[SFA AGENCY CODE AND NAME]

Food Service Department Procurement Policies and Procedures

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Last updated: Month, Date, Year



SCHOOL FOOD AUTHORITY NAME

AUTHORIZED REPRESENTATIVE

Developed by:

Food Service Director, Title and Name

Authorized Representative/Administrator, Title and Name

Business Manager, Title and Name

[REPLACE DPI IMAGE BELOW WITH SFA IMAGE]



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# Introduction

The purpose of this procurement manual is to explain the basic procurement policies and procedures of the [INSERT SFA NAME]. It is intended to assist school procurement and contracting personnel, contractors and any subcontractors with procurements related to the school food service department. This manual applies to the procurement of goods and services using non-profit school food service account funds (NPSFSA).

Furthermore, this manual is intended to provide information and detailed procedures for staff completing procurement and contract management duties. In the performance of these duties, staff should:

* Be aware of and comply with the school food service department purchasing policies;
* Cross reference existing internal business office, administrative, and district policies, including board approvals that impact school food service department contracts and purchasing for any conflicts. If the food service director has any questions or concerns, the individual will follow up with appropriate chain of command.

The relevant federal, state and local regulations (RelRegs) ensure goods and services purchased for the USDA Child Nutrition Programs (CNPs) are obtained in a cost-effective manner. Investigate any conflict(s) between these guidelines, RelRegs, and in most cases, the most restrictive regulation shall prevail.

## Scope and Responsibilities

This procurement manual applies to the school food service director and any other person(s) authorized to initiate and/or approve purchases using non-profit school food service account funds (NPSFSA). Authorized person(s) include: the food service director, food service staff, business managers, superintendents, secretaries, board member, building and grounds, or other authorized personnel.

## Mission Statement

The school food service department represents the [INSERT LEA NAME] in the purchase of all goods and services at the most favorable prices, terms, and conditions to support the needs of our faculty, staff, and students.

The school food service department establishes and maintains a professional and productive relationship with businesses to ensure compliance with RelRegs. The [INSERT LEA NAME] maintains the highest level of ethics while procuring goods and services with public funds.

## USDA Child Nutrition Programs

The school food service department operates, conducts procurements, and manages awarded contracts in accordance with the following: [https://dpi.wi.gov/school-nutrition/program-requirements/contracts](https://dpi.wi.gov/school-nutrition/program-requirements/contracts#:~:text=Permanent%20Agreement/Policy%20Statement%C2%A0):

• National School Lunch Program (NSLP)

• School Breakfast Program (SBP)

• School Milk Program (SMP)

• Farm 2 School Program (F2S)

• Fresh Fruit and Vegetable Program (FFVP)

• Child and Adult Care Food Program (CACFP)

• Summer Food Service Program (SFSP)

• [INSERT ADDITIONAL PROGRAMS]

## Purchasing Thresholds

The following are purchasing thresholds to be used with applicable procurement methods discussed later in this procurement policies and procedures manual. The following are 2 CFR 200 thresholds and [INSERT SFA NAME] thresholds. The most restrictive threshold must be used.

|  |  |  |
| --- | --- | --- |
| **Procurement thresholds are as follows:** | **2 CFR 200** | **[INSERT SFA NAME]** |
| Micro Purchasing | Up to $10,000 |  |
| Small Purchase – (Informal): | Up to $249,999 |  |
| Invitation for Bid (IFB) and Request for Proposal (RFP) – (Formal):  | Over $250,000 |  |

# Procurement Process

Procurement is the act of finding and buying goods or services, often through a competitive bidding process. The process is used to ensure the school food service department receives quality goods and/or services at the best possible price.

A common misunderstanding about procurement is that most people think of it as one action or simply buying the good or service. When participating in the federal Child Nutrition Programs, procurement involves a process to ensure tax dollars are spent responsibly and that School Food Authorities (SFAs) obtain the best quality good or service for the lowest price.

The standard procurement process involves the steps below: 

# Procurement Planning

Effective procurement planning is essential for ensuring that the [INSERT SFA NAME] School Nutrition Program obtains the goods and services needed to support its mission efficiently and cost-effectively. This section provides guidance on the key steps involved in procurement planning:

1. Identify Needs: The first step in procurement planning is to assess the program's needs. This includes conducting a thorough analysis of current inventory levels, anticipated demand for goods and services, and any upcoming projects or initiatives that may require procurement. School nutrition professionals should collaborate with program stakeholders, such as kitchen staff, nutritionists, and school administrators, to identify and prioritize procurement needs based on program goals and objectives.

