Date: July 18, 2006
Reference: # SFSP 2006-5
To: Summer Food Service Program (SFSP) Contractors
Subject: Federal Procurement Regulations
Effective Date: Immediately

Purpose
This Policy Alert:
- Supplements Section 7000, Procurement, of the SFSP Handbook
- Replaces Notice SFSP 2005-1, Contract Procurement
- Accompanies Notice SFSP 2005-9, Procurement Procedure Questions and Answers

SFSP contractors are prohibited from awarding contracts to any entity that develops or drafts procurement documents.

Implementation
Immediately

Procedure
SFSP contractors cannot allow any entity bidding for a contract award to develop:
- Specifications
- Requirements
- Statements of work
- Invitations for bids
- Requests for proposals
- Contract terms and conditions
- Other procurement documents

SFSP contractors must draft their own specifications and procurement documents. Any SFSP contractor that copies a list of features or evaluation and ranking criteria drafted by a potential vendor and then permits that potential vendor to submit a bid has violated both Federal and State procurement regulations.

It is understood that SFSP contractors have broad discretion in gathering information for use in connection with procurements, any information from potential bidders must be appropriately modified to develop tailored specifications; otherwise these bidders must be excluded from competing for such procurements. This is to ensure objective contractor performance and eliminate unfair competitive advantage.

Exception: If the SFSP contractor chooses to use a vendor’s information or assistance in developing procurement documents and the vendor is allowed to compete for the award, then the SFSP contractor must not use any SFSP funds for the resulting award.

continued

This Policy Remains in Effect Until Further Notice
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<th>Procedure continued</th>
<th>Protests</th>
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<td>Any action which diminishes open and free competition undermines the integrity of the procurement process and may subject the contractor to bid protests. Therefore, SFSP contractors must have protest procedures in place to handle and resolve disputes relating to their procurements and must disclose information regarding a protest to the Special Nutrition Programs.</td>
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| Adverse Action | If Special Nutrition Programs determines that you have not complied with procurement requirements, you will be required to take corrective action. If corrective action is not taken, this may result in adverse action up to and including termination of your SFSP contract. |

| Authority | United States Department of Agriculture (USDA) correspondence 2006-SNP-06 |

| Contact | If you have any questions please contact your Area Program Office. |