



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

Office of P-20 Education Policy
Child Nutrition Program Administration
89 Washington Avenue, Room 375EBA, Albany, NY 12234
(518) 473-8781 Fax (518) 473-0018
www.cn.nysed.gov

LEA Code: 661901030000

May 20, 2019

Dr. Barbara Ferraro
Superintendent
Rye Neck UFSD
310 Hornridge Rd
Mamaroneck, NY 10543

Dear Dr Barbara Ferraro:

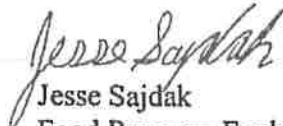
The outstanding area(s) of the Administrative Review conducted on March 5, 2019 of your Child Nutrition Programs have been completed. Please see the attached Procurement tool for technical assistance, findings and required corrective action, as applicable. Additionally, the documents you submitted as corrective action to address findings from the Administrative Review conducted on March 5, 2019 of your Child Nutrition Programs have been received and approved.

The review process is not intended to be an all-inclusive or final review of Rye Neck UFSD program operations. Therefore, your SFA should continue to examine operations at periodic intervals to ensure compliance with Program requirements. SFA records shall be retained for a period of 3 years after submission of the final claim for reimbursement for the fiscal year to which they pertain. However, if audit findings have not been resolved the records shall be retained beyond the 3 year period as long as required for resolution of the issues raised by the audit. Please be advised that these records must be readily retrievable or immediately available upon request.

The New York State Education Department reserves the right to conduct additional reviews, either announced or unannounced, for any irregularities, to verify corrective action was completed and applied to all schools under the jurisdiction of the SFA, as appropriate, and/or to conduct applicable close out procedures in the event of program termination. Failure of the SFA to submit to further reviews or close out procedures will jeopardize future participation in all Child Nutrition Programs.

The National School Lunch Program and School Breakfast Program focus on improving the critical nutrition and hunger safety net for millions of children. Our goal for all Child Nutrition Programs is to increase awareness of and participation in these programs while promoting program integrity. Our intent is to provide you with any assistance that will enable you to continue to offer program benefits to the community. If you have any questions, please do not hesitate to contact me at (518) 473-8781.

Sincerely,



Jesse Sajdak
Food Program Evaluation Specialist

CC.: Anne Pantoja, Food Service Director
Mrs. Nicole Bonilla, Business Official

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, audiotape, 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: http://www.ascr.usda.gov/complaint_filing_cust.html, 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.

2018-19 NYSED Administrative Review Summary of Findings

SFA Name: Rye Neck UFSD

SFA LEA Code: 661901030000

Child Nutrition Programs (check all that apply): NSLP SBP Afterschool Snacks FFVP SMP

Special Provision Option: CEP P2

Date of Administrative Review (Entrance Conference Date): March 5, 2019

Date review results were provided to the School Food Authority: March 5, 2019

Date review summary was publicly posted: May 16, 2019

No findings.

Meal Access and Reimbursement

Certification and Benefit Issuance:

- *Students were incorrectly certified for free or reduced price meals.
- *Free or reduced price meal benefits were provided to students without having appropriate certification documentation on file.
- Students' prior year eligibility status was not carried over for the first 30 operating days of the current school year.
- Free benefits were not extended to all students in a household containing at least one directly certified student.
- Household applications were incorrectly denied.
- *Student eligibility was not properly transferred to the benefit issuance document.
- *Student eligibility updates were not made to the point of service benefit issuance document according to SFA's established timeframes.
- The Direct Certification Matching Process was not conducted as required.

Documentation to support that the following information was sent to households was not maintained:

- Income Application
 - Parent letter
 - Eligibility Notification letter
 - Denial letter
 - Direct Certification Notification letter
- There is outdated, missing or incorrect information on:
- Income Application
 - Parent letter
 - Eligibility Notification letter
 - Denial letter
 - Direct Certification Notification letter
- Administrative Prerogative was incorrectly used.

Verification:

- The income verification process was not completed by November 15th.
- An Alternate Sampling Method was used when the SFA did not meet the criteria required to use an alternate process.
- No confirmation review was conducted on applications selected for verification.
- The number of applications verified was incorrect.
- Free and reduced price meal benefits for students of households that failed to respond to the verification request were not terminated.
- Applications were not correctly verified.
- Appropriate changes were not made to the benefit status of a student(s) as a result of verification.

- Families not notified appropriately of a change in benefit status as a result of verification:
 - For a decrease in benefits, families were not notified in writing at least 10 calendar days in advance
 - For an increase in benefits, families were not notified within 3 calendar days
- The letter sent to families who have been selected for verification contains outdated, missing or incorrect information.
- The Letter of Verification Results contains outdated, missing or incorrect information.
- The Verification Collection Report was not accurately completed.

Meal Counting and Claiming:

- *The claim for reimbursement was incorrectly consolidated.
 - This error is: Systemic Non-Systemic Breakfast Lunch Snack
- *Meal counts by category were not combined and recorded correctly on the claim for reimbursement.
 - This error is: Systemic Non-Systemic Breakfast Lunch Snack
- The meal counting and claiming system does not prevent overt identification of students receiving free and reduced price benefits.
- *Meals are not counted at the point of service.
 - Breakfast Lunch Snack

Meal Pattern and Nutritional Quality

Meal Components and Quantities

- *Production records were not maintained as required. Breakfast Lunch Snack
- *Meals Offered:
 - did not contain all required components
 - did not contain sufficient quantities Repeat Finding
 - were not in portion sizes appropriate to each age/grade group
- *Meals served were incomplete
- All required meal components were not offered to students
- Meals served were missing required components Breakfast Lunch Snack

- *Grain items are not whole-grain rich. Repeat Finding
- *Fluid milk was not offered in at least two varieties. Repeat Finding
- *An unallowable milk type(s) was offered. Repeat Finding

Offer versus Serve:

- Signage indicating what constitutes a reimbursable meal was not displayed.
- *The meal service was not structured to comply with the required age/grade group requirements. Breakfast Lunch Snack

- Signage did not indicate meal requirements under Offer vs. Serve.
- Offer vs. Serve is not properly implemented.
- Staff not adequately trained on Offer Versus Serve requirements.

Dietary Specifications and Nutrient Analysis:

- *The nutrient analysis conducted of meals offered did not meet the following Dietary Specifications for the age/grade group being served and:
 - Calories Trans Fat
 - Saturated Fat Sodium
 - Repeat Finding

Resource Management

- The Nonprofit Food Service Account has an excess fund balance that exceeds three months' average operating expenses
- The Nonprofit Food Service Account has a negative ending fund balance
- The Paid Lunch Equity Tool was not completed prior to the review.
- The Non-program Food Tool was not completed prior to the review.
- Program foods are not separated from non-program foods.
- No assurance that the price of an adult meal covers all costs of the meal
- No assurance that non-program food revenue generates at least the same amount it costs to purchase the food.
- Indirect costs were charged to the nonprofit food service account without an approved indirect cost rate agreement.
- An incorrect base or rate was used to calculate indirect costs.

General Program Compliance

Civil Rights:

- No documentation to support that a Public Announcement was released.
- The Public Announcement contains outdated, missing or incorrect information.
- Documentation to support annual civil rights training for all staff was not maintained.
- The USDA Non-Discrimination Statement is not included on all Program documents or is not the updated Non-Discrimination Statement.
- The SFA does not appear to be in compliance with all Civil Rights requirements.

SFA On-site Monitoring:

- The on-site review of the breakfast and lunch counting and claiming system was
 - not conducted
 - not conducted by February 1 of the current school year.
- A self-review of the afterschool snack program was:
 - not conducted
 - first review not conducted within the first 4 weeks of operation
 - second review not conducted prior to the end of the school year
- The SFA did not conduct a follow-up review to ensure corrective action from the initial self-review was implemented.

Local School Wellness Policy:

- No Local Wellness Policy.
- Local Wellness Policy requirements are not met.

Smart Snacks in School (All Foods Sold in School):

- Foods and/or beverages sold during the school day are not compliant with Smart Snack regulations as defined.
- There is no process to ensure food items sold during the school day are in compliance with Smart Snack regulations.

