

## **Regular Meeting – March 18, 2020**

A Regular meeting was held on Wednesday, March 18, 2020 at the Early Childhood Center, 270 First Street, Palisades Park, New Jersey beginning at 6:00 p.m.

The assemblage saluted the flag.

### **Statement of Presiding Officer:**

In compliance with the Open Public Meetings Act, Chapter 213, P.L. 1975, I hereby state that adequate notice of this meeting was provided by written notice dated January 15, 2020:

- Posted in all school buildings
- Advertised in at least one of the Board's official newspapers
- Communicated to the Borough Clerk

In attendance: Stephanie Jang, Rebekah Lee, John Mattessich, Eun Min, Barnabas Woo, Jeffrey Woo, Dr. Cirillo, Mrs. Spasevski, Mr. Benjamin Choi, Esq.

Jason Kim arrives @ 6:05 p.m.

Absent: Thomas Matarazzo, Timothy Yang

### **Report of the Superintendent:**

At the February 26, 2020 board meeting Dr. Cirillo commented that he would announce a date to begin a re-registration of the school district. The COVID 19 virus has off-set many school proposals and activities. Until this crisis is resolved the district re-registration program is on hold.

Dr. Cirillo extended a "thank you" to the central office staff, faculty, support staff and students for their ongoing cooperation during this current situation.

The district's custodial/maintenance crews are busy cleaning and disinfecting all school buildings.

### **Report of the Board President:**

Mrs. Jang also thanked everyone for their hard work and cooperation during a very difficult time in our school year.

### **Report of the Board Attorney:**

Report will be discussed during closed session.

**Committee Reports are Attached**

Old Business:

Jason Kim noted Frank Donohue's longevity in the school district and his dedication to the students and the faculty members. Mr. Donohue's teaching/coaching career began in the Palisades Park school district on December 1, 1977.

New Business: No new business

Audience Participation: None

Motion to close open session: J. Woo

Seconded by: J. Mattessich

All ayes on roll call.

Motion to enter into closed session: J. Kim

Seconded by: J. Woo

All ayes on roll call.

Closed Session:

R E D A C T E D

Open Session:

The April Board meeting originally scheduled on April 22, 2020 will be re-scheduled on April 29, 2020 at 6:00 p.m. The public hearing on the 2020/2021 school budget will precede the regular order of business meeting.

Mr. Jason Kim commented again on Mr. Frank Donohue's distinguished career in Palisades Park. Dr. Cirillo said Mr. Donohue will be honored at the next public board meeting.

Motion to adjourn: Jeffrey Woo

Seconded by: Jason Kim

All ayes on roll call.

Meeting adjourned at 6:25 p.m.

Diane Montemurro

Palisades Park Board of Education  
Palisades Park, New Jersey

March 18, 2020

Report of the Finance Committee – Mr. John Mattessich

- 1.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent approves the following workshop requests:

<u>STAFF MEMBER</u>	<u>LOCATION/DESCRIPTION</u>	<u>DATE(S)</u>	<u>AMOUNT</u>
Joanna Hali CST Supervisor	Monroe Twp./Special Education Litigation	03/04/20	\$ 150.00
Joanna Hali	Monroe Twp./"Best Practices In Writing IEP's"	03/05/20	149.00
Joanna Hali	Morris Union Jointure Commission "Hot Issues in Spec Ed Law"	03/25/20	150.00
Elsa Wajda ELL Teacher	Hyatt Regency, New Brunswick 2020 Spring Conference	05/29/20	150.00
Joanna Hali	Monroe Twp./"Supporting the Whole Child"	05/01/20	149.00
Lee Musler H.S. Teacher	Rutgers University/"Press Association Spring Conference"	05/01/20	65.00
Sei-Jung Oh ESL/Bilingual	Hyatt Regency/New Brunswick ESL/Bilingual Conference	05/27/20	150.00

- 2.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent approves "extra" class stipends as follows:

Jenna Mancini	Biology Honors	\$2,963.63
Alexa Lewris	Biology	\$2,963.63
Natalie Conoscenti	Biology	\$2,963.63
David Cho	Environmental Science	\$2,963.63

**Effective: 3/6/2020 – 67 school days**

Robert Biagiotti	Biology	\$3,007.87
------------------	---------	------------

**Effective: 3/5/2020 – 68 school days**

3.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent approves the following payroll amounts:

- February 13, 2020      \$773,626.57
- February 28, 2020      \$757,285.33
- March 13, 2020        \$770,393.33

4.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent approves an amendment to the Maintenance Reserve Account resolution (2/26/20) increasing the transfer of funds to Account 11-000-261-420-01 up to \$70,000.00 for repairs to the Lindbergh School masonry wall repairs.

5.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent approves a "Settlement and Release Agreement" between Windstream Services, LLC and the Palisades Park School District as follows:

Palisades Park agrees to pay \$36,116.29 towards the balance on account #5514927 to be received by Windstream Services, LLC no later than March 20, 2020.

Upon receipt of the payment of \$36,116.29 Windstream Services, LLC shall waive the remaining balance of \$25,335.78 on account #5514927.

6.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent approves the renewal of an Agreement with South Bergen Jointure Commission, an approved Coordinated Transportation Services Agency, for the purposes of transporting students in accordance with Chapter 53, P.L. 1997 for the 2020-2021 school year.

Be It Further Resolved, that provided services include, but are not limited to, out of district special education students, vocational students and summer programs.

Costs will be determined as follows: Cost of each route, divided by the number of students on each route. The district will be charged the per pupil cost for each resident student X 180 days.

7.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent approves the March 2020 Food Service invoices in the amount of \$114,866.46:

<u>VENDOR</u>	<u>Description/Location</u>	<u>Date(s)</u>	<u>Amount</u>
HVAC Pneumatic Controls	3-way valve, Temperature Transmitter – L.S. Café	2/26/20	\$1,368.00
JFM Electric, LLC	Furnished/installed new Receptacle – H.S. Café	12/2/19	\$ 130.00
Pomptonian, Inc.	Request for expenses w/e 01/24/2020	1/24/20	26,443.45
Pomptonian, Inc.	Request for expenses	1/31/20	6,926.33
		2/07/20	30,030.96
		2/21/20	32,151.78
		2/28/20	10,346.22

8.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent approves the March 2020 bill list as follows:

- Fund 10 (General/Current Expenses)      \$774,169.44
  - Fund 20 (Special Revenue)                      63,440.18
- \$837,609.62**

9.) 2020-2021 Tentative Budget Resolution – **Attached**

10.) “Masonry Wall Repair” @ Lindbergh Elementary School – **Bid Award Attached**

Introduced by: J. Mattessich

Seconded by: J. Woo

All ayes on roll call

**PALISADES PARK BOARD OF EDUCATION**  
**Palisades Park, New Jersey 07650**

**2020-2021 Tentative Budget**

BE IT RESOLVED, that the preliminary budget be approved for the 2020-2021 school year using the 2020-2021 State Aid figures and the Business Administrator be authorized to submit the following tentative budget to the Executive County Superintendent of Schools for approval in accordance with the statutory deadline and;

BE IT RESOLVED, that in accordance with N.J.S.A. 18A:7F-38, that the 2020-2021 school year budget includes the enrollment adjustment in the amount \$813,040.00 and;

BE IT RESOLVED that the Palisades Park Board of Education approves the tentative 2020-2021 school district budget as follows:

	<b><u>BUDGET</u></b>	<b><u>LOCAL TAX LEVY</u></b>
General Fund	\$ 28,115,915.	\$ 25,192,131.
Special Revenue	\$ 1,191,944	n/a
Debt Service	\$ <u>116,344.</u>	\$ <u>116,344.</u>
<b>TOTAL</b>	\$29,424,203.	\$ 25,308,475.