2. Market Research: The main goal of market research is to identify potential supply sources capable of meeting a school's business requirements. This process includes gathering, analyzing and interpreting information about a product and/or service. A school should conduct market research to identify emerging trends, innovations and potential vendors. A common tool to assist schools in research is called a Request for Information (RFI). An RFI is only for gathering information and not meant for pricing quotes.

3. Write Scope of Work and Specifications/Requirements: Scope of Work (SOW) – SOW a part of the agreement where the work to be performed is defined and described. It includes the Why, What, When, Where, and How. If the “how” isn’t clear, then you’ll most likely need to use a procurement document called a Request for Proposal where offerors will describe the “how” of the work to be performed. If the how is known or common, then a bid will normally be used.

The SOW should include:

* **Objective/Summary** of the SOW
* **Deliverables/Services**
* **Timeline** - at minimum start/end dates
* **Milestones** - normally for longer timelines
* **Pricing** and **Payment Terms**
* **Reports** as well as pricing including payment terms.

Specifications/Requirements - Requirements describe the product and/or service and should reflect the business needs for success of the engagement. Specifications can be specific product requirements. Any related regulatory requirements should be addressed as well.

By following these procurement planning guidelines, school nutrition professionals can effectively identify, prioritize, and fulfill the procurement needs of the School Nutrition Program, ensuring the timely and efficient delivery of goods and services to support student health and academic success.

4. Select Procurement Method: Once procurement needs have been identified, school nutrition professionals should develop comprehensive procurement plans and schedules to guide their purchasing activities. Procurement plans should:

* Outline the goods and services to be procured,
* Determine the Procurement Methods to be used (e.g., small purchase, competitive bidding, or Request for Proposal (RFP), and
* Develop timelines for each procurement activity.
	+ Schedules should be realistic and allow for sufficient time to complete each step of the procurement process from soliciting bids or proposals to awarding contracts and making purchases.
* *If using an RFP, additional time will be needed to develop evaluation criteria to Evaluate Proposals.*
* Be conducted based on full and open competition to the greatest extent possible. When making a bid, awards are made to the lowest responsive and responsible bidder. This can be used with either a small purchase or formal sealed bid, also known as Invitation for Bid (IFB) or Request for Bid (RFB). When bidding is not appropriate, a Request for Proposal (RFP) may be used. RFPs are normally used when additional criteria other than cost is evaluated to determine award, with cost being the heaviest weighted criteria.

5. Prepare Solicitation Document: Solicitation documents are prepared from a template or previous bid documents and information specific to the requirements, schedule and methodology is used to complete the solicitation documents. If no relevant previous bid documents or templates are available templates/samples can be found on the DPI website.

6. Solicit Bids or Proposals: Solicitation is the process of requesting bids or proposals from potential vendors. The process should establish the method to be used for solicitation and, when applicable, the contract to be used.

7. Evaluate Bids or Proposals: In most cases, the evaluation will be to examine and compare bids to determine the lowest responsive bid from a responsible bidder. If using an RFP, proposals will be evaluated and scored to determine the highest scoring proposal from a responsible Offeror. A responsive bid or proposal is one that meets all the conditions and requirements. An Offeror is responsible if they possess the experience, facilities, financial resources and are fully capable of performing the contract. The school will need to use its best efforts in vetting the Offerors to ensure they are qualified for doing business with the school. For example, calling references, checking for debarment issues, verifying financials, site visits, taste testing, etc.

8. Award Contract: The school may request final bids and/or negotiate proposals with Offerors. Once the selected Offeror has been determined by the school, it will need to follow internal procedures for approval prior to awarding the contract. This may require the school board and/or other school administrative approval. Upon approval the selected Offeror will be contacted to inform them of their selection status. Contract is signed and returned for school countersignature. After contract signing, notice is sent out to all Offerors of their status of non-award.

9. Manage Contract: The school will need to assure the vendor(s) meets the requirements of the contract. Managing a contract (Obligation Management) occurs in four parts:

1. Receiving product and/or service
2. Tracking contractor performance, and
3. Reviewing invoices ensuring pricing matches contract and products and/or services received.
4. *Quality Control*: Managing the contract the school must ensure product matches products and/or services order and quality of product matches contract requirement.

