



**DEPARTMENT OF CORRECTIONS
General Services**



Title:	Food Service Operations Procurement	DOC Policy: 30.3.1
Effective:	6/5/24	Supersedes: 2/22/21
Applicability:	Financial Operations and Institutions	
Directives Cross-Reference:	ORS 179.040 General powers and duties ORS 72.6010 Breach, Repudiation and Excuse through ORS 72.7250 Remedies ORS 279B.130 Debarment of Prospective Bidders and Proposers ORS 200.035 Notice to Governor’s Policy Advisor for Economic and Business Equity OAR 291-160 Procurements for Operational Support and Adult in Custody Programs OAR 137-045-0010 through OAR 137-045-0060 DOJ Review of Public Contracts	
Attachments:	None	

I. PURPOSE

To establish a process for the purchase of food and food operations goods, equipment, and service for the Department of Corrections (DOC) in accordance with the ORS 179.040 and DOC rule OAR 291-160 DOC Procurements for Operational Support and Adult in Custody Programs.

II. DEFINITIONS

- A. AFAMIS: Automated Financial Accounting Manufacturing Inventory System. DOC’s purchasing software system used to order, track, receive, and make payment for inventory and non-inventory purchases.
- B. Designated Procurement Officer (DPO): The individual designated and authorized by the Director to perform procurement review and oversight functions and is responsible for all delegated procurement activity on behalf of the department.
- C. Dietitian: The individual responsible for preparing and certifying a nutritionally adequate cycle menu that meets the needs of all types of adults in custody (AICs) housed in department facilities; participates in procuring foods that meet nutritional standards of the menu; develops therapeutic diets; and provides training, consultation and technical assistance to staff and AICs in the areas of nutrition, food service sanitation, and safety, therapeutic and religious diet needs.
- D. Expedite: Immediate acquisition of goods or services to alleviate an emergent situation. All procurement rules are followed.
- E. Fragmenting: Artificially dividing a procurement to constitute a small procurement, or to circumvent the Department of Justice (DOJ) legal sufficiency requirements, or when multiple

purchases are made for a single product or purpose, which could be reasonably foreseen or planned and the combined total dollar amount exceeds the delegated limitation. The same product procured within 90 days must get permission from the DPO to use the small procurement rule or competitively bid to avoid the appearance of fragmenting.

- F. Food Equipment or Services: All materials, equipment, products and other property, and services required for the handling, preparation, delivery, serving and storage of food products.
- G. Food Inventory Procurement Committee (FIPC): Includes Food Services Administrator (FSA), Central Distribution Center (CDC) Warehouse Manager, dietitian, warehouse and receiving staff and Procurement and Contracts Unit. This group meets regularly to determine food products which need to be purchased for DOC's menu.
- H. Food Product: Any food items that will be prepared for or consumed by the department's AIC population.
- I. Food Service Administrator (FSA): The individual responsible for the oversight of the department's food program including, but not limited to, menu development, food product quality, opportunity buy offers, and institutional culinary audits.
- J. Functional Unit Manager (FUM): Any person within DOC who reports to the Director, Deputy Director, an Assistant Director, or administrator and has responsibility for delivery of program services or coordination of program operations.
- K. Invitation to Bid (ITB): All documents, whether attached or incorporated by reference, used for soliciting bids. A written invitation to prospective suppliers to submit a bid response to supply goods or services.
- L. OregonBuys: The State of Oregon's web-based eProcurement system that automates procure-to-pay processes.
- M. Procurement: Pursuant to ORS 279A.010, the act of purchasing, leasing, renting or otherwise acquiring goods or services. Procurement includes each function and purchase undertaken or required to be undertaken by a contracting agency to enter into a contract, administer a contract, and obtain the performance of a contract under the Public Contracting Code.
- N. Price Agreement (PA): Department of Administrative Services (DAS) or DOC agreements between the contractor and the department which the contractor agrees to firm pricing, terms, and conditions for the life of the agreement.
- O. Procurement and Contracts Unit: A unit within the department authorized to conduct the procurement process and make purchase agreements resulting in an executed written contract document under conditions defined by purchasing rules, procedures, and policies. Reports to the DPO.
- P. Request for Quote (RFQ): All documents, whether attached or incorporated by reference, used

for soliciting bids. A written invitation to prospective suppliers to submit a quote response to supply goods or services.

- Q. State P-Card of Oregon Transaction System (SPOTS): A state sponsored credit card that agencies may use to procure and pay for goods and services.
- R. Warehouse and Receiving Staff: DOC CDC warehouse staff or staff within institutions, who will inspect for conformance of the applicable specifications, confirm quantity, quality, and receive goods or services.

III. POLICY

The selected methods of purchasing will follow department rules and policies and will take into consideration dollar thresholds and follow the appropriate procurement methods that are in the best interest of the department.

Purchasing staff will follow department rules and policies in determining the procurement methodology.

- A. The process for purchasing food product or food equipment or services greater than \$50,000 is described below, with responsibilities of each unit. Emergency purchases are described separately.

