?

Provide an explanation and documented proof why the only option for this procurement is noncompetitive procurement. (Attach all supporting documentation.)

Did the sponsor use the State Contract, as one source, during solicitation?

If prior approval is required for services or updates to existing equipment/software, provide documentation the original purchase complied with competitive procurement. (Attach all supporting documentation)

Provide the cost/price analysis conducted in relation to this procurement.

Certification:

I hereby certify the information provided is correct, error free, and supports the submitted request to the best of my knowledge.

I hereby certify that I am an Authorized Representative of the sponsor and am not a Consultant or Food Service Management Company employee.

Name of Authorized Representative

Title of Authorized Representative

Signature of Authorized Representative

Date

Here is a snippet of the Noncompetitive Procurement Request Form. The form must be completed and submitted prior to executing noncompetitive procurement. Prior approval is required to comply with state and federal regulations and to utilize Child Nutrition Program funding to pay for said procurement. Email the completed, signed form to childnutritionprograms@la.gov. Make sure to attach all supporting documentation when submitting.

Piggybacking

Contract must state that piggybacking is allowed

Must state number of SFAs or dollar value

Required Documentation

[Memo SFS-18-79](#)

[LLA Public Bid Law Q & A](#)



Piggybacking is when one SFA solicits and lets a contract for materials and supplies with a provision that allows other SFAs to utilize the contract.

If the SFA plans to allow piggybacking the original solicitation and contract must state that piggybacking is allowed. The original contract must indicate either how many other SFAs are allowed to piggyback or a dollar value that will be allowed.

The piggybacking SFA must have all of the required documentation (Refer to Memo SFS-18-79).

A link has also been provided for the Louisiana Legislative Auditor's Public Bid Law Question and Answer Document. Pay special attention to Questions 61 and 62 as they relate to the explanation of piggybacking, in accordance with Louisiana Public Bid Law.

Although state statutes are important, the SFA must be mindful that state statutes do not conflict with federal regulations. Be mindful that when utilizing CNP federal funds, federal regulations take precedence over any state statute.

Piggybacking

- Original bid was compliant with State requirements
- Does not exceed 2 times the bid amount
- Does not create a material change (does not exceed the Small Purchase Threshold)
- A cost/price analysis must be conducted

LLA Public Bid Law Q & A



In accordance with L.R.S. 38:321.1, the SFA must first ensure that the contract accepts piggybacking and is within one year of the bid opening. In addition, the SFA must ensure:

- 1) The contract was bid in compliance with R.S. 38:2211 et seq.*
- 2) The total purchases on the contract do not exceed two times what was purchased by the political subdivision bidding the contract.
 - a. *This could conflict with the material change provision, so the SFA must determine which is stricter. Remember that a material change means that the piggybacking agency's purchases cannot exceed the small purchase threshold amount.*
 - a. *The piggybacking SFA must do a cost/price analysis before making the decision to piggyback off of an existing contract to determine if the contract prices are reasonable.*
- 3) The written consent of the political subdivision which bid the contract is obtained, as well as the contract number, and if applicable, the resolution accepting the contract.
- 4) The vendor agrees to the additional purchase.
- 5) The vendor, product, materials, supplies, vehicles, or equipment are identical to those specified in the existing public contract of the other political subdivision, and the price is the same as the original contract price.

*The State, municipality, parish or other political subdivision of the state may rely on the certificate of the political subdivision that the contract was bid in compliance with State law.

Equipment and Other Capital Expenditures

2 CFR 200.439(b)

- Capital expenditures for general purpose equipment, buildings, and land are allowable as direct costs, but only with prior written State Agency approval.
- Capital expenditures for special purpose equipment are allowable as direct costs, provided that items with a unit cost of \$10,000 or more have the prior written approval of the State Agency.
- Capital expenditures for improvements to land, buildings, or equipment that materially increase their value or useful life are allowable as a direct cost, but only with written State Agency approval.
- When approved as a direct cost in accordance with paragraphs (b)(1) through (3), capital expenditures must be charged in the period in which the expenditure is incurred or as otherwise determined appropriate and negotiated with the Federal agency.
- The SFA may claim the unamortized portion of any equipment written off as a result of a change in capitalization levels by continuing to claim the otherwise allowable depreciation on the equipment or by amortizing the amount to be written off over a period of years negotiated with the cognizant agency for indirect cost.
- Cost of equipment disposal. If the Federal agency instructs the sponsor to otherwise dispose of or transfer the equipment, the costs of disposal or transfer are allowable.
- Equipment and other capital expenditures are unallowable as indirect costs.



- SFAs have expressed some confusion regarding when to submit equipment preapproval requests. The State Agency would like to take this opportunity to clear up some of the confusion.
- According to 2 CFR 200.439(b), there are several times noted in the regulations that require written State Agency approval. <https://www.ecfr.gov/current/title-2/section-200.439>
 - First, Capital expenditures. They are allowable as a direct cost for general purpose equipment, buildings and/or land. State Agency written approval must be received prior to procurement.
 - Equipment acquisitions and other capital expenditures of \$10,000 or more per item, (up from the previous \$5,000) require SFAs to obtain prior written approval from State Agency before incurring any associated costs.
 - USDA Memo SP39:2016 allows states the flexibility to develop an equipment preapproved list and criteria for capital assets typically purchased by SFAs. Louisiana has the list available on the CNP Website for SFAs to review. Please review the State Agency Preapproved Equipment List prior to requesting approval for equipment and other capital expenditures.
 - Please be advised that even if a SFA has self-certified to the higher \$30,000 threshold, if an equipment acquisition or other capital expenditure exceeds the \$10,000 threshold and is not listed on the preapproved list, the SFA must complete the Equipment Purchase/Capital Expenditure Pre-Approval Request Form prior to procurement.
 - Expenditures and improvements to land, buildings, or equipment that materially increase the value or useful life may be allowable as a direct cost but must be approved by the State Agency first.
 - Capital expenditures must be charged in the period in which the expenditure is incurred or as otherwise determined appropriate.
 - The SFA may claim the unamortized portion of any equipment written off as a result of a change in amortizing the amount to be written off over a period of years negotiated with the cognizant agency for indirect cost.
 - If instructed to dispose of or transfer, the SFA can claim equipment disposal as an allowable cost.
 - Equipment and other capital expenditures are unallowable as indirect costs.