Professional Standards:

- The new school nutrition program director does not meet the hiring requirements
- All school nutrition program personnel have not met or will not meet the annual training requirements.

Water:

- Free potable water is not available to students during the meal service.

- Breakfast
- Lunch

Food Safety, Storage, and Buy American:

- No written food safety plan is maintained.
- The written food safety plan is outdated and/or does not reflect actual practices.
- No documentation to support that food safety inspections were requested from the health department.
 - The most recent health inspection was not posted in a publically visible location.
 - HACCP principles and/or local and State health standards are not being met.
 - No current permit to operate a food service
 - Improper personal hygiene
 - Cross-contamination is not prevented
 - Food temperatures not monitored/recorded
 - Refrigerator and/or freezer temperatures not monitored/recorded
 - Food prep and/or service areas not clean
 - Utensils/equipment not clean
 - Evidence of pests present
- Improper food storage
- A review of the food products on-site at reviewed schools and/or at off-site storage facilities indicated a violation of the Buy American provision.

Reporting and Recordkeeping:

- Program records are not maintained on file for three years plus the current year.
- Reports are not submitted to SED by deadlines.
- The Verification Collection Report was not submitted by December 15th.
 - Cash Analysis was not submitted by October 31st
 - Health Inspection Report was not submitted by October 15th
 - The results of the independent review of applications was not submitted by October 31st
 - Reimbursement claims are not submitted within 60 days following the last day of the full month covered by the claim

SBP and SFSP Outreach:

- The School Breakfast Program is not being promoted as required.
- The Summer Food Service Program is not being promoted as required.

Other Federal Program Reviews:

- *The Afterschool Care Program (Snack) is not administered as required.
- *The Fresh Fruit and Vegetable Program is not administered as required.
- *The Special Milk Program is not administered as required.

****Finding(s) that may result in fiscal action.***

Corrective Action Plan (CAP) & Technical Assistance (T/A)			
SFA Name: Rye Neck UFSD	Corrective Action (CA) to be taken by the SFA	Date CA will be fully implemented	Documents to be submitted to SED within 30 days of: 03/11/19
Meal Access and Reimbursement: Certification and Benefit Issuance		Review Form Section 100s	
<p>Finding(s)</p> <p><input type="checkbox"/> *Students were incorrectly certified for free or reduced-price meals. Refer to the Eligibility Certification and Benefit Issuance Error Worksheet (SFA-1) for errors.</p> <p><input type="checkbox"/> *Free or reduced-price meal benefits were provided to students without having appropriate certification documentation on file.</p> <p><input type="checkbox"/> Students' prior year's eligibility status was not carried over for the first 30 operating days of the current school year.</p> <p><input type="checkbox"/> Free benefits were not extended to all students in a household containing at least one directly certified student.</p> <p><input type="checkbox"/> Household applications were incorrectly denied. Refer to the Other Eligibility Certification and Benefit Issuance Error Worksheet (SFA-2) for the list of affected students.</p> <p><input type="checkbox"/> *Student eligibility was not properly transferred to the benefit issuance document. Refer to the SFA-1 worksheet for the list of affected students.</p> <p><input type="checkbox"/> *Student eligibility updates were not made to the point of service benefit issuance document according to SFA's established timeframes.</p>	<p><input type="checkbox"/> The following system will be implemented to ensure benefits are correctly determined: Click or tap here to enter text.</p> <p><input type="checkbox"/> Household(s) will be notified in writing of students' whose applications were certified incorrectly or whose benefits were incorrectly issued. A decrease in benefits will be made 10 calendar days after notification to the household. An increase in student benefits will be made within 3 days.</p> <p><input type="checkbox"/> An Independent Review of Applications will be conducted during the subsequent school year.</p> <p><input type="checkbox"/> The SFA will designate: Click or tap here to enter text. to re-examine the initial determination of ALL denied applications.</p> <p><input type="checkbox"/> The following system will be implemented to ensure benefits are properly issued/maintained: Click or tap here to enter text.</p>		<p>Regulations: 7 CFR 245.6</p> <p><input checked="" type="checkbox"/> Approving Free and Reduced-Price Applications</p> <p><input type="checkbox"/> Utilizing the USDA Eligibility Manual for School Meals</p> <p><input type="checkbox"/> Maintaining a Benefit Issuance Document</p> <p><input type="checkbox"/> Independent Review of Applications</p> <p><input type="checkbox"/> Staff training</p> <p><input type="checkbox"/> SY 2018-19 Policy Booklet</p> <p><input type="checkbox"/> Info on Child Nutrition Knowledge Center</p> <p><input type="checkbox"/> Click or tap here to enter text.</p>

Corrective Action Plan (CAP) & Technical Assistance (T/A)			
Finding(s)	Corrective Action (CA) to be taken by the SFA	Date CA will be fully implemented	Documents to be submitted to SED within 30 days of: 03/11/19
<p>SFA Name: Rye Neck UFSD</p>			
<p>Meal Access and Reimbursement: Certification and Benefit Issuance <i>Review Form Section 100s</i> Regulations: 7 CFR 245.5, 7 CFR 245.6</p>			
<input type="checkbox"/> The Direct Certification Matching Process (DCMP) was not conducted as required. <input type="checkbox"/> Documentation to support that the following information was sent to households was not maintained: <input type="checkbox"/> Income Application <input type="checkbox"/> Parent letter <input type="checkbox"/> Eligibility Notification letter <input type="checkbox"/> Denial letter <input type="checkbox"/> Direct Certification Notification letter <input type="checkbox"/> There is outdated, missing or incorrect information on: <input type="checkbox"/> Income Application <input type="checkbox"/> Parent letter <input type="checkbox"/> Eligibility Notification letter <input type="checkbox"/> Denial letter <input type="checkbox"/> Direct Certification Notification letter <input type="checkbox"/> Administrative Prerogative was incorrectly used.	<input type="checkbox"/> The following system will be implemented to ensure DCMP is conducted at least three times each school year: Click or tap here to enter text. <input type="checkbox"/> The parent letter, application form and instructions will be sent to households. <input type="checkbox"/> The following action will be taken to ensure information is sent to households as required and maintained on file: Click or tap here to enter text. <input type="checkbox"/> The application and/or letter(s) will be revised to contain all required and correct information. <input type="checkbox"/> The following system will be implemented to ensure administrative prerogative will be utilized properly: Click or tap here to enter text.		<input type="checkbox"/> <u>Direct Certification Matching Process</u> <input type="checkbox"/> <u>Income Applications</u> *Application maintenance <input type="checkbox"/> <u>Eligibility Training</u> <input type="checkbox"/> <u>SY 2018-19 Policy Booklet</u> <input type="checkbox"/> Parent Letter <input type="checkbox"/> Notification Letter requirements <input type="checkbox"/> Utilizing the <u>USDA Eligibility Manual for School Meals</u> <input type="checkbox"/> <u>Administrative Prerogative</u> <input type="checkbox"/> <u>Staff training</u> <input type="checkbox"/> <u>Community Eligibility Provision (CEP)</u>

*Finding(s) that may result in fiscal action. Refer to the Fiscal Action Chart for more information

