

Frequently Asked Questions

General Procurement

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1. **What is the link to the Texas Department of Agriculture's guidance regarding procurement?**

Refer to the Administrator's Reference Manual (ARM) [Section 17 Procurement](#) and [Section 17a. Procurement Procedures](#) on SquareMeals.org.

2. **Are Contracting Entities (CEs) expected to forecast purchases and review purchases in aggregate for informal procurement methods?**

Yes, CEs are expected to forecast purchases to determine the appropriate procurement method, especially for products and services typically procured via the micro-purchase method multiple times throughout the year. During the forecasting and budget process, a good general practice is to consolidate all products and services that fall under the same category and determine the annual cost. Suppose the estimated total annual cost for any such product or service exceeds the micro-purchase threshold. In that case, the CE should determine if the Small Purchase method or a formal procurement method might be more cost effective than multiple micro-purchases and document justification for the method chosen.

3. **Is approval needed to utilize the higher micro-purchase threshold?**

Yes, CEs may use a higher micro-purchase threshold up to \$49,999.99 if approved by TDA.

4. **When may a CE request to use a higher micro-purchase threshold?**

TDA opens the self-certification option to increase the micro-purchase threshold for CEs operating the National School Lunch Program annually from August 1st to October 31st of each year. Submissions will not be accepted outside of this timeframe. Additional information regarding self-certification, including the link to submit self-certifications, may be found at the below link:

[National School Lunch Program](#)



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5. How many quotes are required when utilizing the Small Purchase procurement method?

TDA recommends that CEs solicit price quotes from at least three responsible and responsive contractors. However, TDA requires a minimum of two price quotes from responsible and responsive contractors to ensure fair and open competition. If only one response is received, and the CE can document that their specifications did not limit competition, this documentation will suffice for an award.

6. When is it appropriate to utilize an Invitation for Sealed Bids (IFB)?

An IFB is a competitive procurement method for a fixed-price contract where sealed bids are submitted. An IFB is an ideal procurement method to use when the offers only differ in the price for a lump sum or unit pricing. It is commonly used for a fixed-price contract and is most effective when there are clear specifications and/or technical requirements.

7. May an IFB for vended meals be used to provide servers and related services?

No, an IFB for vended meals cannot be used to provide servers and related services. If the CE requires servers and related services in addition to vended meals, a Request for Competitive Proposal (RFP) for a Food Service Management Company (FSMC) may include the provision of servers (labor). FSMC RFPs must be reviewed and approved by TDA prior to the award. TDA accepts FSMC RFP procurement annually from October 1st to the first week in December. Refer to the FSMC page of SquareMeals.org for more information, including due dates.

8. When is it appropriate to utilize an RFP?

An RFP is a competitive procurement method that includes specifications and/or technical requirements of the product(s) and/or service(s) to be provided under a fixed price (fee) in a cost-reimbursable or firm fixed-price contract where offerors submit a detailed offer for providing the products and/or services. Careful consideration must be made to ensure that specifications and technical



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requirements do not limit fair and open competition. An RFP is an ideal procurement method to use when a sealed bid method is not appropriate. An RFP contract is awarded to the most responsible and responsive offeror whose offer is most advantageous to the program—price and other factors are considered.

9. Is an emergency procurement request appropriate for maintenance and repair, including labor and parts?

No, emergency procurement requests should be limited to a public emergency or unexpected emergency situation that will not permit a delay in procurement caused by the additional time required for a full competitive solicitation for products and/or services. An emergency situation might include the failure of a refrigeration system, a supplier canceling a contracted delivery without adequate notice, a natural event, or a Presidentially Declared Disaster. CEs are expected to forecast purchases to determine the appropriate procurement method, especially for products and services.

10. How may a CE address maintenance and repair if a vendor does not agree to a fixed price for parts?

CEs are responsible for forecasting purchases to determine the appropriate procurement method for maintenance and repair, which includes both labor and parts. Depending on the anticipated costs, TDA recommends issuing a small purchase procurement and soliciting at least three quotes (a minimum of two quotes is required) from qualified vendors or opting for a formal solicitation for maintenance and repair services.

Including a list of the district's appliances by brand name can be helpful in this process. The contract will be awarded based on the vendors' proposed hourly rates for labor. Additionally, the solicitation may include an escalation clause for future price increases related to labor, typically tied to local Bureau of Labor Statistics data. It is also important to specify in the requirements that repair parts will be provided by the vendor "at cost," meaning there will be no markup from the manufacturer's list price.



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If only one responds to the solicitation, it is crucial for the CE to document this outcome in the internal procurement files as justification for the continued use of small or micro-purchases.

11. Is an emergency procurement request required regardless of value?

No, an emergency procurement request is not required for purchases under the micro-purchase threshold of \$10,000. CEs are expected to forecast purchases to determine the appropriate procurement method, especially for products and services typically procured via the micro-purchase method multiple times throughout the year. A good general practice during the forecasting and budget process is to consolidate all products and services that fall under the same category and determine the annual cost. If the estimated total annual cost for any such product or service exceeds the micro-purchase threshold, the CE should determine if the Small Purchase method or a formal procurement method might be more cost-effective than multiple micro-purchases and document justification for the method chosen.

12. Is TDA's approval for an emergency procurement request required prior to making the purchase?

Yes, pre-approval from TDA is required prior to making an emergency purchase. If pre-approval is not obtained, the expense is determined to be unallowable, and Child Nutrition funds may not be used. The CE will need to determine if their General Fund can support the expense.