BE IT FURTHER RESOLVED, that a Public Hearing on the 2020-2021 school budget be held on April 29, 2020.

**Approval for Maximum Travel:**

Whereas, school district Policy 9250 and N.J.A.C. 6A:23B-1.2 (b) provides that the Board of Education shall establish in the annual school budget a maximum expenditure amount that may be allotted for travel and expense reimbursement;

Therefore Be It Resolved, that the Board hereby establishes the district travel maximum for the 2020-2021 school year at the sum of \$10,000.00.

**WHEREAS**, on March 10, 2020 the Palisades Park Board of Education conducted a public bid opening for the award of the Masonry Wall Repair at Lindbergh Elementary School which yielded the following for consideration:

Contractor	Base Bid
Hear Construction, Inc.	\$74,000.00
Integrity Roofing	\$74,340.00
M&M Construction	\$75,786.00
Arista Builders & Designers	\$78,000.00
A1 Construction	\$80,000.00
Askari Construction, Inc.	\$85,440.00
Michael Malpere Co., Inc.	\$127,325.00
Spartan Construction	\$130,000.00
Alimi	\$169,500.00

and;

**WHEREAS**, in accordance with the provisions of the Public Schools Contract Law, N.J.S.A. 18A:18A-1 et seq.;

**NOW, THEREFORE BE IT RESOLVED**, that the Palisades Park Board of Education, upon the recommendation of the Superintendent, award the contract for the Masonry Wall Repair at Lindbergh Elementary School to Hear Construction, Inc. in the total contract lump sum of \$74,000.



Palisades Park Board of Education  
Palisades Park, New Jersey

March 18, 2020

Report of the Buildings & Grounds Committee – Mr. Jason Kim

- 1.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent approves a car wash request from Cub Scout Troop 379 on Saturday, April 25, 2020 at the rear of Lindbergh Elementary School (Roff Avenue). Time of event: 10:00 a.m. – 2:00 p.m. (Pending)
  
- 2.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent approves a request from the Presbyterian Church of NJ, 500 Broad Avenue, Palisades Park to rent the Jr/Sr High School for the “ASK Summer School” Programs:
  - Dates: July 6 through August 14, 2020
  - Days: Monday thru Friday
  - School Hours: 7:45 a.m. – 3:00 p.m.
  - Areas: (21) Classrooms, Gymnasium, Cafeteria, Auditorium, Restrooms, Athletic Field, Courtyard (adjacent to the cafeteria) and Parking Lot
  - Rent: \$27,500.00 to be paid in two (2) equal installments of \$13,750.00 July 1, 2020 (1<sup>st</sup> payment), August 1, 2020 (remaining payment)
  
- 3.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent approves a “Mobile Shredding Event” on Saturday, July 18<sup>th</sup> and Saturday, October 24<sup>th</sup> at the back of Lindbergh School (Roff Avenue) between the hours of 9:00 a.m. – 1:00 p.m. sponsored by the Palisades Park Recycling Department.

Introduced by: Jason Kim

Seconded by: John Mattessich

All eyes on roll call

Palisades Park Board of Education  
Palisades Park, New Jersey

March 18, 2020

Report of the Personnel Committee – Dr. Thomas Matarazzo

- 1.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent approves the following contract “extensions” for leave replacement teachers:

Shamainie Bugo  
ESL @ Early Childhood Center  
Extension to April 30, 2020

Lindsay Adkins  
Teacher of English (HS)  
Extension to June 30, 2020

- 2.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent accepts the following staff resignations:

Anatoliy Alkhazov  
BSI Teacher  
Effective: 02/28/2020

Oscar Herrera  
Custodian/Maintenance  
Effective: 03/02/2020

- 3.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent approves the appointment of the following Substitute Teacher:

Amparo Melendez  
Fort Lee, NJ  
Effective: 03/18/2020

- 4.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent approves the resignation of Olga Berkin, Biology Teacher, effective May 4, 2020.