Finding(s)	Corrective Action (CA) to be taken by the SFA	Date CA will be fully implemented	Documents to be submitted to SED within 30 days of:	T/A provided on day of review:
<p><input type="checkbox"/> *Production records were not maintained as required</p> <p><input type="checkbox"/> Breakfast <input type="checkbox"/> Lunch <input type="checkbox"/> Snack</p> <p><input checked="" type="checkbox"/> *Meals Offered at:</p> <p><input type="checkbox"/> Breakfast <input checked="" type="checkbox"/> Lunch <input type="checkbox"/> Snack</p> <p><input type="checkbox"/> Did not contain all required components</p> <p><input checked="" type="checkbox"/> Did not contain sufficient quantities</p> <p><input type="checkbox"/> Repeat Finding</p> <p><input type="checkbox"/> Were not in portion sizes appropriate to each age/grade group</p> <p>Identified by:</p> <p><input checked="" type="checkbox"/> Review of production records and/of other supporting menu documentation</p> <p><input type="checkbox"/> Observation</p> <p>Insufficient Component(s): Could not substantiate meat/meat alternate offerings for salad bar and deli bar meals because the SFA did not have recipes and production records did not clearly indicate portions served</p>	<p><input type="checkbox"/> SFA staff will complete the trainings indicated below and will:</p> <p><input type="checkbox"/> Ensure production records and/or other supporting menu documentation is maintained to indicate the meal pattern is being followed.</p> <p><input checked="" type="checkbox"/> Ensure that each required component is offered in the minimum required quantities.</p> <p><input type="checkbox"/> Basic Meal Pattern</p> <p><input type="checkbox"/> Meal Pattern for Menu Planners</p> <p><input type="checkbox"/> Menu Planning: Daily Alternate Meals</p> <p><input type="checkbox"/> Preschool Meal Pattern</p> <p><input type="checkbox"/> Production Records Snip-it</p> <p><input type="checkbox"/> Standardized Recipes Snip-it</p> <p><input type="checkbox"/> SFA will refer to the Food Based Meal Pattern chart for the appropriate age/grade group while developing menus</p> <p><input checked="" type="checkbox"/> The SFA will ensure all meals served that contain more than two ingredients have a recipe to validate their crediting.</p>	<p>30 Days</p>	<p><input type="checkbox"/> Menu and other supporting menu documentation for one week during the month of: Click to select Mo/Yr for affected recipient agency(s)</p> <p><input checked="" type="checkbox"/> Production Records</p> <p><input type="checkbox"/> Food Based Meal Pattern Requirements</p> <p><input type="checkbox"/> Pre-K Meal Pattern</p> <p><input type="checkbox"/> Crediting Documentation</p> <p><input type="checkbox"/> Standardized Recipes</p> <p><input type="checkbox"/> Vegetable Subgroup Requirements</p> <p><input type="checkbox"/> Menu Substitutions</p> <p><input type="checkbox"/> Staff training</p> <p><input type="checkbox"/> Info on Child Nutrition Knowledge Center</p> <p><input type="checkbox"/> Click or tap here to enter text.</p>	<p>Regulations 7 CFR 220.8, 7 CFR 210.10</p>

Corrective Action Plan (CAP) & Technical Assistance (T/A)			
SFA Name: Rye Neck UFSD	Corrective Action (CA) to be taken by the SFA	Date CA will be fully implemented	Documents to be submitted to SED within 30 days of: 03/11/19
Finding(s)			T/A provided on day of review:
<p>General Program Compliance: Civil Rights <i>Review Form Section 800s</i> Regulations 7 CFR 220 7 CFR 210.23, FNS Instruction 113-1</p> <p><input type="checkbox"/> Documentation to support annual civil rights training for all staff was not maintained.</p> <p><input type="checkbox"/> The USDA Non-Discrimination Statement is not included on all Program documents or is not the updated Non-Discrimination Statement.</p> <p><input type="checkbox"/> The SFA does not appear to be in compliance with all Civil Rights requirements. Describe Problem: <u>Click or tap here to enter text.</u></p>			
<p><input type="checkbox"/> Civil rights training will be given annually to all staff that interacts with program applicants or participants. The SED Child Nutrition Program Civil Rights PowerPoint will be used. The following action will be taken to ensure civil rights training is conducted annually: <u>Click or tap here to enter text.</u></p> <p><input type="checkbox"/> All Program materials will be updated to include the current USDA Non-Discrimination Statement.</p> <p><input type="checkbox"/> The following corrective action will be taken to ensure Civil Rights requirements are met: Click to insert corrective action</p>	<p><input type="checkbox"/> A copy of the civil rights training sign-in sheet indicating the date that the training was conducted and the names of staff that were in attendance</p>	<p><input type="checkbox"/> Public Outreach Requirements /Prototype Public Announcement</p> <p><input type="checkbox"/> Civil Rights Training</p> <p><input checked="" type="checkbox"/> USDA Non-Discrimination Statement</p> <p><input type="checkbox"/> Civil Rights</p> <p><input type="checkbox"/> Info on Child Nutrition Knowledge Center</p> <p><input type="checkbox"/> <u>Click or tap here to enter text.</u></p>	

*Finding(s) that may result in fiscal action. Refer to the Fiscal Action Chart for more information

Corrective Action Plan & Technical Assistance		
Finding(s)	Corrective Action	Technical Assistance
<p>Procurement Review: General Procurement Procedures</p>		
<p><input type="checkbox"/> The SFA did not have a written code of conduct that included language prohibiting real or apparent conflicts of interest for employees engaged in selection, award, and administration of contracts. [2 CFR 200.318(c)(1)/7 CFR 3016.36(3)(1-1v)]</p> <p><input type="checkbox"/> The SFA did not have a written code of conduct that included language prohibiting officers, employees, and agents from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or parties of subcontractors. [2 CFR 200.318(c)(1)]</p> <p><input checked="" type="checkbox"/> The SFA did not have a written code of conduct that provides disciplinary actions for violations by officers, employees, or agents. [2 CFR 200.318(c)(1)]</p> <p><input type="checkbox"/> The SFA did not have documented procurement procedures. [2 CFR 200.318(a)]</p> <p><input type="checkbox"/> The SFA did not have established procedures to perform a cost or price analysis in connection with every procurement in excess of the small purchase threshold. [2 CFR 200.323(a)]</p> <p><input checked="" type="checkbox"/> The SFA did not take steps to ensure that small, minority, and women's business enterprises and labor surplus firms are used when possible. [2 CFR 200.321]</p>	<p><input type="checkbox"/> The SFA will develop a written code of conduct that includes language prohibiting real or apparent conflicts of interest for employees engaged in selection, award, and administration of contracts. The SFA will ensure that the written code of conduct is followed.</p> <p><input type="checkbox"/> The SFA will develop a written code of conduct that includes language prohibiting officers, employees, and agents from soliciting or accepting gratuities, favors, or anything of monetary value from contractors or parties of subcontractors. The SFA will ensure that the written code of conduct is followed.</p> <p><input checked="" type="checkbox"/> The SFA will develop a written code of conduct that provides disciplinary actions for violations by officers, employees, or agents. The SFA will ensure that the written code of conduct is followed.</p> <p><input type="checkbox"/> The SFA will develop procurement procedures that are documented and kept on file for three years plus the current year. The SFA will ensure the procurement procedures are followed and updated as necessary.</p> <p><input type="checkbox"/> The SFA will perform a cost or price analysis in connection with every procurement in excess of the Simplified Acquisition Threshold including contract modification.</p> <p><input checked="" type="checkbox"/> The SFA will ensure that small, minority, and women's business enterprises and labor surplus firms are used when possible during all procurement procedures.</p>	<p><input type="checkbox"/> Conflicts of Interest for Employees Engaged in Selection, Award, and Administration of Contracts</p> <p><input type="checkbox"/> Codes of conduct prohibiting solicitation and acceptance of gratuities, favors, or gifts</p> <p><input checked="" type="checkbox"/> Disciplinary Actions for Violations of codes of conduct by officers, employees or agents</p> <p><input type="checkbox"/> Procurement Procedures</p> <p><input type="checkbox"/> Purchasing Goods and Services Using Cooperative Agreements, Agents, and Third-Party Services</p> <p><input type="checkbox"/> Procedures Relating to Cost or Price Analysis</p> <p><input checked="" type="checkbox"/> Small, Minority, and Women's Business Enterprises and Labor Surplus Firms</p> <p><input type="checkbox"/> Procuring Local Foods</p>