Contract Management should also include:

* Revisions/Amendments;
* Audit and Reporting, and;
* Renewing or closing the contract.

10. Evaluate Contractor Performance: The school should do regular evaluations of Vendors to ensure they meet contractual obligations and performance standards, such as quality, cost, delivery time and compliance. Focus is largely about operational efficiency and effectiveness. A best practice is to:

* Establish metrics and/or Key Performance Indicators (KPI’s);
* Monitor and assess performance, and;
* Feedback/Improvement.

11. Renew or Close Out Contract

**Contract renewal** occurs when the initial contract term ends, and the parties decide to continue the arrangement. A contract may be renewed if, during the procurement, it is communicated to all Offerors that renewals would be allowed.

* Some contracts have fixed dates for renewal, while others automatically renew unless either party opts out.
* If allowed any price adjustments at renewal must be reflected in the contract. For example, school identifies a Consumer Price Index (CPI), other index, and/or a cap to control costs.

**Non-renewal** occurs when the contract term ends. The school should have pre-planned to either renew services under a new contract and/or received quotes for services for a new term from qualified Offerors.

A contract isn’t closed until the final payment for products and/or services is received/completed, and all the conditions of the contract are met.

# Procurement Policy and Procedures Checklist

The [INSERT SFA NAME] is required to have written policies and procedures that cover the components included in the checklist below. This checklist may be reviewed during the DPI Procurement Review (PR) to evaluate compliance with required Procurement Policy and Procedures. Keep the list and manual updated, as needed, when guidance and purchasing procedures change.

1. Existence of Procurement Manual or Written Procedures:
* Does the SFA have a procurement manual or written procurement procedures.

Example Policy: The SFA shall maintain a comprehensive procurement manual outlining procedures for the procurement of goods and services in accordance with federal regulations and program requirements.

Example Procedure: The procurement manual shall be reviewed and updated annually by the designated procurement officer to ensure compliance with current regulations and best practices.

1. Compliance with Federal Regulations and Program Requirements
* Does the SFA ensure compliance with the procurement standards outlined in 2 CFR 200.317-200.326 and any additional requirements specified by federal grantor agencies (e.g., USDA FNS).
* Does the SFA have a process for staying informed of updates to procurement regulations and guidance issued by federal agencies and adjust policies and procedures accordingly.
* Has the SFA Incorporated references to relevant sections of 2 CFR 200 and USDA FNS guidance memos into procurement policies and procedures to support compliance and understanding?
1. Ethics and Code of Conduct
* Does the SFA have policy and procedures to ensure they maintain integrity, impartiality, and honesty in all procurement activities, adhering to ethical standards outlined in 2 CFR 200.318-200.325?
* Does the SFA have policy and procedures to ensure they avoid conflicts of interest and ensure transparency and fairness in procurement decisions and contract management processes?
* Does the SFA have policy and procedures to ensure they promote accountability and ethical conduct among staff involved in procurement activities through training and awareness programs?
* Does the SFA have policy and procedures that prohibit officers, employees, and agents from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or parties of subcontracts?
* Does the SFA have policy and procedures that provide for disciplinary actions for violations by officers, employees, or agents?
1. Procurement Standards and Methods
* Does the SFA have policy and procedures have written procurement procedures that comply with the standards set forth in 2 CFR 200.317-200.326, including full and open competition, transparency, and accountability?
* Does the SFA have policy and procedures that define the procurement methods to be used based on the estimated value and nature of the goods or services to be procured (e.g., micro-purchases, small purchases, sealed bids, competitive proposals)? (2 CFR 200.320-200.323)
* Does the SFA have policy and procedures ensuring procurement methods are selected in accordance with program objectives, efficiency, and compliance requirements?
* Does the SFA have policy and procedures describing how it performs cost or price analysis in connection with every procurement action in excess of the \*Small Purchase Threshold including contract modifications?)
* Does the procurement manual describe steps to assure that small, minority, and women businesses, enterprises, and labor surplus firms are used when possible? [
1. Description of procedures for contract management, contract administration, and/or oversight?
2. Contract Management and Administration
* Identify contracts and establish clear contract terms, including scope of work, performance standards, deliverables, and payment terms.
* Monitor contractor performance regularly to ensure compliance with contractual requirements and achievement of program objectives.
* Manage change orders and amendments effectively, documenting changes and obtaining necessary approvals in accordance with procurement regulations.
* Description of how the SFA avoids acquisition of unnecessary or duplicative items when conducting procurements?
* Description of how the SFA awards contracts to responsible contractors?
1. Vendor Selection and Evaluation
* Establish clear criteria for vendor selection based on programmatic needs, quality standards, pricing considerations, and compliance requirements.
* Develop solicitation documents (e.g., Requests for Proposal) that include detailed specifications, evaluation criteria, and instructions for vendors.
* Evaluate vendor proposals or bids objectively and consistently, considering responsiveness, responsibility, and price reasonableness.
1. Procurement records and retention policy?
2. Recordkeeping and Documentation
* Maintain comprehensive procurement files documenting the entire procurement process, including solicitation documents, evaluation criteria, vendor responses, and contract awards.
* Ensure that procurement files are organized, up-to-date, and readily accessible for review and audit purposes.
* Retain procurement records in accordance with the retention requirements specified in 2 CFR 200.333.
1. Protest procedures?
2. Procedures to ensure clear and accurate description of the technical requirements for the material, product, or service to be procured?
3. Methods for conducting technical evaluations?
4. Procurement of recovered materials?