- 5.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent approves the following custodial appointment:

Luis Santiago  
29.5 hours @ Lindbergh School  
\$11.00 per hour  
Effective: 03/24/20  
(Pending fingerprint approval)

- 6.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent accepts the retirement of Mr. Frank Donohue, High School Principal, effective September 1, 2020.

(Mr. Donohue began his teaching career in Palisades Park on December 1, 1977. He has served in the capacity of Teacher, Coach, Supervisor, Vice-Principal and Principal).

Introduced by: Jeffrey Woo

Seconded by: Barnabas Woo

All ayes on roll call for Resolutions #1 - #5

Resolution #6:

Ayes – Jang, Kim, B. Woo, J. Woo

Recuse – R. Lee, J. Mattessich, E. Min

Palisades Park Board of Education  
Palisades Park, New Jersey

March 18, 2020

Report of the Negotiations Committee – Mr. Jeffrey Woo

- 1.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent approves an agreement between the Palisades Park Board of Education and the Palisades Park Administrators' Association for the years: July 1, 2018 to June 30, 2021.

**Base Compensation:** 2.9% increase in salaries for the 2018 – 2019 school year

2.9% increase in salaries for the 2019 – 2020 school year

2.9% increase in salaries for the 2020 – 2021 school year

(Agreement on file in the Board Office)

Introduced by: Jeffrey Woo

Seconded by: Stephanie Jang

Roll call:

Ayes – Jang, Kim, B. Woo, J. Woo

Recuse – R. Lee, J. Mattessich, E. Min

Palisades Park Board of Education  
Palisades Park, New Jersey

March 18, 2020

Report of Students Activities/Field Trips – Ms. Rebekah Lee

- 1.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent tentatively approves a trip to “NJ Sea Life Aquarium”, Rutherford NJ for 4<sup>th</sup> grade students. Students will leave Lindbergh School at 9:00 a.m. on Monday, June 1<sup>st</sup> and return to school approximately 2:30 p.m. Cost per student: \$16.00
  
- 2.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent approves an invitation extended to the “Lindbergh Symphonia” to perform in concert with the Bloomfield Youth Band on Saturday, June 6<sup>th</sup> at the Bloomfield Middle School.

Students are to arrive at 6:30 p.m. accompanied by an adult. The Concert will end at approximately 9:00 p.m. (This schedule may be changed depending on current circumstances)

**Note: Due to the COVID 19 pandemic these trips may be postponed or cancelled.**

Introduced by: Rebekah Lee

Seconded by: Jeffrey Woo

All eyes on roll call

Palisades Park Board of Education  
Palisades Park, New Jersey

March 18, 2020

Report of the Policy Committee – Mr. Timothy Yang

- 1.) BE IT RESOLVED, that the Board upon the recommendation of the Superintendent adopts NJSBA Policy No. 3542.3 – “Procurement Procedures for Child Nutrition Programs” (attached).

Introduced by: Jeffrey Woo

Seconded by: Barnabas Woo

All eyes on roll call

# NJSBA POLICY SERVICES

Palisades Park Board of Education

Policy No. 3542.3

\*This policy is derived from New Jersey Department of Agriculture, Form 326 Procurement Procedures for School Food Authorities.

## PROCUREMENT PROCEDURES FOR CHILD NUTRITION PROGRAMS

The Palisades Park School District intentionally seeks to prohibit conflicts of interest in all procurement of goods and services.

All procurements must maximize full and open competition. The school business administrator shall ensure that source documentation shall be available to determine open competition, the reasonableness, the allow ability and the allocation of costs.