Corrective Action Plan & Technical Assistance			
SFA Name: Assistance	Finding(s)	Corrective Action	Technical Assistance
Procurement Review: Micro Purchases			
<input type="checkbox"/> The SFA utilized the micro purchase method for purchases above the \$10,000 threshold [2 CFR 200.320(a)] <input type="checkbox"/> The SFA did not procure items at a reasonable price using the micro purchase method [2 CFR 200.320(a)] <input type="checkbox"/> The reviewer was unable to determine if the SFA's purchase prices were reasonable [2 CFR 200.320(a)] <input checked="" type="checkbox"/> -Quill Corporation -H Vanzo Knife Services Inc <input type="checkbox"/> The SFA did not provide documentation to reviewers to support that micro-purchases were spread equitably [2 CFR 200.320(a)] <input type="checkbox"/> The SFA did not provide invoices/receipts to ensure that they are compliant with the micro-purchase method [2 CFR 200.320(a)] <input type="checkbox"/> Based on a review of invoices and receipts, the SFA was not compliant with the micro-purchase method [2 CFR 200.320(a)]	<input type="checkbox"/> The SFA will ensure that all micro purchases are below the \$10,000 threshold. In the future, the SFA will conduct the appropriate method of procurement in accordance with all federal, State and local procurement regulations and requirements. <input type="checkbox"/> The SFA will ensure that all micro purchases are reasonable, and that documentation is kept on file for each purchase. <input type="checkbox"/> The SFA will procure reasonably priced items from each vendor and keep documentation on file for each purchase. <input checked="" type="checkbox"/> To the extent practicable, the SFA will distribute micro-purchases equitably among all qualified sources. <input type="checkbox"/> All procurement documentation and efforts will be kept on file for three years plus the current year. <input type="checkbox"/> The SFA will keep purchase records, including receipts and invoices, from each vendor to show compliance with the micro-purchase method. <input type="checkbox"/> The SFA will ensure that micro-purchases are conducted according to all federal, State and local regulations and requirements. Documentation such as invoices and receipts will be kept on file and will demonstrate compliance with micro-purchase method procedures.	<input type="checkbox"/> Methods of Procurement <u>Guidance on Procurement Methods</u> <input type="checkbox"/> <u>General Procurement Information</u> <input checked="" type="checkbox"/> <u>Micro Purchase Procedures</u> <u>CN Snip-Its on Micro Purchases</u> <input type="checkbox"/> <u>Micro Purchase Threshold</u> <u>Guidance on Procurement Methods: Thresholds</u>	

Corrective Action Plan & Technical Assistance		
SFA Name: Assistance	Corrective Action	Technical Assistance
Vendor(s)	Finding(s)	Corrective Action
Procurement Review: Small Purchases		
<input type="checkbox"/>	<p><input checked="" type="checkbox"/> The SFA did not conduct any procurement activities or did not maintain/provide documentation to demonstrate that procurement was conducted in accordance with small purchase procurement regulations and requirements. [7 CFR Part 200.320(b)]</p>	<p><input type="checkbox"/> Procurement Methods</p> <p><input type="checkbox"/> <u>General Procurement Information</u></p> <p><input type="checkbox"/> <u>Federal, State, Local Thresholds: Guidance on Procurement Methods: Thresholds</u></p> <p><input type="checkbox"/> Documentation Retention</p> <p><input type="checkbox"/> <u>Obtaining Quotes</u></p>
<input type="checkbox"/>	<p><input type="checkbox"/> The procurement was not in compliance with the requirements for the appropriate threshold (federal, State, local thresholds. [7 CFR Part 210.19(e)]</p>	<p><input type="checkbox"/> The SFA will ensure that proper procurement requirements are followed and executed in accordance with federal, State and local regulations and requirements when procuring goods and/or services. A detailed history of every procurement will be kept on file. The SFA will ensure the appropriate individual(s) responsible for procuring goods and/or services for the Child Nutrition Programs receives procurement training. The SFA will update their procurement policy, if necessary, and put a plan in place to ensure the policy is followed with every procurement.</p> <p><input type="checkbox"/> The SFA will ensure the appropriate procurement method is followed in accordance with the appropriate federal, State or local procurement threshold requirements. In the future, if the SFA anticipates purchasing a dollar value above the most restrictive small purchase threshold, formal procurement procedures must be followed. The SFA will ensure procurement training is provided to the individual(s) responsible for procuring goods and/or services for the Child Nutrition Programs and that all federal, State and local regulations and requirements are followed.</p>
<input type="checkbox"/>	<p><input type="checkbox"/> The SFA did not obtain price or rate quotations or did not maintain documentation to support that price or rate quotations were obtained from an adequate number (2 or more) of qualified sources. [2 CFR Part 200.320(b)/7 CFR 3016.36(d)(1)]</p>	<p><input type="checkbox"/> The SFA will ensure that price or rate quotations are obtained from an adequate number of qualified sources when following the small purchase method of procurement. The SFA will contact at least 2 qualified vendors by email, phone, or in writing to obtain quotes for the products the SFA wishes to purchase. A detailed history of the procurement including the product specifications and price or rate quotations obtained from each source must be kept on file.</p>

Corrective Action Plan & Technical Assistance			
SFA Name: Assistance	Finding(s)	Corrective Action	
Vendor(s)	Finding(s)	Technical Assistance	
	<p>The SFA did not demonstrate that they did not restrict competition by: [2 CFR Part 200.319(a)(1-7):</p> <ul style="list-style-type: none"> Placing unreasonable requirements on the vendor to qualify for business. [2 CFR Part 200.319(a)(1)/7 CFR 3016.36(c)(1)(i) Placing unnecessary or excessive bonding experience on the vendor. [2 CFR Part 200.319(a)(1)/7 CFR 3016.36(c)(1)(i) <p>The SFA did not maintain documentation of requirements to qualify for business and/or bonding experience required.</p> <p>The SFA did not demonstrate that they did not specify a "brand name" product and did allow for "an equal" product to be offered. [2 CFR 200.319(a)(6)/7 CFR 3016.36(c)(3)(i)/7 CFR 3019.44(a)(3)(iv)]</p> <p>The SFA did not demonstrate that clear and accurate descriptions of technical requirements for the product or service being procured were developed and included in the solicitation provided to vendors. [2 CFR 200.319(c)(1)/7 CFR 3016.36(c)(3)(i)/7 CFR 3019.44(a)(3)(i)]</p> <p>The SFA did not maintain solicitation records to show that they included the requirement that goods must be produced and processed within the United States ("Buy American"). [7 CFR 210.21(d)]</p>	<p>The SFA will not restrict competition by:</p> <ul style="list-style-type: none"> Placing unreasonable requirements Placing unnecessary experience and/or bonding <p>The SFA will maintain documentation of requirements to qualify for business and/or bonding experience required.</p> <p>The SFA will include language within their solicitation that allows an "and or equal" product to be offered.</p> <p>The SFA will ensure that clear and accurate descriptions of technical requirements are developed and provided within the solicitation for the product and/or service being procured.</p> <p>The SFA will include language that goods must be produced and processed in the United States following the Buy American provision within all solicitation and procurement documents.</p>	<p>Restricting Competition: (<u>Competition 200.319</u>)</p> <p>Reasonable Requirements</p> <p>Appropriate Experience and/or Bonding</p> <p><u>Documentation Retention</u></p> <p>Requesting Brand Name Products</p> <p>Clear and accurate descriptions of technical requirements provided for the product, or service being procured</p> <p><u>Buy American Provision</u></p>

Corrective Action Plan & Technical Assistance			
SFA Name: Assistance	Finding(s)	Corrective Action	Technical Assistance
Vendor(s)	<p>The SFA did not maintain sufficient records to detail the significant history of the procurement process. [2 CFR 200.318(i)/7 CFR 3016.36(9)]</p> <p>The SFA did not demonstrate that the correct vendor was selected based on the products/services requested. [2 CFR 200.320(b)]</p> <p>The SFA did not maintain documentation to show that the SFA purchased products that were solicited from the vendor. [2 CFR Part 200.318(b)] [7 CFR Part 3016.36(b)(2)]</p>	<p>The SFA will ensure that records are sufficiently maintained to detail the significant history of the procurement process. These records will include but are not necessarily limited to the following: rationale for the method of procurement, selection of the contract type, solicitation documents/specifications, contractor selection or rejection, and the basis for the contract price. These records, along with all other procurement documentation, will be retained on file for three years plus the current year.</p> <p>The SFA will ensure documentation is retained on file to show how the SFA selected the correct vendor based on the products and/or services requested. The SFA must maintain on file documentation that includes the technical requirements for the products and/or services requested, the vendor responses as well as documentation to demonstrate why the selected vendor is chosen. The SFA will ensure the appropriate vendor is selected based on the solicitation responses. The SFA will ensure the appropriate individual(s) receive procurement training for procuring goods and/or services for the Child Nutrition Programs.</p> <p>The SFA will ensure detailed documentation is retained on file for every procurement to show how the SFA made their vendor selection and to demonstrate that the SFA properly procured the appropriate products and/or services solicited. The SFA must be able to demonstrate that the appropriate vendor was selected and that products are properly procured. The SFA will ensure that every product and/or service is properly procured according to the federal, State and local procurement regulations and requirements.</p>	<p>Record Retention Relating to Procurement</p> <p>Vendor Selection Procedures</p> <p><input type="checkbox"/> <u>General Procurement Information</u></p>