# DPI Online Procurement Resources

## [DPI Procurement Website](https://dpi.wi.gov/school-nutrition/program-requirements/procurement/methods/informal)

* + (https://dpi.wi.gov/school-nutrition/program-requirements/procurement)

## [Procurement Methods](https://dpi.wi.gov/school-nutrition/program-requirements/procurement/methods/informal)

* + (examples of how to use Micro Purchasing, Small Purchases, and formal purchases)
	+ (https://dpi.wi.gov/school-nutrition/program-requirements/procurement/methods)

## [Meal Service Agreement](https://dpi.wi.gov/school-nutrition/program-requirements/procurement/required-template-agreements/fsmc)

* + (Location of required template Vended Meal Agreement or Feed Service Management Company Contract)
	+ (https://dpi.wi.gov/school-nutrition/program-requirements/procurement/required-template-agreements)

## [Procurement Templates](https://dpi.wi.gov/school-nutrition/program-requirements/procurement/templates)

* + (examples of Bread, Milk, and Prime Vendor bids and RFPs)
	+ (https://dpi.wi.gov/school-nutrition/program-requirements/procurement/templates)

## [Buying Group Resources](https://dpi.wi.gov/school-nutrition/program-requirements/procurement/buying-groups)

* + (example School Cooperatives and Group Purchasing Organization (GPOs))
	+ (https://dpi.wi.gov/school-nutrition/program-requirements/procurement/buying-groups)

## [Equipment Purchases](https://dpi.wi.gov/school-nutrition/program-requirements/procurement/equipment)

* + (https://dpi.wi.gov/school-nutrition/program-requirements/procurement/equipment)

## [Local Procurement](https://dpi.wi.gov/school-nutrition/program-requirements/procurement/local-procurement)

* + (https://dpi.wi.gov/school-nutrition/program-requirements/procurement/local-procurement)

## [Procurement Review](https://dpi.wi.gov/school-nutrition/program-requirements/procurement/procurement-review)

* + (https://dpi.wi.gov/school-nutrition/program-requirements/procurement/procurement-review)

## [Buy American Provision](https://dpi.wi.gov/school-nutrition/program-requirements/procurement/buy-american)

* + (https://dpi.wi.gov/school-nutrition/program-requirements/procurement/buy-american)

# 2 CFR 200 Required Contract Provisions Quick Reference**:**

## Contractual Procedures:

* + Outlines the procedures to be followed in awarding contracts.
	+ (2 CFR 200 Appendix II to Part 200, Section A)
	+ No specific threshold requirement. Applies to all contracts awarded under federal awards.
	+ Needs to be used for all procurement transactions to ensure proper solicitation, evaluation, and award procedures are followed.

## Termination Clause:

* + Specifies the conditions under which the contract may be terminated.
	+ (2 CFR 200 Appendix II to Part 200, Section B)
	+ No specific threshold requirement. Applies to all contracts awarded under federal awards.
	+ Needs to be included in all contracts to define the circumstances under which the contract can be terminated by either party.

## Equal Employment Opportunity:

* + Includes provisions requiring compliance with Equal Employment Opportunity laws and regulations.
	+ (2 CFR 200 Appendix II to Part 200, Section C)
	+ Generally, applies to contracts exceeding $10,000.
	+ Needs to be used for contracts exceeding $10,000 to ensure compliance with Equal Employment Opportunity laws and regulations.

