



Ohio Department of Education  
Office of Nutrition – Child Nutrition Programs

# Procurement Procedures and Code of Conduct Checklist

## How to use this document

This document is designed to help ensure that procurement procedures and procurement codes of conduct contain all necessary provisions and language.

A “yes” response indicates that your document complies with the requirements of the regulations. Update your documents to eliminate any “no” responses.

## Procurement Procedures and Code of Conduct Checklist

**Procurement Procedures:** Detail the process (how and by whom) that procurements are performed. Statements of compliance with the law are *not* considered a procedure. A procedure must clearly designate who is responsible and the actions they will take to perform procurements. Procedures also must include a binding code of conduct for employees who make contracts and purchases.

- 1) Do the procedures require that all purchases/contracts encourage full and open competition?  Yes  No
- 2) Do the procedures require clear and accurate descriptions of technical requirements for goods and services to be purchased?  Yes  No
- 3) Do the procedures require that a cost or price analysis be performed for all purchases greater than \$250,000?  Yes  No
- 4) Do the procedures require that appropriate sources be consulted to find small, minority, and women's business enterprises in the area that may qualify as suppliers? (Small Business Administration, Ohio Department of Administrative Services, etc.)  Yes  No
- 5) Do the procedures require that goods/services or delivery schedules be divided into smaller tasks or quantities when economically feasible to permit maximum participation by small, minority and women's business enterprises?  Yes  No
- 6) Do the procedures require that purchases of agricultural products comply with the "Buy American" provisions including adding the requirement to all solicitations?  Yes  No
- 7) Do the procedures define and outline the use of **Micro Purchases**?  Yes  No
- 8) Do the Micro Purchase procedures:
  - 8a) Include a maximum threshold of \$10,000 per purchase?  Yes  No
  - 8b) Include a requirement that prices be reasonable?  Yes  No
  - 8c) Include a requirement that purchases be spread equitably among qualified suppliers?  Yes  No
  - 8d) Designate who is responsible for determining the need for a purchase?  Yes  No
  - 8e) Include a description of how the designated purchaser will determine who is qualified to supply the good or service?  Yes  No
  - 8f) Include a designation of who is responsible for retaining documentation of the purchase including all reasoning?  Yes  No
- 9) Do the procedures define and outline the use of **Small Purchases**?  Yes  No
- 10) Do the Small Purchase procedures:
  - 10a) Include a self-set small purchase threshold?  Yes  No
  - 10b) If yes, is that threshold less than or equal to \$250,000?  Yes  No

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- 10c) Require clear accurate descriptions of the technical requirements for goods and services to be purchased?  Yes  No
- 10d) Require affirmative steps to be taken to include small, minority and women's businesses?  Yes  No
- 10e) Require inclusion of "Buy American" provisions in solicitations?  Yes  No
- 10f) Require an adequate number of suppliers to be solicited?  Yes  No
- 10g) Include a description of how the designated purchaser will determine who is qualified to supply the desired good or service?  Yes  No
- 10h) Include a requirement that the solicitations provide clear evaluation criteria?  Yes  No
- 10i) Include a requirement that the solicitations do not restrict competition?  Yes  No
- 10j) Include a requirement that all suppliers receive the same solicitation information?  Yes  No
- 10k) Include a designation of who is responsible for managing solicitations?  Yes  No
- 10l) Include a designation of who is responsible for retaining documentation of the purchase including all reasoning?  Yes  No
- 11) Do the procedures define and outline the use of **Formal Contracts**?  Yes  No
- 12) Do the Formal Contract procedures:
- 12a) Include a requirement that the solicitations not restrict competition?  Yes  No
- 12b) Require an adequate number of suppliers to be solicited?  Yes  No
- 12c) Include a requirement that for competitive proposals, the solicitations include clear evaluation criteria and their relative importance, with price as the primary factor?  Yes  No
- 12d) For formal sealed bids, require contracts be awarded to the lowest responsive and responsible bidder or bid/offer most advantageous to the program with price and other factors considered?  Yes  No
- 12e) Require the solicitation to be publicly advertised?  Yes  No
- 12f) Require an adequate amount of time be given between notice and bid opening?  Yes  No
- 12g) Require inclusion of all applicable legal clauses for spending with child nutrition program funds, e.g. Termination for cause and convenience, Contract Work Hours/Safety Standards, Davis Bacon Act, Rights to Inventions Made Under a Contract, Debarment and Suspension, Byrd Anti-Lobbying Amendment?  Yes  No
- 12h) Require inclusion of "Buy American" provisions?  Yes  No

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|--|------------------------------|-----------------------------|
| 12i) Require a written method for conducting bid/offer evaluations?  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 12j) Include requirements for handling cost reimbursable contracts?  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 12k) Include requirements for conducting Invitations to Bid?   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 12l) Include requirements for conducting Requests for Proposals?   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 12m) Include requirements for conducting noncompetitive awarding?  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 12n) Include requirements for geographic preference?   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 12o) Include a designation of who is responsible for managing solicitations and forming contracts?                     | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 12p) Include a designation of who is responsible for oversight of contracts?   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 12q) Include a designation of who is responsible for retaining documentation for the contract including all reasoning? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**Procurement Code of Conduct:** Details the ethical guidelines that employees and agents who engage in purchasing must follow.

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|---|------------------------------|-----------------------------|
| 13) Do you have a written code of conduct that prohibits employees who purchase items and form contracts from having real or apparent conflicts of interest?                                  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 14) Does your code of conduct prohibit soliciting or accepting gratuities, favors or anything of monetary value from contractors or parties of subcontracts?                                  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 14a) If no, does your code of conduct prohibit soliciting or accepting gratuities, favors or anything of monetary value above a set dollar value from contractors or parties of subcontracts? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 14b) What is the set dollar value?   \$ _____   |                              |                             |
| 15) Does your code of conduct include disciplinary actions for violations of the code of conduct?   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
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