1. Food Service Administration

- a. The dietitian is responsible for the development and nutritional certification of menus to ensure DOC meets the nutritional requirements of the certified menu.
- b. The CDC Warehouse Manager monitors inventory levels and as they near their reorder points works with the FIPC to ensure that adequate food product is on hand to meet menu requirements.
- c. The FSA and dietitian work closely with food service managers within the institutions to conduct audits and quality reviews. The FSA and dietitian are responsible for the quality of food products purchased by providing clear product specifications used in the ITB and product sampling when needed. Only specifications approved by FSA will be used for the ITB.
- d. The FIPC will determine the timing and quantity of food product to order, considering upcoming menus, current pricing, and storage capacity in the warehouse.
- e. Once a need has been identified by the FSA or designee and specifications are determined, the FSA directs an order request (OR) be entered into AFAMIS.
 - i. The FSA or designee will determine if product sampling is required to determine quality of the product.
 - ii. A sample will be requested through the Procurement and Contracts Unit as specified

in the solicitation documents.

- iii. If a sample is requested or received prior to issuance of a solicitation, the sampling documentation will be maintained by the FSA or designee and included with the solicitation specification sheet for inclusion in the bid file.
 - iv. The FSA or designee will test and provide the Procurement and Contracts Unit documentation in writing within four business days as to the acceptability of the sample.
 - v. Sample results will be provided in writing to the vendor by the Procurement and Contracts Unit and documented in the bid file. Previously accepted samples will suffice as proof of acceptability unless the product ingredients, brand, or manufacture have changed. Unopened food samples will be returned to the Procurement and Contracts Unit immediately after sampling. Procurement and Contracts Unit will contact the local area food bank or mission to arrange for the donation.
2. The FUM is responsible to ensure the product or service is necessary and adheres to all rules and policies pertaining to procurement and payments.
- a. Authorized personnel enter an order utilizing the department's AFAMIS system.
 - b. If an order requires immediate processing, the order requestor will identify the request as an "EXPEDITE" for the Procurement and Contracts Unit and explain the necessity. Expediting an order does not void the ITB requirements listed below.
 - c. The FUM, is responsible for electronically approving the order in AFAMIS. This approval certifies:
 - i. Funds are available and appropriate to expend;
 - ii. Full account number and cost center and object and subject code indicated is appropriate;
 - iii. Description of item is complete and contains sufficient information to create ITB specifications;
 - iv. Delivery address is correct;
 - v. Delivery date requested is credible and reasonable;
 - vi. Stated purpose for expenditure is accurate and fiscal funding is available.
 - d. As required, the goal of the FUM or designee will be to approve or reject the bid tabulation or request sample within two business days of receipt of bid tabulation.
 - e. The department will follow the Commercial Code ORS 72.6010 through 72.7250 for

commercial acceptance and receipt of goods. The department will have accepted goods purchased after actual inspection for conformity as indicated in the procurement contract.

3. The Procurement and Contracts Unit is solely responsible to perform procurement activities for the department. Procurement includes each function and procedure undertaken or required to be undertaken by the department to enter into a public contract.

a. The Procurement and Contracts Unit will:

i. Review the order for accurate and credible information. Requisitioners may be contacted to verify or obtain additional information as deemed necessary to complete the request.

ii. Orders that are questionable or challenge statutes, regulations, or policy will be reviewed by the DPO. Final disposition of such requisitions is at the sole discretion of the DPO.

iii. Process orders in compliance with the Procurement and Contracts Unit process.

b. The solicitation will be used for all procurements over the small procurement threshold of \$50,000 and may be used for procurements under \$50,000 at the Procurement and Contracts Unit's sole discretion. An ITB will include specifications and terms and conditions as described in DOC rule OAR 291-160. When creation of a PA is considered, the Procurement and Contracts Unit will consult with the FSA and come to a mutual agreement before the issuance of a PA is approved. The FSA has sole discretion if a PA will be established.

i. The Procurement and Contracts Unit's goal is to process requests within seven business days for posting on OregonBuys once all approvals have been received and specifications are clear. If requests require legal sufficiency review, the Procurement and Contracts Unit will work with DOJ, which may require additional time to process the request. If a request needs to be expedited as defined under Section II.D, "EXPEDITE" in the reference block in AFAMIS must be indicated. The Procurement and Contracts Unit's goal is to process the request within one business day.

ii. If product has been purchased in the past from the vendor and is verified to have been accepted prior with no price increase greater than 10 percent since the last purchase, the Procurement and Contracts Unit will award to the successful vendor.

iii. If the price is greater than 10 percent, the Procurement and Contracts Unit's goal is to provide the FSA or FUM or their designees the bid tabulation sheet for review by close of next business day.

iv. The goal of the FSA or FUM or their designees will be to approve or reject the bid tabulation or request a sample within two business days of receipt of bid tabulation.

