

REQUEST FOR PROPOSALS (RFP)

RFP—School Nutrition Program

For the Utopian Academy for the Arts

Utopian Academy for the Arts Charter School Network

This RFP is Being Issued by:

Utopian Academy for the Arts/The Miller Foundation, Inc. a Georgia non-profit corporation

2750 Forest Parkway
Ellenwood, GA 30294

Date of RFP Issue: June 4, 2020

Closing date for submission and receipt: July 5, 2020 no later than 5:00pm EST. PROPOSALS MUST BE RECEIVED BY THIS TIME.

Proposals are to be submitted in electronic form to: Dr. Artesius Miller via email at and the address above.

Contact Name: Utopian Academy for the Arts (Request for Proposal) Attn: Dr. Artesius Miller
Website: www.utopianacademyforthearts.com
Email: Artesius.miller@utopianacademy.com

All questions should be submitted in writing to Tiffany Hall, School Nutrition Director at tiffany.hall@utopianacademy.com

Utopian Academy for The Arts School Nutrition Procurement Plan

Revised 06/02/2020

The UAFA School Nutrition Program will purchase goods, products, and/or services in compliance with the Federal Regulations (7 CFR 210.21 and 2 CFR 200), State requirements (O.C.G.A. 36-80-26 which was recently updated to O.C.G.A.36-80-27) and local Board of Education policies when procuring items. Those of \$100,000 or more must be advertised for bids. However, the school system practices advertising and collecting 3 or more quotes for those items costing \$250,000 or more. Price alone does not determine award of bid. Some specialized items or services costing more than \$250,000 but less than \$100,000 cannot be accommodated by advertising for bids as the service or item is specific in nature.

Utopian Academy for The Arts School Nutrition Program **Procurement & Bid Procedures**

Section A – COMPETITIVE BIDS - \$250,000.00+:

The following will be secured by formal competitive bids (2 CFR 200.320 (c) & (d)) through either an Invitation for Bid (IFB) or Request for Proposal (RFP), depending on the needs:

- Milk
- Bread
- Produce
- Groceries (Meats, Grains, Staple, Canned goods, Frozen goods)
- Paper/Chemical Products
- Small wares
- Large Equipment

The aggregate amount for some of the above items is likely to be more than \$250,000. Therefore, the following procedure will be used:

1. Because of the potential of the UAFA School Nutrition Program to purchase more than \$250,000 of any one item, it will be the responsibility of the School Food Authority (hereinafter referred to as SFA) to make

forecasted projections of the amounts to be purchased so the correct method of procurement for the item will be followed.

2. Specifications with contract and debarment certification (Attachment A) will be prepared and mailed by US Mail to the potential contractors desiring to bid the products and posted on the school system website.

3. Competitive bids will be secured as needed, depending on product. See schedule attached (Attachment B) for general proposed schedules.

4. Each vendor will be given an opportunity to provide quotations on the same specifications.

5. The IFB or RFP will clearly define the purchase conditions. The following, as a minimum, shall be addressed:

- a. Contract period
- b. The SFA is responsible for all contracts awarded (statement)
- c. Date, time, and location of bid opening
- d. How vendor/contractor will be informed of bid acceptance or rejection
- e. Delivery schedule
- f. Requirements which bidder must fulfill in order for bid to be evaluated
- g. Provisions addressing sanctions and penalties administered as appropriate if the contractor breaches, violates, or cannot or will not perform as required in the contract terms
- h. Statement assuring positive efforts will be made to involve minority and small businesses
- i. Termination for cause and for convenience clause for contracts in excess of \$10,000 and the basis for any settlement
- j. Provision requiring compliance with Executive Order 11246 entitled "Equal Employment Opportunity" as amended by Executive Order 11375 and as supplemented in the Department of Labor Regulations for contracts over \$10,000
- k. Statement of compliance with the Davis Bacon Act for construction contracts in excess of \$2,000 when applicable
- l. Rights to Inventions Made Under a Contract or Agreement when applicable
- m. Statement of compliance with the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708) for contracts in excess of \$2,500 when applicable
- n. Notification that contract and/or purchase orders may be issued for firm fixed prices after formal bidding