SFA Name: Assistance			Corrective Action Plan & Technical	
Vendor(s)	Finding(s)	Corrective Action	Technical Assistance	

Corrective Action Plan & Technical Assistance			
SFA Name: Assistance	Corrective Action	Technical Assistance	
Vendor(s)	Finding(s)	Corrective Action	Technical Assistance
Procurement: Formal Procurement (IFB & RFP)			
<input type="checkbox"/>	<p><input type="checkbox"/> The SFA did not conduct any procurement activities or did not maintain/provide documentation to demonstrate that procurement was conducted in accordance with formal purchase procurement regulations and requirements.</p>	<p><input type="checkbox"/> The SFA will ensure that proper procurement requirements are followed and executed in accordance with federal, State and local regulations and requirements when procuring goods and/or services. A detailed history of every procurement will be kept on file. The SFA will ensure the appropriate individual(s) responsible for procuring goods and/or services for the Child Nutrition Programs receives procurement training. The SFA will update their procurement policy, if necessary, and put a plan in place to ensure the policy is followed with every procurement.</p>	<p><input type="checkbox"/> Federal, State, Local Thresholds Guidance on Procurement <u>Methods- Thresholds</u></p> <p><u>General Procurement Information</u></p>
<input type="checkbox"/>	<p>The procurement was not in compliance with the requirements for the appropriate threshold (federal, State, local thresholds. [7 CFR Part 210.19(e)]</p>	<p>The SFA will ensure the appropriate procurement method is followed in accordance with the appropriate federal, State or local procurement threshold requirements. In the future, if the SFA anticipates purchasing a dollar value above the most restrictive small purchase threshold, formal procurement procedures must be followed. The SFA will ensure procurement training is provided to the individual(s) responsible for procuring goods and/or services for the Child Nutrition Programs and that all federal, State and local regulations and requirements are followed.</p>	<p>Procurement Procedures Relating to Cost Analysis</p> <p>Restricting Requirement (<u>Competition 200.319</u>)</p> <p>Reasonable Requirements</p>
<input type="checkbox"/>	<p><input type="checkbox"/> A cost/price analysis was not conducted to estimate the cost of goods or services prior to soliciting [2 CFR 200.323/7 CFR 3016.36(f)]</p>	<p>The SFA will perform a cost or price analysis in connection with every procurement action in excess of the small purchase threshold.</p>	
<input type="checkbox"/>	<p>The SFA restricted competition by [2 CFR Part 200.319(a)(1-7): placing unreasonable requirements on firms to qualify for business [2 CFR Part 200.319(a)(1)/7 CFR 3016.36(c)(1)(i)]</p>	<p>The SFA will not restrict competition by: Placing unreasonable requirements</p>	
<input type="checkbox"/>	<p>placing unnecessary experience or excessive bonding on the vendor [2 CFR 200.319(a)(2)/7 CFR 3016.36(c)(1)(ii)]</p>	<p>Placing unnecessary experience and/or bonding</p>	<p>Appropriate experience and/or bonding</p>

Corrective Action Plan & Technical Assistance			
SFA Name: Assistance	Finding(s)	Corrective Action	Technical Assistance
Vendor(s)	<p>The SFA did not keep documentation of requirements, experience or bonding required by vendors.</p> <p>The SFA specified a "brand name" product and did not allow for "an equal" product to be offered. [2 CFR 200.319(a)(6)/7 CFR 3016.36(c)(3)(i)/7 CFR 3019.44(a)(3)(iv)]</p> <p>The Invitation for Bid (IFB) or Request for Proposal (RFP):</p> <p>Did not identify all specifications, evaluation factors and their relative importance with price as the primary factor. [2 CFR 200.320(c)(2)(iii) or (d)(1)/7 CFR 3016.36(c)(3)(i)]</p> <p>Did not seek/invite two or more qualified sources willing and able to compete. [2 CFR 200.320(b)/7 CFR 3016.36(d)(1)]</p> <p>Did not include the requirement for contract award to the lowest responsive and responsible bidder or bid/offer most advantageous to the program with price and other factors considered. [2 CFR Part 200.320(c)(2)(iv) or (d)(4)/7 CFR 3016.36(d)(2)]</p> <p>Did not provide adequate time for bidders to respond prior to the bid opening date. [2 CFR 200.320(c)(2)(i)/7 CFR 3016.36(d)(2)(ii)(A)]</p>	<p>The SFA will keep documentation of requirements, experience or bonding required by vendors.</p> <p>The SFA will include language within their solicitation that allows an "and or equal" product to be offered.</p> <p>The SFA will ensure procurement training is provided to the individual(s) responsible for procuring goods and/or services for the Child Nutrition Programs and that all federal, State and local regulations and requirements are followed.</p> <p>The SFA will identify all specifications, evaluation factors and their relative importance with price as the primary factor in all future Invitation for Bid and/or Request for Proposal solicitations.</p> <p>The SFA will seek/invite two or more qualified sources on all future bids or proposals.</p> <p>The SFA will describe exactly how evaluations and awards of bids are made in the solicitation document. The pricing section of the solicitation document must be modified and be consistent with the method of procurement. If the SFA is soliciting multiple categories of products in their solicitation, the SFA must address what is expected of vendors who do not bid on all categories and exactly how the awards will be made.</p> <p>The SFA will ensure a reasonable amount of time is provided to bidders to respond to a solicitation. It is recommended the SFA allow at least 10 days.</p>	<p>Maintaining Documentation</p> <p>Brand Name and Allowing an Equal Product</p> <p>Evaluating Bids to Determine Most Responsive and Responsible Bidder <u>Methods of Procurement: eCFR 222.320</u></p> <p>Obtaining Quotes</p> <p>Awarding Contracts</p> <p><u>General Procurement Information</u></p> <p>Bid Response Time</p>

SFA Name: Assistance		Corrective Action Plan & Technical Assistance	
Vendor(s)	Finding(s)	Corrective Action	Technical Assistance
Total contract award: \$ _____	<p>The solicitation was not publicly advertised to an adequate number of qualified sources to secure more than one bid/offer. [2 CFR 200.320(c)(2)(iii)/7 CFR 3016.36(d)]</p> <p>The IFB or RFP did not include the following clauses: [Appendix II to 2 CFR 200/7 CFR 3019.48]</p> <ul style="list-style-type: none"> Termination for cause and for convenience clause Equal Employment Opportunity Contract Work Hours/Safety Standards Act Davis Bacon Act Rights to Inventions Made Under a Contract or Agreement Debarment and Suspension Byrd Anti-Lobbying Amendment <p>The Invitation for Bid or Request for Proposal</p>	<p>When using the formal method of procurement, the SFA will post all solicitations publicly in the newspaper and allow a reasonable amount of time for vendors to respond to the solicitation. The SFA will keep a record that the solicitation was publicly advertised. The SFA will ensure procurement training is provided to the individual(s) responsible for procuring goods and/or services for the Child Nutrition Programs and that all federal, State and local regulations and requirements are followed.</p> <p>The formal contract will include the following clauses:</p> <ul style="list-style-type: none"> Terminations for cause for convenience clause for all contracts in excess of \$10,000. Equal Employment Opportunity for all federally assisted construction contracts in excess of \$10,000. Contract Work Hours/Safety Standards Act for all construction contracts that may involve laborers or mechanics in excess of \$2,500. Davis Bacon Act for all construction contracts in excess of \$2,000. Rights to Inventions Made Under a Contract or Agreement for contracts with Non-profit or Small Business firm under "funding agreement" that may involve experimental, developmental or research work. Debarment and Suspension for all contracts. Byrd Anti-Lobbying Amendment for contracts worth \$100,000 or more. 	<p>Public Advertisement</p> <p><u>Contract Provisions</u></p> <p><u>General Procurement Information</u></p>

