Procedure 7400-P(3): Miscellaneous Procurement Standards - Requirements and Restrictions for Procurement Under a Federal Award - Competition

Status: ADOPTED

Original Adopted Date: 07/19/2021 | **Last Revised Date: 05/18/2026** | **Last Reviewed Date:**

The following shall be required in the case of procurement under a federal grant to ensure adequate competition.

Geographical Preferences Prohibited

The District shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Buy American and School Meals

When making purchases for the District's school lunch program, the District shall, to the maximum extent practicable, purchase domestic commodities or products.

For the purposes of this procedure, "domestic commodity or product" shall mean:

1. An agricultural commodity that is produced in the United States; and
2. A food product that is processed in the United States substantially using agricultural commodities that are produced in the United States.

Additionally, the District shall require school meal program suppliers to attest that their final food products are either 100% domestic commodities or a food product containing over 51% domestic food components, by weight or volume.

Exceptions to this Buy American requirement may be made when the District determines that:

1. The food or food product is not produced or manufactured in the United States in sufficient or reasonably available quantities of a satisfactory quality; or
2. Competitive bids reveal the cost of a United States food or food product is significantly higher than the non-domestic product.

When such an exception is made, the Superintendent or their designee shall document such exceptions. Non-domestic food purchases shall not exceed the limits set in 7 CFR 210.21(d)(5).

The District shall include language requiring the purchase of foods that meet these Buy American requirements in all procurement procedures, solicitations, and contracts.

Prequalified Lists

The District shall ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the District shall not preclude potential bidders from qualifying during the solicitation period.

Solicitation Language

The District shall ensure that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers shall be clearly stated; and identify all requirements which the offers must fulfill and all other factors to be used in evaluating bids or proposals.

Contracting with Small and Minority Businesses and Women's Business Enterprises

When soliciting goods and services on projects that will use federal funds, the District shall comply with the following requirements for the purpose of ensuring small business, minority-owned businesses and women's business enterprises are to be used whenever possible:

1. Place qualified small and minority businesses and women's business enterprises on its solicitation lists;

2. Assure that small and minority businesses, and women's business enterprises are solicited and notified whenever they are potential sources of the needed goods or services;

3. Divide the total requirements of a project, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

4. Establish reasonable delivery schedules, where the project requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

5. Consult the services, assistance, and information, as appropriate, of qualified organizations such as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

6. Require a project's prime contractor, if subcontracts are to be let, to take the affirmative steps listed in the numbered list above.

These policies are authorized solely for the use of ISBA members who subscribe to ISBA Policy Services. They are not intended for, nor authorized for, any other purpose or use. Such materials shall not be copied, distributed, or otherwise used by any agent, employee, individual, or organization except as necessary for official District/Charter business by authorized ISBA Policy Services subscribers. Any personal, private, proprietary, or non-subscribed use is strictly prohibited.

© Idaho School Boards Association

Legal References	**Description**
2 CFR § 200.317	Procurement by States and Indian Tribes
2 CFR § 200.318	General Procurement Standards

2 CFR § 200.320	Procurement Methods
2 CFR § 200.334	Record Retention Requirements
2 CFR 200.320(b)(1)(2)	Formal Procurement Methods
2 CFR 200.520	Criteria for a Low-Risk Auditee
2 CFR Appendix II of Part 200	Contract Provisions for Non-Federal Entity Contracts Under Federal Awards
2 CFR Appendix Part 200	Contract Provisions for Non-Federal Entity Contracts Under Federal Awards
29 CFR PART 5	Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act
31 USC 1352	Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions
7 CFR 210.23(c)	Retention of Records
7 CFR 225.15(c)	Records and Claims
7 CFR 226.15(e)	Recordkeeping
7 CFR 250.54	Recordkeeping and Reviews
Executive Order 11738	Providing for Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans
Food and Nutrition Service	Economic Price Adjustments in Vendor Contracts
IC § 18-1351	Bribery and Corrupt Practices – Definitions
IC § 33-316	Cooperative Contracts to Employ Specialized Personnel and/or Purchase Materials
Section 306	Clean Air Act
Section 508	Clean Water Act

Other References	**Description**
ISBA Policy Services	https://www.idsba.org/member-services/policy/

Cross References

Code	**Description**
7218	Federal Grant Financial Management System
7235	Fiscal Accountability and Federal Grant Funds
7235	Fiscal Accountability and Federal Grant Funds
7235	Fiscal Accountability and Federal Grant Funds
7235	Fiscal Accountability and Federal Grant Funds
7235	Fiscal Accountability and Federal Grant Funds

7235	Fiscal Accountability and Federal Grant Funds
7235	Fiscal Accountability and Federal Grant Funds
7237	Retention of Records Relating to Federal Grants
7320	Allowable Uses for Grant Funds
7320	Allowable Uses for Grant Funds
7320	Allowable Uses for Grant Funds
7405	Public Works Contracting and Procurement
7405	Public Works Contracting and Procurement
7408	Entering into Professional Service Contracts
7410	Petty Cash Funds
7420	Personal Reimbursements