process

- o. Escalation/De-escalation clause based on appropriate standard or cost index
- p. Method of shipment or delivery upon Contract award
- q. Provision requiring access by duly authorized representatives of the Utopian Academy for The Arts Board of Education, State Agency, United States Department of Agriculture or Comptroller General to any books, documents, papers, and records of the contractor which are directly pertinent to the contract.
- r. Protest procedures to resolve disputes by disclosing information regarding the protest to the awarding agency.
- s. Provision requiring contractor to maintain all required records for five years after final payment and all other pending matters are closed.
- t. Provision requiring the contractor to recognize mandatory standards and policies relating to energy efficiency which are contained in the State Energy Plan issued in compliance with the Energy Policy and Conservation Act (PL 94-165).
- u. Signed Certificate of Lobbying for all contracts over \$100,000 (Byrd Anti-Lobbying amendment in 31 U.S.C. 1352)
- v. Signed statement of non-collusion
- w. Signed Debarment/Suspension Certificate or statement included in contract or copy of Excluded Parties List System required in Executive Orders 12549 and 12689.
- x. Provision requiring “Buy American” (7 CFR Part 210.21(d)) as outlined in Policy Memorandum SP 38-2017; specific instructions for prior approval of any and all non-domestic product.

6. Specifications will be prepared and provided to potential vendors/contractors desiring to submit IFB or RFP for the products or services requested. Vendors/contractors will be selected using the SFA’s procedures such as:

- Does the vendor’s product meet the required specifications?
- Does the vendor’s delivery schedule meet the SFA’s needs?
- Other criteria that each SFA determines is of value to them.

7. If any potential vendor/contractor is in doubt as to the true meaning of specifications or purchase conditions, an interpretation will be provided by SFA.

8. The SFA will be responsible for securing all IFBs or RFPs.

9. The SFA will be responsible to ensure all procurements are conducted in compliance with applicable Federal regulations, State General Statutes or policies of the local Board of Education.

10. The following criteria will be used in awarding contracts as a result of bids. (Examples: quality, delivery, service, etc.)

1. Price
2. Service
3. Etc...

11. In awarding a competitive negotiation (RFP), a set of award criterion in the form of a weighted evaluation sheet will be provided to each bidder in the initial bid document materials. Price alone is not the sole basis for award but remains the primary consideration when awarding a contract. Following evaluation and negotiations a firm fixed price or cost reimbursable contract will be awarded.

12. The contracts will be awarded to the responsible bidder/proposer whose bid or proposal is responsive to the invitation and best meets the needs of the SNP SFA, price, and other factors considered. Any and all bids or proposals may be rejected in accordance with law.

13. The SFA is required to sign on the bid tabulation of competitive sealed bids or the evaluation criterion score sheet of competitive proposals signifying a review and approval of the selections.

14. The SFA will review the procurement system to ensure compliance with applicable laws.

15. The School Nutrition Program Managers will be responsible for documentation that the actual product specified is received.

16. Any time an accepted item is not available, the SFA will select the acceptable alternate. The contractor must inform SFA, in advance of the time when a product is not available.

17. Full documentation as to the reason an accepted item was unavailable, and to the procedure used in determining acceptable alternates, will be available for audit and review. The person responsible for this documentation is SFA.

18. The SFA will be responsible for maintaining all documentation of the procurement process.

19. School Nutrition bids will be presented to the Board of Education for approval.

20. A new product may be purchased on a one-time basis without competitive bid, if the purpose is to evaluate the product.

