

Crosswalk

School Nutrition Program (SNP) Procurement and Texas Public Education Procurement

United States Department of Agriculture (USDA) and
Texas Department of Agriculture (TDA)

United States Department of Education (USDE) and
Texas Education Agency (TEA) Guidance

Funding Source

USDA

USDE and TEA

Charter School Purchasing

[USDA]

Charter school purchasing must meet all SNP federal and state requirements for procurement.

[Texas Law]

Charter school purchasing must meet all federal requirements, but may be exempt from specific state purchasing requirements based on the charter award.

Small Purchase Threshold

[TDA]

Less than or equal to \$50,000.

[TEA]

Less than \$50,000 (TEA).

Micro-Purchase

[USDA]

\$10,000 on a single purchase—purchases must be equitably distributed.

[TEA]

\$10,000 annually for the purchase of *like-type* items—district and charter determination of *like-type* items.

Buy American

[USDA]

Food products must meet the Buy American standard—over 51% of the final processed food product must consist of agricultural commodities that were grown domestically.

[EDGAR, 2 CFR 200]

Not allowable.

Local Preference

[USDA]

SNP operators may assign preference points for local products or services as long as the definition for local is created by the SNP operator.

[Texas Law]

Purchases made with state funds be awarded to products created within the state or business located in within the state; however, federal EDGAR regulations prohibit any geographic preference in procurements.

Public Advertising

[USDA]

Public notice for a procurement solicitation must be announced in a publication with the highest possible circulation in order to increase competition—Depending on the products or services to be procured, county and regional newspapers may not meet this criteria.

[Texas Law]

Public notice for a procurement solicitation may be announced in the largest circulation newspaper in the county in which the district or charter is located.

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Cooperative Purchasing

[USDA]

SNPs may use cooperative purchasing methods.

Third party cooperatives must be procured.

Group purchasing organizations or buy boards may be one source of pricing.

United States Department of Education (USDE) and Texas Education Agency (TEA) Guidance

[TEA]

Districts and charter schools may use cooperative purchasing methods.

Third party cooperatives must be procured.

Group purchasing organizations or buy board may be one source of pricing.

If cooperative purchasing vendors are unable to meet all regulatory requirements, the district or charter school must take action to address requirements the vendor is unable to meet. The additional actions bring the vendors procurement practices into compliance.

Evaluation Criteria

[USDA]

Cost must be given the highest priority in evaluating offers. Other criteria must assist the CE in determining the most responsive and responsible offer. For example,

- Price/Cost (Total cost of proposal submitted, must be the primary consideration.)
- Responsiveness to specifications and technical requirements
- Demonstration of responsibility (experience, reference letters, financial condition/stability, business practices)
- Accounting and reporting systems, as applicable

[Texas Education Code (TEC)]

The district or charter must consider all of the following criteria:

- Purchase price
- Reputation of the vendor and of the vendor's goods and services
- Quality of the vendor's goods or services
- Extent to which the goods or services meet the district's (or charter's) needs
- Vendor's past relationship with the district (or charter)
- Impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses
- Total long-term cost to the district (or charter) to acquire the vendor's goods or services
- Any other relevant factors specifically listed in the request for bids or proposals (i.e., vendor response time or compatibility of goods/products with those already in use)

Guidance

*Administrator's Reference Manual (ARM), Section 17,
Procurement, www.squaremeals.org*

2 Code of Federal Regulations (CFR) Part 200

7 Code of Federal Regulations (CFR) Parts 210, 215, and 220

*Financial Accountability System Resource Guide,
www.tea.texas.gov/Finance_and_Grants/Financial_Accountability/Financial_Accountability_System_Resource_Guide/*

*Education Department General Administrative Regulations
(EDGAR)*