


Procurement in Child Nutrition Programs

Federal and state information for the procurement of food service related goods and services across all federally funded child nutrition programs and the USDA Foods Program.


Important Notice: CACFP Program Moved to CDSS

The Early Childhood Development Act of 2020 (Senate Bill (SB) 98, Chapter 24, Statutes of 2020) authorized the transfer of child care and development programs administered by the California Department of Education to the California Department of Social Services (CDSS) effective July 1, 2021. **The content on this page may not be current and involves the Child and Adult Care Food Program (CACFP) that has moved to CDSS.** Visit the [CDSS CACFP web page](#)  or call 1-833-559-2420 for more information.

Introduction

This web page provides procurement information for the U.S. Department of Agriculture (USDA) Child Nutrition Programs (CNP) administered by the California Department of Education (CDE), including the National School Lunch Program (NSLP), Child and Adult Care Food Program (CACFP), Summer Food Service Program (SFSP), and the Food Distribution Program (FDP). Procurement requirements apply to all agencies that participate in the CNPs. The CDE is committed to providing ongoing guidance to support CNP agencies with the proper procurement of goods and services, and encourages all CNP agencies to routinely review and use the resources on both this web page and the [Procurement in School Nutrition Programs \(SNP\) web page](#).

Background

The federal government, in an attempt to streamline the administration of federal grants, consolidated several federal regulatory sections into Title 2, *Code of Federal Regulations (2 CFR)*, Part 200 (Super Circular). The Super Circular replaces existing rules in Title 7, *Code of Federal Regulations (7 CFR)*, parts 3015, 3016, 3019, and 3052; and in 2 *CFR*, parts 215, 220, 225, and 230 (Office of Management and Budget Circulars A-133, A-21, A-87, and A-122, respectively). CNP operators can access the Super Circular on the [U.S. Government Publishing Office Electronic Code of Federal Regulations Part 200 web page](#) .

The procurement standards in the Super Circular became effective for the NSLP, CACFP, SFSP, and FDP on October 1, 2015.

Overview

Procurement is defined as a multistep process for obtaining goods and services at the lowest possible price. The steps in this process include planning, writing specifications, announcing/advertising the procurement, awarding a contract, and managing the contract. Procurement standards for the CNPs are located in 2 *CFR*, sections 200.318–200.326 and 7 *CFR*, parts 210, 225, 226, and 250 (as applicable). At a minimum, the regulations require CNP participating districts and agencies to:





- Conduct procurements in a manner that promotes full and open competition
- Develop and maintain a written standard (or code) of conduct that covers conflicts of interest, including organizational conflicts of interest, and governs the performance of employees engaged in the selection, award, and administration of contracts
- Develop and maintain written procurement procedures designed to avoid the acquisition of unnecessary or duplicative items










Frequently Asked Questions

(Please check frequently for updates.)

- [Procurement in CNPs Frequently Asked Questions \(FAQ\)](#) (Updated Mar-2018)
This CDE web page provides answers to FAQs regarding procurement in CNPs. It is meant to aid CNP operators with understanding the requirements surrounding the procurement of goods and services using federal funds. If you are unable to find the answer to your question, please contact the Office Technician from the appropriate program listed in the Contact Information section.

Federal Regulations and California State Laws*


- [The Electronic 2 *CFR*, Part 200](#) 
General procurement regulations in 2 *CFR*, sections 200.318–200.326.
- [2 *CFR*, Part 417](#) 
Debarment and suspension regulations.
- [7 *CFR*, Part 210](#) 
Federal regulations governing the NSLP.
- [7 *CFR*, Part 220](#) 
Federal regulations governing the School Breakfast Program.

- [7 CFR, Part 225](#)  Federal regulations governing the SFSP.
- [7 CFR, Part 226](#)  Federal regulations governing the CACFP.
- [7 CFR, Part 250](#)  Federal regulations governing the FDP.
- [California Public Contract Code, sections 20110–20118.4](#) 
- [California Education Code \(EC\) Section 49554](#) 
- [EC sections 45103.1 and 45103.5](#) 
- [California Government Code \(GC\), sections 1090–1097.5](#) 
- [GC sections 87300–87314](#)  California GC regulations governing conflicts of interest.
- [USDA School Meals Policy Page](#)  Guidance for the NSLP.
- [USDA CACFP Policy Page](#)  Guidance for the CACFP.
- [USDA SFSP Policy Page](#)  Guidance for the SFSP.

*Not an inclusive list of federal regulations and California state laws.

Resources

The resources listed below provide procurement guidance to CNP districts and agencies.

- [CDE Code of Conduct and Procurement Procedures Checklist](#) (DOCX; Updated Apr-2019)
Provides agencies with the basic components required in these federally required documents.
- [Procuring Local Foods](#)  This USDA web page contains a guide, decision tree, policies, resources, and the Finding, Buying, and Serving Local Foods webinar series, including geographic preference, to help ensure that agencies have the resources and knowledge necessary to incorporate local foods

into their day-to-day operations.