Section B – MICRO-PURCHASE PROCEDURE – less than or equal to \$10,000:

Any item(s) totaling less than \$10,000 per transaction within the year will be secured by Micro-Purchase informal procurement procedures (2 CFR 200.67 & 2 CFR 200.320 (a)). When the aggregate amount of purchases for each transaction is less than \$10,000, the following procedures will be used:

1. Purchases within the micro-purchase threshold can be awarded without soliciting competitive price quotations if the price is reasonable.
2. The SFA must forecast the purchases that will be made by determining the potential cost of item(s) to be purchased annually or throughout the school year.
3. This distribution of forecasted purchases among qualified suppliers can happen in one of two ways; (1) at the time of the purchase or (2) over several purchasing events. For example, a school procuring apples may purchase them either:
 - a. from various qualified suppliers at the same time (the total of each of the purchases cannot exceed \$10,000 or more restrictive local threshold),
 - b. by choosing one qualified supplier for the purchase of the apples and another qualified supplier the next time apples need to be purchased (each of the purchase transactions cannot exceed \$10,000 or more restrictive local threshold).
4. REASONABLE PRICE: Ways to verify the reasonableness of a price is to compare previous purchases, have personal knowledge of the item being purchased, or compare to similar items being purchased. All research conducted should be documented.
5. RECORDS: Records still need to be kept for all purchases regardless of the procurement method used, including micro-purchases.

Section C – SMALL PURCHASE PROCEDURE – Up to \$250,000:

The following items will be secured by obtaining at least 3 competitive bids through informal procurement (2 CFR 200.88 & 2 CFR 200.320 (b)):

The following list is just an example and should be updated according to your SNP's procurement needs:

- Small wares
- Hood Cleaning
- Grease Trap Pumping
- Floor Cleaning
- Pest Control
- Technology
- Special Equipment Maintenance/Repairs

Most of the above items will be secured by small purchase informal procurement procedures of three quotes. The aggregate amount of purchases for each of the above-indicated items must be less than or equal to \$250,000 for the fiscal year. With this procurement method, the following procedures will be used:

1. Specifications will be prepared to fit the needs of the SNP, will be unrestrictive in composition, and will be provided to the vendor.
2. Each vendor will be contacted and given an opportunity to provide a price quote on the same specifications. A minimum of three vendors shall be contacted.
3. The SFA or designee will be responsible for contacting the vendors when price quotes are needed.
4. The price quotes will receive appropriate confidentiality.
5. Quotes will be awarded by the SFA or designee. Quotes awarded will be to the lowest and best quote based upon quality, service, availability and price.
6. The SFA or designee will be responsible for documentation that the records show the specifications, selection of vendor, reasons for selection, and the names of all vendors contacted and the price quotes from each vendor.
7. The SFA or designee will be responsible for documenting that the actual product specified is received. Training should occur for all school nutrition professionals on the product specifications and its expectations.
8. Any time an accepted item is not available, the SFA will select the acceptable alternate. Training should occur on the guidelines to all school nutrition professionals.
9. When the lowest quote is *not* accepted, the reason for unacceptability shall be recorded on the quote tabulations.

10. A new product may be purchased on a one-time basis without quotes, if the purpose is to evaluate the product.

Section D – NON-COMPETITIVE NEGOTIATIONS (Single Source):

Items which are available only from a single source may not be obtained competitively (2 CFR 200.320 (f)). Whenever possible, items which are available only from a single source will be avoided. If the item must be used, the following procedure will be adhered to:

1. Specifications will be prepared and provided to the vendor.
2. The SFA will be responsible for the documentation of records to fully explain the decision to use the non-competitive negotiations. The records will be available for audit and review.
3. The SFA will be responsible for documenting that the actual product specified is received.
4. The Superintendent or his designee will be responsible for reviewing the procedures to be certain all state and local Board of Education requirements for using non-competitive negotiations are met.
5. Non-competitive negotiations will only be utilized when encountering the following circumstances:
 - a. The item is available only from a single source
 - b. The public emergency for the requirement will not permit a delay resulting from competitive solicitation
 - c. The State Agency expressly authorizes non-competitive negotiations proposals in response to a written request
 - d. After solicitation of several sources, competition is determined inadequate

Section E – MISCELLANEOUS PROVISIONS:

- The Utopian Academy for The Arts Board of Education agrees that the reviewing official of each transaction (Superintendent or his designee) is responsible for the oversight and elimination of the purchasing of duplicate or unnecessary items. The reviewing official will determine the economy and practicality of lease and purchase of alternatives.
- Positive efforts shall be made to utilize small businesses, woman, and minority-owned business sources, giving them the maximum feasible opportunity to compete. Small businesses, woman and minority-owned

business sources will not be given unfair advantage when evaluating competitive bids (2 CFR 200.321).