## Davis-Bacon Act:

* + Includes provisions ensuring compliance with the Davis-Bacon Act, which requires payment of prevailing wages on federally funded construction projects.
	+ (2 CFR 200 Appendix II to Part 200, Section D)
	+ Generally, applies to contracts for construction exceeding $2,000.
	+ Needs to be used for construction contracts exceeding $2,000 to ensure compliance with prevailing wage requirements.

## Contract Work Hours and Safety Standards Act:

* + Includes provisions requiring compliance with labor standards and safety regulations.
	+ (2 CFR 200 Appendix II to Part 200, Section E)
	+ Generally, applies to contracts exceeding $100,000.
	+ Needs to be used for contracts exceeding $100,000 to ensure compliance with labor standards and safety regulations.

## Rights to Inventions Made Under a Contract or Agreement:

* + Addresses the ownership and disposition of rights to any inventions made under the contract.
	+ (2 CFR 200 Appendix II to Part 200, Section F)
	+ No specific threshold requirement. Applies to contracts involving research and development activities or where there may be potential for inventions.
	+ Needs to be used for contracts involving research and development activities or where there may be potential for inventions.

## Environmental Protection:

* + Includes provisions requiring compliance with environmental protection laws and regulations.
	+ (2 CFR 200 Appendix II to Part 200, Section G)
	+ No specific threshold requirement. Applies to contracts with potential environmental impact.
	+ Needs to be used for contracts with potential environmental impact to ensure compliance with environmental protection laws and regulations.

## Debarment and Suspension Certification:

* + Certifies that the contractor is not debarred, suspended, or otherwise excluded from participation in federal assistance programs.
	+ (2 CFR 200 Appendix II to Part 200, Section H)
	+ Generally, applies to all contracts awarded under federal awards.
	+ Needs to be used for all contracts awarded under federal awards to ensure compliance with debarment and suspension regulations.

## Lobbying Certification:

* + Certifies compliance with restrictions on lobbying activities.
	+ (2 CFR 200 Appendix II to Part 200, Section I)
	+ Generally, applies to all contracts awarded under federal awards.
	+ Needs to be used for all contracts awarded under federal awards to ensure compliance with lobbying restrictions.

## Recovered Materials:

* + Includes provisions requiring the use of recovered materials to the extent practicable.
	+ (2 CFR 200 Appendix II to Part 200, Section J)
	+ No specific threshold requirement. Applies to contracts involving the purchase of goods or materials.
	+ Needs to be used for contracts involving the purchase of goods or materials to promote the use of recovered materials.

# USDA Nondiscrimination Statement

These provisions need to be included in contracts based on their specific requirements and thresholds to ensure compliance with federal regulations and program requirements. USDA Nondiscrimination Statement.

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant’s name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted 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; or
2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
Program.Intake@usda.gov

This institution is an equal opportunity provider.

# Appendix A: How to Do Business with the [INSERT SFA NAME]

Each year, the school food service department awards contracts for different types of goods and services from national, regional, and local suppliers.

The school food service department is responsible for purchasing and contract management. The school food service department welcomes and encourages qualified vendors, including local businesses, minority-owned firms, small businesses and veteran-owned companies to respond to solicitations by submitting bids and proposals.

The [INSERT SFA NAME] does not require vendors to register with the school food service department in order to do business. However, vendors are encouraged to visit the school food service department website at [INSERT SFA PURCHASING WEBPAGE] and join the Known Vendors List to receive email notifications when solicitations are released.

The school food service department solicitations are advertised in the local newspaper and are also available by contacting the school food service department.

When a vendor is awarded a contract with the school food service department, someone from the school food service department may contact the vendor to obtain a copy of the vendor’s W-9 Taxpayer Identification Number and Certification form to register the vendor in the financial system for invoice processing and payment.

The school food service department awards contracts and agreements to responsible and responsive bidders and proposers, who represent the lowest price or best value to the school food service department.

Procurement Conflict of Interest - Gifts and Other Benefits

The school food service department has strict guidelines regarding no gifts and other benefits on all solicitations. The school food service department will review vendor performance and references on all contracts prior to the award.

For more information on the school food service department purchasing policies and procedures visit our [INSERT PURCHASING WEBPAGE] or contact [INSERT FOOD SERVICE DIRECTOR NAME] directly.