### General Procurement

The procurement procedures will maximize full and open competition, transparency in transactions, comparability, and documentation of all procurement activities. The district plan for procuring items for use in the school nutrition programs is as follows:

- A. If the amount of purchases is more than the public threshold amount, formal procurement procedures will be used as required by 2 CFR 200.318-326 and any local procurement code and regulations. Informal procurement procedures (small purchase) will be required for purchases under the most restrictive small purchase threshold.
- B. The following procedures will be used for all purchases:

Product/Services	Procurement Method	Evaluation	Contract Award Type	Contract Duration/Frequency
Small Wares Up to \$6,000.00(QPA) \$4,350. (Non-QPA)	Informal Bids/ Quotes	Reasonable price	Equitable Distribution	Annual funds Available for purchase
Repair Services	Same as above	Bottom Line	Fixed Price	As needed
Capital Equipment Up to \$40,000.00 (QPA) \$29,000. (Non-QPA)	Bids  Micro-purchase	Bottom Line  Reasonable price	Fixed Price  Equitable distribution	As needed With available funds  As needed
Emergencies/Shortages				
FSMC Services	Formal RFP	Criteria as specified in RFP	As specified in RFP	Base year + 4 one year renewals

- C. Formal bid procedures will be applied on the basis of: A centralized system

## PROCUREMENT FOR CHILD NUTRITION PROGRAMS (continued)

Because of the potential for purchasing more than public or non-public informal/small purchase threshold amount, or the district approved threshold if less, it will be the responsibility of the school business administrator to document the amounts to be purchased so the correct method of procurement will be followed.

### Formal Procurement

- A. When a formal procurement method is required, the following competitive sealed bid or an Invitation for Bid (IFB) or competitive proposal in the form of a Request for Proposal (RFP) procedures will apply:
- B. An announcement of an IFB or a RFP will be placed on the district website and the local newspapers. The business administrator may also use other media outlets including internet to publicize the intent of the Palisades Park School District to purchase needed items. The advertisement for bids/proposals or legal notice will be run for [insert time frame].
- C. An advertisement is required for all purchases over the district's small purchase threshold of \$6,000.00 (QPA)/\$4,350.00 (Non-QPA). The advertisement/legal notice will contain the:
  1. General description of items to be purchased;
  2. Deadline for submission of questions and the date written responses will be provided, including addenda to bid specifications, terms, and conditions as needed;
  3. Date of pre-bid meeting, if provided, and if attendance is a requirement for bid award;
  4. Deadline for submission of sealed bids or proposals; and
  5. Address of location where complete specifications and bid forms may be obtained.
- D. In the RFP, each vendor will be given an opportunity to bid on the same specifications.
- E. The developer of written specifications or descriptions for procurements will be prohibited from submitting bids or proposals for such products or services.
- F. The RFP will clearly define the purchase conditions. The following list includes requirements, not exclusive, to be addressed in the procurement document:
  1. Contract period;
  2. A statement that the Palisades Park Board of Education is responsible for all contracts awarded;
  3. Date, time, and location of the RFP opening;
  4. How vendor is to be informed of bid acceptance or rejection;
  5. Delivery schedule;
  6. Requirements (terms and conditions) that bidder must fulfill in order for bid to be evaluated;
  7. Benefits to which the district will be entitled if the contractor cannot or will not perform as required;
  8. Statement assuring positive efforts will be made to involve minority and small business;
  9. Statement regarding the return of purchase incentives, discounts, rebates, and credits to the district's nonprofit school food service account;
  10. Contract provisions as required in Appendix II to 2 CFR 200;
  11. Contract provisions as required in 7 CFR 210.21 (f) for all cost reimbursable contracts;