- If it is necessary to make an emergency purchase in order to continue service, the purchase shall be made and documentation of all such purchases shall be maintained by the SFA or designee. The documentation of emergency purchases shall indicate:
 1. Item Name
 2. Dollar Amount
 3. Vendor
 4. Reason for Emergency
 5. Person authorizing or making purchase

- The Utopian Academy for The Arts School Nutrition Program will exhaust every effort to comply with the Buy American Provision (7 CFR 210.21(d) & SP 38-2017) by purchasing foods in which the final product is comprised of 51% or greater agricultural commodities that were grown domestically unless such products are considered cost prohibitive or are not available as a domestic product (ex: banana, pineapple).
 - Advance notice of a non-domestic delivery must be provided by the vendor and approved by the SFA before the delivery occurs, allowing the SFA time to examine alternatives and prices differentiations.
 - When receiving bids from vendors, if a product is available as both domestic and imported, prices for both products will be obtained and the SFA or designee will determine if it is fiscally sensible to purchase the domestic product. Records will be maintained to support the domestic vs. import decision. Any verification documentation received from a vendor will be verified through a neutral third party (such as the USDA Agricultural Marketing Service's (AMS) Market News Report).
 - Domestic alternatives will be considered before an exception is accepted and supporting documentation will be required.
 - Documents supporting the use of a non-domestic alternative food due to the domestic food not being produced or manufactured in sufficient and reasonable available quantities of a satisfactory quality will be required.

- The SFA has the option of using the optional Buy American Justification Form or another comprehensive documentation to support any limited exceptions.
- A written Code of Conduct that governs the performance of all persons engaged in purchasing procedures and provides penalties for violation has been developed and becomes a part of this procedure. (See Attachment C)
- In addition to publicizing competitive bid opportunities as customarily conducted through media, the local Board of Education, etc., will understand that all bids or proposals for goods and services valued at \$100,000 or more will also be advertised in the Georgia Procurement Registry per Official Code of Georgia Annotated (O.C.G.A.) 36-80-26 which was recently updated to 36-80-27.
- In accordance with 2 CFR Part 225, Appendix B, section 15, the SFA will request State Agency (SA) approval for any capital equipment purchase (\$5,000 or more) that is not listed on the Pre-Approved Capital Equipment list. Any required approval will be submitted to the SA through the completion of the Capital Expenditures Pre-Approval Request Form.
- Additionally, any contracts over \$5,000 shall contain a provision which requires compliance with all applicable standards, orders, or requirements issued under the Clean Air Act (42 U.S.C. 7401-7671q.), the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended, and Environmental Protection Agency regulations.

The Utopian Academy for The Arts Governance Board further assures that open and free competition exists to the maximum extent possible during the procurement process.

Printed Authorized Name*

Authorized Signature *

Date

Attachment A

Pg. 1 of 2

DEBARRED, SUSPENDED, AND INELIGIBLE STATUS

Institutions shall solicit offers from, award contracts to, and consent to subcontracts with responsible contractors and/or principals only. The serious nature of debarment and

suspension requires that sanctions be imposed only in the public interest for the Government's protection and not for purposes of punishment. Institutions shall impose debarment or suspension to protect the Government's interest and only for the causes and in accordance with the procedures set forth in 2 CFR 200.213.

The Contractor certifies that the Contractor and/or any of its subcontractors or principals have not been debarred, suspended, or declared ineligible by any agency of the State of Georgia or any agency of the Federal government or as defined in the 2 CFR 200.213 which states "Non-federal entities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities." The Contractor will immediately notify the School Food Authority if Contractor is debarred or placed on the Consolidated List of Debarred, Suspended, and Ineligible Contractors by a federal entity.