- [CDE Farm to Child Nutrition Programs web page](#)

CDE provides technical assistance, training, and resources to support the U.S. Department of Agriculture Child Nutrition Programs to incorporate a farm to school program into their existing food service operation.

- [California Department of Food and Agriculture Farmers Marketplace](#) 

The California Farmer Marketplace is a free statewide website featuring California produce, grains, meats, and other products for sale. The Marketplace offers farmers the opportunity to post products and connect directly with school food service to increase the amount of California grown and produced foods on school lunch trays. Primarily established to reduce communication barriers between buyers and sellers, the website is free and open to the general public, including ranchers, producers, distributors, institutional buyers, community groups, and individual consumers.

- [USDA Fact Sheet - Selling Local Food to Schools](#) 

This USDA fact sheet is a resource for farmers, ranchers, fisherman, food processors, bakers, or other food producers on how to provide and sell food to schools and educate students about food and agriculture.

- [Community Food Systems - Food Safety FAQs](#) 

This USDA FAQ page answers common questions about the important food safety tips that schools should follow when working with food from local farmers. This page also answers questions about and provides resources for general food safety, school garden produce, and USDA fruit and vegetable inspections.

School Nutrition Programs

- [Procurement—SNP](#)


This CDE web page contains regulations, requirements, and guidance governing all school food service procurements for the SNPs.


- [Procurement Guidance training series](#)


This CDE web page includes a series of helpful procurement-related videos to assist program operators procure goods and services.

- [Buy American Provision Guidance](#)

This CDE web page (select the Procurement tab) contains guidance on the requirement for all school food authorities to comply with the Buy American Provision. Additional guidance is listed below:

- ◆ [USDA Policy Memo SP-38-2017, Compliance with and Enforcement of the Buy American Provision in the NSLP](#) 

- ◆ [USDA Policy Memo SP-29-2006, Buy American Reminder](#) 

- ◆ [CDE Training: Buy American Provision in SNPs Video](#)  (Video; 25:36)


- ◆ [Senate Bill 490 and Assembly Bill 778](#)


- [Local Agency Procurement Review School Year 2021–22](#)
A list of program operators scheduled for an off-site local agency procurement review in School Year 2021–22.

- [Procurement Review Instructions](#) (Updated Apr-2021)
Instructions for the procurement review process including the required documents that the SNP operator must submit to the CDE for review and a list of additional documents the CDE may request.


- [Steps in the Procurement Review Process](#) (Updated Apr-2021)
Document that outlines the various steps in the procurement review process.

- [Vendor Paid List Instructions](#) (Updated Apr-2021)
List of common goods and services that the SNP operator should include and exclude in the Vendor Paid List provided to the CDE for the procurement review.

- [USDA Local Agency Procurement Review Tool](#)
Part of initial documents required from program operators chosen for procurement review. The table can be accessed in the [Child Nutrition Information and Payment System \(CNIPS\)](#) , Download Forms, Form ID PRU 01.

- [Off-site Procurement Review Process](#)  (Video; 28:54; Posted Sep-2019)
YouTube video that provides SNP operators with step-by-step instructions on the procurement review process.

Child and Adult Care Food Program

- [Local Foods and Related Activities in the CACFP](#) 
This USDA web page provides a variety of procurement resources.

Summer Food Service Program

- [Administrative Guidance for Sponsors](#) 


This USDA Food and Nutrition Service handbook for SFSP sponsors contains updated procurement information resulting from the Super Circular.


Cafeteria Fund

- [Cafeteria Fund Guidance](#)

This CDE web page provides information about the cafeteria fund, a restricted account that SNP agencies may use only for the operation and improvement of the nonprofit school food service.

Contact Information

If you have any questions regarding this subject, please contact your Program Specialist. A list of Program Specialists is available in the Download Forms section of the [Child Nutrition Information and Payment System](#) . You can also contact the following program support staff for assistance:

- **SNP:** Jeremy Partsch, Office Technician (OT), by phone at 916-322-3005 or by email at jpartsch@cde.ca.gov or Marisa Vassey, OT, by phone at 916-322-1450 or by email at mvassey@cde.ca.gov.
- **Procurement Resources Unit:** Trish Marche, OT, by phone at 916-322-8323 or by email at NSDProcurementReview@cde.ca.gov.
- **CACFP:** The CACFP moved to the California Department of Social Services (CDSS). Please visit the [CDSS CACFP web page](#)  or call 1-833-559-2420 for more information.
- **SFSP:** SFSP@cde.ca.gov.
- **Resource Management Unit:** SNPCafeFundQuestions@cde.ca.gov.

You can also contact the Nutrition Services Division by phone at 800-952-5609.



Questions: Procurement Resources Unit | NSDProcurementReview@cde.ca.gov | 916-322-8323

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