- v. If the FSA or FUM or their designees determines to rebid, a written explanation must be provided to the Procurement and Contracts Unit. The Procurement and Contracts Unit will rebid within one business day when possible.
 - vi. In the situation where there is a tie offer, the offer or offering goods manufactured or produced in Oregon will be awarded the bid. When goods are not manufactured or produced in Oregon, the department will draw lots by a procedure that affords a minimum of two witnesses. Each offer or subject to the drawing will receive an equal probability of selection. The individual making the selection will not have an opportunity to manipulate the drawing of lots to increase the probability of selecting one offer over another.
- c. Receiving and acceptance of product:
- i. If issues arise after receipt but before acceptance, the Procurement and Contracts Unit and FSA will be notified immediately, with photographs if available. The Procurement and Contracts Unit working with the FSA will decide if product meets specification and is acceptable. If not acceptable, the Procurement and Contracts Unit will work with the vendor toward a resolution. If the product is perishable and needs immediate resolution, receiving staff will attempt to contact the Procurement and Contracts Unit first. If the Procurement and Contracts Unit is unavailable, the receiving staff will contact the FSA or designee to devise a workable solution. Once a solution is determined, the receiving staff will work with the vendor, keeping the Procurement and Contracts Unit apprised of any vendor contact or resolutions. All photographs will become part of the procurement file.
 - ii. If issues arise after the acceptance period listed in the terms and conditions and will involve the vendor, the Procurement and Contracts Unit and FSA will be notified immediately. The Procurement and Contracts Unit and the FSA will come up with a mutually agreeable solution and the Procurement and Contracts Unit will work with the vendor and the FUM on a resolution.
- d. Notice of breach of contract letter to vendor and debarment:
- i. If a vendor fails to correct or cure an order, the Procurement and Contracts Unit will note the details and expected remedy in a breach of contract letter to the vendor. The vendor has the opportunity to remedy the deficiency. If a vendor has three breaches of contract letters within a year, the DPO will be notified.
 - ii. The DPO will debar a vendor in writing from bidding in accordance with ORS 279B.130.
- e. Special Requirements:
- i. Certification Office for Business Inclusion and Diversity (COBID): Purchasing will follow the requirement to notify COBID of bids over \$10,000 per ORS 200.035.

- ii. DOJ rule OAR 137-045-0010 through OAR 137-045- 0060: The requirement to obtain prior approval for solicitations and signatures on resulting contracts over \$150,000 unless the department has an exemption on file from DOJ.
- 4. Warehouse and receiving staff, at various locations throughout the state, will be responsible to receive all products for the department. Shipments will be reviewed for compliance with purchase order specifications including, but not limited to, quality and quantity of order received within one business day of receipt. If necessary, the staff may reject the order in whole or part.
 - a. When the product is received, warehouse and receiving staff will enter the quantity received into AFAMIS to ensure timely payment of invoices. If an invoice is included with a shipment, it is the responsibility of the receiving staff to send the invoice to the Accounting Unit the next business day.
 - b. If a stock item is not delivered to the destination by the specified delivery date on the purchase order or there is a discrepancy in quantity or quality of product received, warehouse and receiving staff will notify the Procurement and Contracts Unit and FSA immediately. After the three sections determine necessary action, the Procurement and Contracts Unit will contact the vendor to determine ship status or to resolve quantity or quality issues. When a non-stock item is past delivery date, the order requestor will notify the Procurement and Contracts Unit to contact the vendor.
 - c. Until the product is fully accepted by the department, only the Procurement and Contracts Unit will contact the vendor to resolve issues or concerns unless the product is perishable, or the Procurement and Contracts Unit is not available.
 - d. If the product is rejected, the receiving staff will notify the Procurement and Contracts Unit in writing within one business day with the reason for rejection. The Procurement and Contracts Unit will contact vendor to resolve issues or concerns.
- B. Emergency purchase is the immediate acquisition of goods or services to alleviate an emergent situation.
 - 1. The criteria and standards applicable to emergency purchases are described in DOC rule OAR 291- 160.
 - 2. The Procurement and Contracts Unit or appropriate institution staff will make the immediate purchase.
 - 3. The department will award the contract to the offeror whose offer will best serve the interests of the department and to alleviate the emergent situation.
 - 4. Written justification will be supplied to the DPO no later than three business days after the emergency purchase.
- C. Small procurements of food product or food equipment or services not exceeding \$50,000 may be

awarded without a competitive process.

1. The Procurement and Contracts Unit working with the FSA and in agreement with the DPO, may award a contract in any manner deemed practical or convenient by the department, including by direct selection or award. If the Procurement and Contracts Unit chooses, it may solicit three quotes using email or telephone ensuring all information is consistent and allows impartial and open competition that protects the integrity and competitive nature of the process.
2. A procurement may not be artificially divided or fragmented so as to constitute a small procurement to avoid DOJ review or to circumvent any other department rules or policies.
3. Small procurements require the appropriate approvals, documentation, and receiving processes as listed above.

IV. IMPLEMENTATION

This policy will be adopted immediately without further modification.

Certified: signature on file
Julie Vaughn, Rules Coordinator

Approved: signature on file
Heidi Steward, Deputy Director