Louisiana Pre-Approved Equipment

STATE AGENCY PRE-APPROVED EQUIPMENT (Revised 1/25/2024)

Technology/Hardware/Software Software/Programs for Management (Inventory/Point of Service/Benefit Issuance) Cashier Station/Cash Register Point of Sale Equipment Refrigerator/Freezer Temperature Monitoring System	Food Serving Equipment Sneeze Guard Salad Bar/Free-Standing or Self-Serve Serving Line: Hot/Cold/Stationary/Mobile Serving Counter: Stationary/Mobile Vending Machine (Used for Reimbursable Meals)
Cooking Equipment Commercial Range Oven/Combi Oven Oven-Rethermalization and Holding Pizza Oven Tilting Skillet (Braising) Kettle Steamer Broiler/Salamander Grill/Griddle	Storage and Transport Freezer: Reach-In, Chest Refrigerator/Cooler: Reach-in/Under counter/Mobile Coolers: Beverage/Milk/Merchandise/Display Case Cart: Hot/Cold Mobile Cabinet: Hot/Cold Holding; Mobile/Transport Storage Racks/Shelves for dry and refrigeration
Food Preparation Hood/Vent (Exhaust Hood, Systems) Hood Fire Suppression System Ice Machine for kitchen only Blast or Tumble Chiller Food Processor Chopper/Grinder Slicer Mixer Blender Prep Sink Holding/Proofing Cabinet Processing/Packaging Machines Work/Prep Tables	Dishwashing/Sanitization/Cleaning In-Sink Food Disposal System (Garbage Disposal) Dishwashing Machine Booster Heater for kitchen Handwashing Sink 3 Compartment Sink

*The purchase of any of the items above must be for Child Nutrition Program use only.

LA Equipment Pre-Approval Request Form

Louisiana Department of Education, Division of Nutrition Support

School Food Service Equipment Purchase/Capital Expenditure Pre-Approval Request Form

Equipment acquisitions of \$10,000 or more per item, that are not on the Louisiana pre-approved equipment list, require School Food Authorities (SFA) to obtain prior written approval from the State agency before incurring any associated cost. (2 CFR 200.426). To request prior written approval, complete the following information for submission to the Louisiana Department of Education, Division of Nutrition Support. Sign and email the completed form to ChildNutritionProgram@LA.gov. The SFA will be notified in writing of the State Agency decision.

School Food Authority: _____ Telephone #: _____
Address: _____ FAX #: _____
Email: _____

Equipment Description: _____ Quantity: _____
Estimated Per Unit Cost: _____

School / other site where equipment will be located:

Site Name: _____

Address: _____

Is the equipment requested above replacement equipment? YES NO

If no, explain the purpose of the new equipment: _____

Provide a justification of why this equipment cost is reasonable, necessary and allocable for the operation of School Food Service: _____

I hereby Certify That:

- This equipment will be used only for purpose of operation of the Child Nutrition Program.
- Funds currently available in the Child Nutrition Program account in the amount of \$ _____ as of _____.
- The item(s) described above meet(s) the definition of equipment in 2 CFR 200.313.
- The SFA will fulfill the conditions for use and disposal of the property in accordance with 2 CFR 200.313.
- Procurement regulations in 2 CFR Part 200 Subpart C will be followed, including but not limited to ensuring:
 - Free and Open Competition
 - Compliance with written standards of conduct for procurement
 - Proper procurement procedures for informal and formal purchases are followed
- All supporting documentation will be maintained on file for review in accordance with program regulations, including documentation of the procurement process, written approval of the purchase(s) and receipt(s) for the equipment purchased.
- All information provided in this request for use of the non-profit School Food Service (SFS) account in the purchase of equipment is true and correct to the best of my knowledge.
- I understand that it is the Institution/sponsor's responsibility to comply with all applicable Federal, State and local laws, regulations and/or policies regarding procurement, inventory, and disposal of items purchased with United States Department of Agriculture, Child Nutrition Program funds.
- I certify that if approved, I will provide the State agency with documentation demonstrating that equipment was purchased with SFS funds in accordance with regulations, upon request.

Signature of Authorized Representative _____ Date _____

STATE USE ONLY

APPROVAL: EFFECTIVE DATE _____

FULL PARTIAL _____% DENIED _____

APPROVED BY _____ DATE _____
Director, Division of Nutrition Support



Here is the Louisiana Pre-Approved Equipment List and the Pre-Approval Request Form that can be found on the CNP website.

If an equipment acquisition or other capital expenditure exceeds the \$10,000 threshold and is not listed on the pre-approved list, the SFA must complete the Equipment Purchase/Capital Expenditure Pre-Approval Request Form prior to procurement.

QUESTIONS

Contact the LDOE Division of Nutrition Support
(225) 342-9661

ChildNutritionPrograms@LA.GOV