Corrective Action Plan & Technical Assistance			
SFA Name: Assistance	Finding(s)	Corrective Action	Technical Assistance
Vendor(s)	<p>did not include all requirements regarding "Buy American," including [7 CFR Part 210.21(d)/FNS Policy Memo SP 38-2017]:</p> <p>The need for documentation that requests consideration on the use of domestic alternative foods before approving an exception</p> <p>A requirement to document the use of a non-domestic food exception when competition reveals the cost of domestic food is significantly higher than non-domestic food</p> <p>A requirement to document the use of a non-domestic alternative food due to the domestic food not being produced in sufficient and reasonable available quantities of satisfactory quality</p> <p>The RFP did not have a written method for conducting technical evaluations of proposals to select recipients. [2 CFR 200.320(d)(3)/7 CFR 3016.36(d)(3)(iii)]</p> <p>For cost-reimbursable contract, the proposal did not include the following provisions:</p>	<p>The SFA will review the "Buy American" provision requirements.</p> <p>The SFA will ensure all solicitation documents include the requirement that the vendor provide documentation requesting the consideration of a domestic alternative food if necessary. The SFA must also maintain documentation demonstrating consideration of the use of domestic alternative foods before approving an exception.</p> <p>All contracts will include the required "Buy American" language for documentation requesting the use of a non-domestic food product [7 CFR Part 210.21(d)/FNS Policy Memo SP 38-2017]</p> <p>All contracts will include the required language for documentation requesting the use of non-domestic alternative food due to the domestic food not being produced or manufactured in sufficient and reasonable available quantities of a satisfactory quality [7 CFR Part 210.21(d)/FNS Policy Memo SP 38-2017]</p> <p>The SFA will ensure a written method for conducting technical evaluations of proposals is included in all RFP solicitation documents and that a detailed history of every procurement is maintained on file. The solicitation document must clearly indicate the method for awarding a bid. The SFA must follow the written method when reviewing vendor responses and awarding a contract. The SFA will ensure procurement training is provided to the individual(s) responsible for procuring goods and/or services for the Child Nutrition Programs and that all federal, State and local regulations and requirements are followed.</p>	<p><u>Buy American Provision in the NSLP</u></p> <p><u>Developing Evaluation Criteria for Awarding Contracts</u></p> <p><u>General Procurement Information</u></p> <p><u>Cost-reimbursable Contracts Required Provisions</u></p>

Corrective Action Plan & Technical Assistance			
SFA Name: Assistance	Finding(s)	Corrective Action	Technical Assistance
Vendor(s)	<p>Allowable costs will be paid from the nonprofit school food service account to the contractor net of all discounts, rebates and other applicable credits accruing to or received by the contractor or any assignee under the contract to the extent those credits are allocable to the allowable portion of the costs billed to the school food authority. [7 CFR 210.21(f)(i)]</p> <p>The contractor must separately identify for each cost submitted for payment to the school food authority the amount of that cost that is allowable (can be paid from the nonprofit school food service account) and the amount that is unallowable (cannot be paid from the nonprofit school food service account); or that the contractor must exclude all unallowable costs from its billing documents and certify that only allowable costs are submitted for payment and records have been established that maintain the visibility of unallowable costs, including directly associated costs in a manner suitable for contract cost determination and verification. [7 CFR 210.21(f)(A)(B)]</p> <p>For cost-reimbursable contract, the proposal did not include the following provisions:</p>	<p>For cost-reimbursable contracts, the SFA will include all required provisions in every proposal. The SFA will ensure procurement training is provided to the individual(s) responsible for procuring goods and/or services for the Child Nutrition Programs and that all federal, State and local regulations and requirements are followed.</p>	<p>General Procurement Information</p> <p>Cost-reimbursable Contracts</p>

Corrective Action Plan & Technical Assistance			
SFA Name: Assistance	Finding(s)	Corrective Action	Technical Assistance
Vendor(s)	<p>The contractor must identify the amount of each discount, rebate and other applicable credit on bills and invoices presented to the school food authority for payment and individually identify the amount as a discount, rebate, or in the case of other applicable credits, the nature of the credit. [7 CFR 210.21(f)(iv)]</p> <p>The contractor must identify the method by which it will report discounts, rebates and other applicable credits allocable to the contract that are not reported prior to conclusion of the contract. [7 CFR 210.21(f)(v)]</p> <p>The contractor must maintain documentation of costs and discounts, rebates and other applicable credits, and must furnish such documentation upon request to the school food authority, the State agency, or the Department. [7 CFR Part 210.21(f)(vi)]</p> <p>The SFA used a noncompetitive proposal when it did not meet one of the four criteria listed below: [2 CFR 200.320(f)(1-4)/7 CRF</p>	<p>required provisions in every proposal. The SFA will ensure procurement training is provided to the individual(s) responsible for procuring goods and/or services for the Child Nutrition Programs and that all federal, State and local regulations and requirements are followed.</p>	<p><u>Required Provisions</u></p> <p><u>Noncompetitive Proposal</u></p>
		When using a noncompetitive method of procurement, the	

SFA Name: Assistance			Corrective Action Plan & Technical Assistance	
Vendor(s)	Finding(s)	Corrective Action	Technical Assistance	
	<p>3016.36]</p> <ol style="list-style-type: none"> 1. A public exigency/emergency did not permit a competitive solicitation. 2. After solicitation of a number of sources, competition was inadequate. 3. FNS or the State agency expressly authorized a noncompetitive proposal based on a written request from the SFA 4. The item was only available from a single source. <p>All bids received were not opened at the time and place prescribed by the invitation for bid. [2 CFR 200.320(c)(2)(iii)/7 CFR 3016.36(d)(2)(ii)(C)]</p> <p>A firm, fixed-price contract was not awarded to the lowest responsive and responsible bidder to the invitation for bid. [2 CFR 200.320(c)(2)(iv)/7 CFR 3016.36(d)(2)(ii)(D)]</p> <p>All bids received were not sealed prior to the bid opening as described in the invitation for bid. [2 CFR 200.320(c)(2)(iii)]</p> <p>Bids/offers were rejected without sound reason or reason was not documented. [2 CFR 200.320(c)(2)(v)/7 CFR 3016.36(d)(2)(ii)(E)]</p>	<p>SFA will ensure that one of the four criteria to do so is met. If one is not met, the SFA will follow competitive procurement methods. The SFA will ensure procurement training is provided to the individual(s) responsible for procuring goods and/or services for the Child Nutrition Programs and that all federal, State and local regulations and requirements are followed in every procurement.</p> <p>All sealed bids will be opened at the same time and place as outlined by the invitation for bid to which the vendors have responded.</p> <p>A firm, fixed price contract award will be made in writing to the responsive and responsible bidder whose bid is lowest in price. The SFA will ensure procurement training is provided to the individual(s) responsible for procuring goods and/or services for the Child Nutrition Programs and that all federal, State and local regulations and requirements are followed.</p> <p>The invitation for bid will include clear instructions to bidders for submitting sealed bids to the SFA. All bids will remain sealed until the day of the bid opening as described in the solicitation.</p> <p>Bids/offers will not be rejected without sound reason.</p>	<p><u>Requirements</u></p> <p><u>Procedures for Accepting and opening sealed bids</u></p> <p>Evaluating bids to determine most responsive and responsible bidder</p> <p>Sealed bid requirement</p> <p>Rejecting bids/offers</p>	