## PROCUREMENT FOR CHILD NUTRITION PROGRAMS (continued)

12. Contract provisions as required in 7 CFR and 7 CFR 250.53 for food service management company contracts;
  13. Procuring instrument to be used are purchase orders from firm fixed prices after formal bidding;
  14. Price adjustment clause (tied to a standard index, i.e., consumer price index, or other as stated in terms and conditions for pricing and price adjustments);
  15. Method of evaluation and type of contract to be awarded (solicitations using an IFB are awarded to the lowest responsive and responsible bidder; solicitations using a RFP are awarded to the most advantageous bidder/offer or with price as the primary factor among factors considered);
  16. Method of award announcement and effective date (if intent to award is required by state or local procurement requirements);
  17. Specific bid protest procedures including contact information of person and address and the date by which a written protest must be received;
  18. Provision requiring access by duly authorized representatives of the district, New Jersey Department of Agriculture, United State Department of Agriculture, or Comptroller General to any books, documents, papers and records of the contractor which are directly pertinent to all negotiated contracts;
  19. Method of shipment or delivery upon contract award;
  20. Provision requiring contractor to maintain all required records for three years after final payment and all other pending matters (audits) are closed for all negotiated contracts
  21. Description of process for enabling vendors to receive or pick up orders upon contract award;
  22. Provision requiring the contractor to recognize mandatory standards/policies related to energy efficiency contained in the Energy Policy and Conservation Act (PL 94-163);
  23. Signed statement of non-collusion;
  24. Signed Debarment/Suspension Certificate, clause in the contract or a copy of search results from the System for Award Management (SAM);
  25. Provision requiring "Buy American" as outlined in 7 CFR Part 210.21 (d) and SP 242016; and
  26. Specifications and estimated quantities of products and services prepared by the district and provided to potential contractors desiring to submit bids/proposals for the products or services requested.
- G. If any potential vendor is in doubt as to the true meaning of specifications or purchase conditions, interpretation will be provided in writing to all potential bidders by the school business administrator or his or her designee and will specify the deadline for all questions.
1. The school business administrator or his or her designee will be responsible for securing all bids or proposals;
  2. The school business administrator or his or her designee will be responsible to ensure all district procurements are conducted in compliance with applicable federal, state, and local procurement regulations;
  3. The following criteria will be used in awarding contracts as a result of bids/proposals. Price must be the highest weighted criteria:
    - b. Quality of products and produce;
    - c. Evidence of proven and exemplary service and delivery; and
    - d. Availability.
- H. In awarding a RFP, a set of award criteria in the form of a weighted evaluation sheet will be provided to each bidder in the initial bid document materials. Price alone is not the sole basis for the award,

## PROCUREMENT FOR CHILD NUTRITION PROGRAMS (continued)

---

but remains the primary consideration among all factors when awarding a contract. Following evaluation and negotiations, a firm fixed price or cost reimbursable contract shall be awarded:

1. The contracts will be awarded to the responsible bidder/proposer whose bid or proposal is responsive to the invitation and is most advantageous to the district, price as the primary and other factors considered. Any and all bids or proposals may be rejected in accordance with the law;
2. The school business administrator is required to sign on the bid tabulation of competitive sealed bids or the evaluation criterion score sheet of competitive proposals signifying a review and approval of the selections;
3. The school business administrator shall review the procurement system to ensure compliance with applicable laws;
4. The school business administrator or his or her designee shall be responsible for documentation the actual product specified is received;
5. Any time an accepted item is not available, the school business administrator or his or her designee will select the acceptable alternate. The contractor must inform the school business administrator or designee if a produce is available.

In the event a non-domestic agricultural product is to be provided to the district, the contractor must obtain, in advance, written approval for the product. The school business administrator must comply with the Buy American Provision;

6. The school business administrator shall ensure that full documentation regarding the reason an accepted item was unavailable, and the procedure used in determining acceptable alternates, will be available for audit and review;
7. The school business administrator responsible for maintaining all procurement documentation.

### Small Purchase Procedures

- A. If the amount of purchases for items is less than the district's small purchase threshold, the following small purchase procedures including quotes will be used. Quotes from an adequate number of qualified sources will be required.
- B. Written specifications will be prepared and provided to the vendor.
- C. Each vendor will be contacted and given an opportunity to provide a price quote on the same specifications. A minimum of two vendors shall be contacted.
- D. The school business administrator or his or her designee will be responsible for contacting potential vendors when price quotes are needed.
- E. The price quotes will receive appropriate confidentiality before award.
- F. Quotes will be awarded by school business administrator upon the approval of the board. Quotes will be awarded to the lowest and best quote based upon price, quality, service, delivery, availability, and other criteria as detailed in the ISP or RFP.

