



GENERAL PROCUREMENT

This document provides information to help Child Nutrition Program (CNP) Sponsors make sure their Code of Conduct and Procurement Policies are compliant with Federal and State purchasing rules. It is important to remember that a Sponsor may have more restrictive policies at the local level, and the most restrictive requirement should always be used when purchasing for CNPs.

CODE OF CONDUCT

[2 CFR 200.318(c), 5P-3.003(6), F.A.C.]

The Code of Conduct must cover conflicts of interest and govern the actions of a Sponsor's employees, officers, and agents engaged in the selection, award, and administration of contracts and other procurement actions. Such a conflict of interest would arise when the Sponsor's employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein has a financial or other interest in or a tangible personal benefit from a firm considered for use in CNPs.

A compliant Code of Conduct will, at a minimum:

- Prohibit real, apparent, or organizational conflicts of interest for employees, officers, or agents engaged in the selection and award of purchases and the administration of contracts;
- Prohibit officers, employees, and agents, etc. from soliciting or accepting gratuities, favors or anything of monetary value from contractors or parties of subcontracts; and
- Provide for disciplinary actions for violations by officers, employees, or agents, etc.

PROCUREMENT POLICY

Sponsors must have and use documented procurement procedures, consistent with Federal, State, and local laws and regulations, for the acquisition of goods or services used in CNPs. The Procurement Policy must detail how a Sponsor considers and executes the purchase for these goods and services.

A compliant Procurement Policy will, at a minimum:

- Include procedures for each purchasing method used by the Sponsor, including, as applicable, micro-purchases and other noncompetitive procurement, small purchases, formal procurement, and piggy-backing [2 CFR 200.318(a)];
- Prohibit the acquisition of unnecessary or duplicative items [2 CFR 200.318(d)];
- Take steps to ensure small, minority, and women-owned businesses are used when possible [2 CFR 200.321];
- Require a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold, including contract modifications [2 CFR 200.323(a)];
- Address the Buy American provision as required in USDA Policy Memo SP 23-2024 (NSLP Only).



**Florida Department of Agriculture
and Consumer Services**

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