By signing this agreement, the Contractor is testifying that they are not debarred, suspended or has any ineligible or voluntary exclusions with the U.S. Department of Agriculture or any other Federal or State Agency. All responses will be verified.

Organization Name

Names(s) and Title(s) of Authorized Representative(s)

Signature(s)

Date

Attachment A

Pg. 2 of 2

Civil Rights Assurance

"The program applicant hereby agrees that it will comply with 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), the Age Discrimination Act

of 1975 (42 U.S.C. § 6101 et seq.); all provisions required by the implementing regulations of the Department of Agriculture; Department of Justice Enforcement Guidelines, 28 CFR Part 50.3 and 42; and FNS directives and guidelines, to the effect that, no person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied benefits of, or otherwise be subject to discrimination under any program or activity for which the program applicant receives Federal financial assistance from FNS; and hereby gives assurance that it will immediately take measures necessary to effectuate this agreement.”

USDA Nondiscrimination Statement

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

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

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [How to File a Complaint](#), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

Attachment B

Procedures

Category	Request Quotes Frequency	Methods	Review Quotes and requisitions
Fresh Produce	Annually	Formal Bid	Weekly or Bi-weekly
Grocery	Annually	Formal Bid	Weekly or Bi-Weekly
Paper Goods/Chemicals	Annually	Formal Bid	Weekly or Bi-Weekly
Milk	Annually	Formal Bid	Daily
Bread	Annually	Formal Bid	Every Monday &/or Wednesday
Equipment -Large	As Needed	Formal Bid or three quotes depending on the amount	As Received
Equipment/Supplies -Small	As Needed	Three Quotes when necessary for amount	As Received
Equipment parts and maintenance	As Needed	Three Quotes when necessary for the amount	As Received

Code of Conduct

2 CFR Part 200.318(c)(1), formerly 7 CFR Part 3016.36(b)(3) and & Part 3019.42, State Procurement Code and Regulations, and Utopian Academy for The Arts School District Department of Purchasing.

In compliance with the stated regulations and in order to prohibit any potential conflict of interest, the maintenance of ethical conduct will be expected of all persons who are engaged in the selection, award, and administration of contracts supported by School Nutrition Funds.

No employee, officer, or agent of the Board of Education shall participate in selection or in the selection, award, or administration of a contract supported by program funds if a conflict of interest, real or apparent, would be involved.

Conflicts of interest arise when any of the following has a financial interest or tangible personal benefit from a firm selected for the award:

- a. The employee, officer, or agent
- b. Any member of their immediate family
- c. His or her partner or organization, which employs or is about to employ any of the above

The Utopian Academy for The Arts Board of Education employees, agents, or officers shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

The purchase during the course of the program day of any food or service from a contractor for individual use is prohibited. The purchase of any food or service from a contractor outside of the School Nutrition Program day is to be avoided if at all possible.

The removal of any food, supplies, or equipment from program sites is prohibited.

The outside sale of items such as used oil, empty cans, etc., may be sold by contract between the Utopian Academy for The Arts Board of Education and the outside agency.

Failure of any employee to abide by the above-stated Code could result in appropriate disciplinary action, including suspension or dismissal. Disciplinary actions, as outlined in district policy will be applied for violations of such standards by officers, employees, or agents of the organization. **Separate Codes of Conduct with each SNP employee's signature of agreement will be kept on file with the SNP Director and/or assigned Managers.**

Interpretation of the Code will be given at any time by contacting the SFA or designee. The Utopian Academy for The Arts Board of Education will not be responsible for any other explanation or interpretation, which anyone presumes to make on behalf of the School Food Authority.

USDA Nondiscrimination Statement

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

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

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: [How to File a Complaint](#), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW
Washington, D.C. 20250-9410;

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

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

This institution is an equal opportunity provider.