Corrective Action Plan & Technical Assistance			
SFA Name: Assistance	Finding(s)	Corrective Action	
Vendor(s)		Technical Assistance	
	<p>Bids/offers were not evaluated and awarded as published in the solicitation. [2 CFR 200.320(c)/2 CFR 200.320(d)(4)]</p> <p>An overly responsive bid/offer or the overly responsive portion of the bid/offer was not eliminated when evaluating and awarding the contract. (SP 12 2016)</p> <p>The following unallowable cost items were included in the awarded contract [Appendix II to 2 CFR 200]:</p> <p>Geographic preference was incorrectly utilized when scoring and awarding the contract as a result of [SP18-2011, Procurement Geographic Preference Q&As and SP03-2012, Procurement Geographic Preference Q&As Part II]:</p> <p>Sufficient records were not maintained to detail the significant history of the procurement [2 CFR 200.318(i)/7 CFR 3016.36(b)(9)]. SFA was unable to provide the following documents:</p>	<p>Documentation will be maintained to justify any rejected of bids/offers submitted.</p> <p>All formal solicitations will include a detailed description of how all bids/offers will be evaluated and awarded. For request for proposals, the contract will be awarded to the vendor that best met the evaluation criteria specified in the solicitation. Invitation for bids will be awarded to the lowest priced responsive and responsible bidder. The SFA will ensure procurement training is provided to the individual(s) responsible for procuring goods and/or services for the Child Nutrition Programs and that all federal, State and local regulations and requirements are followed.</p> <p>Any or all portions of the bid/offer that replies beyond the requirements of the invitation for bid or request for proposal will be eliminated and will not be included when evaluating bids/offers.</p> <p>Only allowable cost items will be included in awarded contracts.</p> <p>The following corrective action will be implemented to ensure all federal, State, and local regulations will be followed when including geographic preference in formal solicitations:</p> <p>The SFA must keep a detailed history of every procurement. All procurement documents will be maintained on file at the SFA for at least 3 years plus the current year. Documentation</p>	<p>Developing evaluation criteria for awarding contracts</p> <p>Eliminating overly responsive portions of bids/offers</p> <p>Allowable costs: <u>2 CFR Part 200, subpart E</u></p> <p>Utilizing geographic preference in procurement. <u>USDA Farm to School resources.</u></p> <p>Record retention</p>

SFA Name: Assistance			Corrective Action Plan & Technical	
Vendor(s)	Finding(s)	Corrective Action	Technical Assistance	
	<p>SFA did not provide sufficient oversight of the procurement to ensure contractors performed in accordance with the terms, conditions, and specifications of their contracts. [2 CFR Part 200.318(b)/7 CFR 3016.36(b)(2)]</p> <p>SFA did not evaluate vendor compliance when geographic preference was used in the contract. [7 CFR Part 210.21(g)]</p> <p>For the cost reimbursable contract, the return of discounts, rebates, and credits was not identified on vendor invoices submitted for payment. [7 CFR Parts 210.21(f) and 250.50-54]</p> <p>The cost reimbursable contract awardee did not report credits as frequently as required in the solicitation.</p> <p>The cost reimbursable contract, renewal, or amendment included the following unallowable cost provisions [Appendix II of 2 CFR 200]:</p> <p>Based on a selection of invoices, SFA did not ensure contractors performed in accordance with the terms, conditions, and specifications of their contracts or purchase orders. [2 CFR 200.318(b)]</p>	<p>pertaining to the procurement process will include but is not limited to: all solicitation documents, bids/offers received, evaluation of proposals, contracts, invoices.</p> <p>SFA will monitor contractor performance to ensure all actions are in accordance with the terms, conditions, and specifications of their contracts.</p> <p>SFA will monitor the vendor compliance with all contract terms, conditions, and specifications, including the geographic preference criteria.</p> <p>SFA will ensure vendor complies with all terms, conditions, and specifications of the cost reimbursable contract. SFA will require the vendor to include the return of all discounts, rebates, and credits on invoices submitted for payment.</p> <p>SFA will include in the solicitation how often the contract awardee must report credits. Credits must be reported at least annually.</p> <p>Only allowable cost items will be included in awarded contracts.</p> <p>SFA will put a plan in place and designate a staff member to be responsible to ensure contractors are monitored for compliance in accordance with the contract terms, conditions, and specifications.</p>	<p>Contract and Vendor Monitoring</p> <p>Evaluating vendor compliance when using geographic preference</p> <p>Discounts, rebates and credits for cost-reimbursable contracts</p> <p>Credit reporting of contract awardee</p> <p>Allowable Costs: <u>2 CFR Part 200, subpart E</u></p> <p>Contract and Vendor Monitoring</p> <p>SFA was charged more than awarded bid price for ice cream products. SFA should ensure that invoice pricing is compared to awarded bid pricing for accuracy prior to issuing payment to vendor.</p>	

Corrective Action Plan & Technical

**SFA Name:
Assistance**

Vendor(s)

Finding(s)

Corrective Action

Technical Assistance

Procurement Review: Food Service Management Companies

The following material changes were made to the FSMC contract [2 CFR 210.16]:

- Added programs
- Investments
- Adjustments not approved by SA

Unallowable cost changes were added to the current FSMC contract.

State Agency approval was not obtained prior to the purchase of capital equipment exceeding one-year life expectancy and >\$5,000.

The SFA did not establish an advisory board composed of parents, teachers, and students to assist in menu planning [7 CFR 210.16(a)(8)]

The SFA did not monitor the FSMC through periodic on-site monitoring [7 CFR 210.16(a)(3)]

The SFA did not assure that the FSMC complied with all health inspection regulations as required under the terms of the SFAs contract with the FSMC [7 CFR 210.16(a)(7)]

The SFA will re-bid the current contract and obtain SED approval prior to making any future material changes to the current FSMC contract.

The SFA will not add any unallowable changes to the contract.

The SFA will receive SA approval for all capital equipment purchases that exceed one-year life expectancy, are greater than \$5000, and are not found on the pre-approved equipment list.

The SFA will establish an advisory board composed of parents, teachers, and students to assist in menu planning and to confirm that meal standards are being met.

The SFA will begin monitoring the activities of the FSMC to ensure the FSMC is meeting the requirements agreed upon in the management contract.

The SFA will begin monitoring the activities of the FSMC to assure it is meeting the requirements laid out in the management contract, including reviewing health inspection request letters and placement of health inspection reports.

If the SFA wants to make material changes to the current FSMC, the contract must re-bid using NYSED's current bid specifications and contract. Examples of material changes are: adding the Summer Food Service Program; a change to vending, increasing costs, and/or adding another school that is not a part of your organization.

Food Service Management Company Information

Unallowable Costs (scholarships, grants, etc.)

Capital Equipment Purchase

Pre-Approved Equipment List

Advisory Board Requirement

On-Site Monitoring

Health Inspection Requirements

Corrective Action Plan & Technical Assistance			
SFA Name: Assistance	Finding(s)	Corrective Action	Technical Assistance
Vendor(s)	<p>The SFA did not receive discounts, rebates, and credits for commercial food and supplies purchased (cost reimbursable contracts) [(7 CFR 210.21(f))]</p> <p>The SFA did not provide three monthly operating statements and corresponding FSMC invoices from the 2017-2018 school year, therefore SED was unable to determine that the SFA was paying the FSMC as contracted.</p> <p>The SFA is not conducting a reconciliation at least annually and at contract termination to ensure the FSMC has credited it for the full value of all USDA food received. [7 CFR 250.54.(c) and 250.51(a)]</p>	<p>The SFA will ensure that it receives all entitled discounts, rebates, and credits for food and supplies purchased.</p> <p>The SFA will ensure they are paying the FSMC as contracted. The SFA will retain all invoices on file for 3 years plus the current year.</p> <p>The SFA will conduct a reconciliation at least annually and at contract termination to ensure the FSMC has credited it for the full value of all USDA food received.</p>	<p>Discounts, Rebates and Credits for cost-reimbursable contracts</p> <p>Record Retention</p> <p>Managing USDA Foods</p>

**SFA Name:
Assistance**

Corrective Action Plan & Technical

Vendor(s)	Finding(s)	Corrective Action	Technical Assistance
Procurement Review: Processing			
<input type="checkbox"/> The SFA did not conduct any procurement activities or did not maintain/provide documentation to demonstrate that procurement was conducted in accordance with formal purchase procurement regulations and requirements.	<input type="checkbox"/> The SFA did not obtain price or rate quotations from an adequate number (2 or more) of qualified sources during the informal procurement procedures. [7 CFR Part 210.19(e)]	<input type="checkbox"/> The SFA will ensure that proper procurement requirements are followed and executed in accordance with federal, State and local regulations and requirements when procuring goods and/or services. A detailed history of every procurement will be kept on file. The SFA will ensure the appropriate individual(s) responsible for procuring goods and/or services for the Child Nutrition Programs receives procurement training. The SFA will update their procurement policy, if necessary, and put a plan in place to ensure the policy is followed with every procurement.	<input type="checkbox"/> Documentation Retention <input type="checkbox"/> Obtaining Quotes <input type="checkbox"/> Restricting Competition: <u>Competition 200.319</u>
<input type="checkbox"/> The SFA restricted competition by [2 CFR Part 200.319(a)(1-7)]: <input type="checkbox"/> Placing unreasonable requirements on the vendor to qualify for business [2 CFR Part 200.319(a)(1)/7 CFR 3016.36(c)(1)(i)] Placing unnecessary or excessive bonding experience on the vendor [2 CFR 200.319(a)(2)/7 CFR 3016.36(c)(1)(ii)]	<input type="checkbox"/> The SFA will not restrict competition by: <input type="checkbox"/> Placing unreasonable requirements <input type="checkbox"/> Placing unnecessary experience and/or bonding	<input type="checkbox"/> Reasonable Requirements <input type="checkbox"/> Appropriate Experience and/or Bonding <input type="checkbox"/> Requesting Brand Name Products	<input type="checkbox"/> Clear and accurate descriptions of technical requirements provided for the product, or service being procured
<input type="checkbox"/> The SFA did not keep documentation of requirements, experience or bonding required by vendors.		<input type="checkbox"/> The SFA will maintain documentation of requirements, experience or bonding required by vendors.	

Corrective Action Plan & Technical Assistance			
SFA Name: Assistance	Vendor(s)	Finding(s)	Corrective Action
			Technical Assistance
		<p>The SFA specified a "brand name" product and did not allow for "an equal" product to be offered. [2 CFR 200.319(a)(6)/7 CFR 3016.36(c)(3)(i)/7 CFR 3019.44(a)(3)(iv)]</p> <p>The SFA did not demonstrate clear and accurate description of technical requirements for the product or service being procured. [2 CFR 200.319(c)(1)/7 CFR 3016.36(c)(3)(i)/7 CFR 3019.44(a)(3)(i)]</p> <p>The solicitation did not include a requirement that goods must be produced and processed within the United States ("Buy American") [7 CFR 250.17(e)]</p> <p>The contract was not awarded to the most responsible and responsive processor at the lowest price.</p> <p>#7 For Formal (IFB/RFP) contracts: The formal contract did not use a value pass through method (Net off Invoice, Fee-For-Service or Rebate). [7 CFR 250.2]</p> <p>The formal contract was not awarded to the lowest responsive and responsible bidder with price as the primary factor in the evaluation criteria and scoring factors. [2 CFR 200.320(c-d)]</p>	<p><u>Buy American Provision in the NSLP</u></p> <p>Awarding Contracts</p> <p>Value Pass Through Systems: Net off Invoice (NOI), Fee-For-Service (FFS) or Rebate</p> <p>Awarding Contracts</p> <p>Public Advertisement</p> <p><u>Food Recall Procedure of USDA Foods</u></p>

Corrective Action Plan & Technical Assistance			
SFA Name: Assistance	Finding(s)	Corrective Action	Technical Assistance
Vendor(s)	<p>The SFA did not publicly advertise proposals from an adequate number of qualified suppliers. [2 CFR 200.320]</p> <p>The formal contract did not contain a provision for information in bid/response for food recalls procedures.</p> <p>The formal contract did not include the contact information for a point and backup person for handling food recalls. [Responding to a Food Recall - Procedures for Recalls of USDA Foods]</p> <p>The IFB or RFP did not include the following clauses: [Appendix II to 2 CFR 200/7 CFR 3019.48]</p> <p>Termination for cause and for convenience clause</p> <p>Equal Employment Opportunity</p> <p>Contract Work Hours/Safety Standards Act</p> <p>Davis Bacon Act</p> <p>Rights to Inventions Made Under a Contract or Agreement</p> <p>Debarment and Suspension</p> <p>Byrd Anti-Lobbying Amendment</p> <p>The SFA did not solicit for and receive USDA</p>	<p>The SFA will publicly advertise proposals from an adequate number of qualified suppliers.</p> <p>The formal contract will contain a provision for information in bid/response for food recalls procedures.</p> <p>The formal contract will include the contact information for a point and backup person for handling food recalls.</p> <p>The formal contract will include the following clauses: Terminations for cause for convenience clause for all contracts in excess of \$10,000. Equal Employment Opportunity for all federally assisted construction contracts in excess of \$10,000. Contract Work Hours/Safety Standards Act for all construction contracts that may involve laborers or mechanics in excess of \$2,500. Davis Bacon Act for all construction contracts in excess of \$2,000. Rights to Inventions Made Under a Contract or Agreement for contracts with Non-profit or Small Business firm under "funding agreement" that may involve experimental, developmental or research work. Debarment and Suspension for all contracts. Byrd Anti-Lobbying Amendment for contracts worth \$100,000 or more.</p> <p>The SFA will solicit for and receive USDA foods processed end products approved by the State Distributing Agency.</p>	<p><u>Food Recall Procedure of USDA Foods</u></p> <p><u>Contract Provisions</u></p> <p>For raw bulk USDA Foods to be further processed into selected end products, the State Distributing Agency or school district must contract with commercial food processors to have the USDA Foods converted to more ready-to-use products. Once the procurement process is completed and approved, the RA may now purchase end products from that processor.</p>

Corrective Action Plan & Technical Assistance			
SFA Name: Assistance	Finding(s)	Corrective Action	Technical Assistance
Vendor(s)	<p>foods processed end products approved by the State Distributing Agency.</p> <p>The SFA used a noncompetitive proposal when it did not meet one of the four criteria listed below: [2 CFR 200.320(f)(1-4)/7 CRF 3016.36]</p> <ol style="list-style-type: none"> 1. A public exigency/emergency did not permit a competitive solicitation. 2. After solicitation of a number of sources, competition was inadequate. 3. FNS or the State agency expressly authorized a noncompetitive proposal based on a written request from the SFA 4. The item was only available from a single source. <p>The SFA used a cost plus percentage of cost and/or a cost plus percentage of income contract when it was prohibited to do so.</p> <p>The SFA disqualified or rejected a bid/offer(s) when the reasons for doing so were not sound, reasonable, and or documented. [2 CFR Part 200.323(d).]</p> <p>The SFA did not have information from the supplier on how food recalls will be handled.</p>	<p>When using a noncompetitive method of procurement, the SFA will ensure that one of the four criteria to do so is met. If one is not met, the SFA will follow competitive procurement methods. The SFA will ensure the appropriate individual(s) responsible for procuring goods and/or services for the Child Nutrition Programs receives procurement training.</p> <p>The SFA will award a fixed price (with/without price adjustment tied to an index) or a cost-reimbursable contract to all IFB/RFP contracts.</p> <p>The SFA will only disqualify or reject a bid/offer(s) if the reason for doing so is sound, reasonable, and documented.</p> <p>The SFA will receive and retain documentation from the supplier on how food recalls will be handled if one were to arise.</p>	<p>All procurements, regardless of dollar value, must be competitive unless certain criteria are met which then allows the SFA to purchase through noncompetitive methods.</p> <p>Rejecting Bids/Offers</p> <p>Food Recall Procedure of USDA Foods</p>

SFA Name: Assistance				Corrective Action Plan & Technical Assistance	
Finding(s)		Corrective Action	Technical Assistance		
Procurement Review: Additional					

SFA Name: Assistance	Corrective Action Plan & Technical		
Finding(s)	Corrective Action		Technical Assistance