PROCUREMENT FOR CHILD NUTRITION PROGRAMS (continued)

- G. The school business administrator or his or her designee will be responsible for documentation of records to show selection of vendor, reasons for selection, names of all vendors contacted, price quotes from each vendor, and written specifications.
- H. The school business administrator or his or her designee will be responsible for documentation that the actual product specified is received.
- I. Any time an accepted item is not available, the school business administrator or his or her designee will select the acceptable alternate. Full documentation will be made available as to the selection of the acceptable item.
- J. Bids will be awarded on the following criteria. Price must be the highest weighted criteria. Examples of other possible criteria include quality, service, delivery, and availability.
  - a Price;
  - b Quality of products and produce;
  - c Evidence of proven and exemplary service and delivery; and
  - d Availability

- 
- K. The school business administrator shall be required to sign all quote tabulations, signifying a review and approval of the selections.

Noncompetitive Proposal Procedures

- A. If items are available only from a single source when the award of a contract is not feasible under small purchase, sealed bid or competitive negotiation, noncompetitive proposal procedures will be used:
- B. Written specifications will be prepared and provided to the vendor.
- C. The school business administrator or his or her designee will be responsible for the documentation of records to fully explain the decision to use the noncompetitive proposal. The records will be available for audit and review.
- D. The school business administrator or his or her designee will be responsible for documentation that the actual product or service specified was received.
- E. The school business administrator or his or her designee will be responsible for reviewing the procedures to be certain all requirements for using single source or noncompetitive proposals are met.
- F. Noncompetitive proposals shall be used for one-time purchases of a new food item to determine food acceptance by students and provide samples for testing purposes. A record of noncompetitive negotiation purchase shall be maintained by the school business administrator. At a minimum, the record of noncompetitive purchases shall include:
1. Item name;
  2. Dollar amount;
  3. Vendor; and
  4. Reason for noncompetitive procurement.
- G. The board of education or governing board will approve, in advance, all procurements that result from noncompetitive negotiations according to board policy 3320 Purchasing Procedures and the district's standard operating procedures for business (SOP).

Miscellaneous Provisions

New product evaluation procedures will include (e.g., evaluation of product labels, student taste-tests):

- A. The school business administrator shall review each transaction.
- B. Payment will be made to the vendor when the contract has been met and verified and has met the standards established according to board policy 3320 Purchasing Procedures and the district's

---

standard operating procedures for business (SOP). (If prompt payment is made, discounts, etc., may be accepted.)

- C. Specifications will be updated as need.
- D. If product is not as specified, the following procedure will take place (e.g., remove product from service, contact vendor for approved alternate product, remove product from bid).

Emergency or Pressing Need Purchases

If it is necessary to make a one-time emergency procurement to continue service or obtain goods, the purchase must be authorized using a purchase order signed by the school business administrator. The following emergency procedures shall apply:

- A. All emergency procurements shall be approved by the school business administrator.
- B. At a minimum, the following emergency procurement procedures shall be documented:
  - 1. Item Name;
  - 2. Dollar amount;
  - 3. Vendor;
  - 4. Reason for emergency
- C. If it is necessary, in the course of a pressing need, to make an emergency purchase by means of "piggybacking" on the bid of another district, the following conditions must exist and approved procedures must be followed and appropriately documented as follows:
  - 1 . The school business administrator originating the competitive procurement must have a "piggyback provision" in the original solicitation;
  - 2 Documentation of the emergency requiring the piggybacking must be maintained;
  - 3 Approval from the board will be obtained and documented;
  - 4 Approval from the school business administrator that originated the competitive procurement will be obtained and documented;
  - 5 Approval from the vendor that was awarded the contract (original solicitation) will be obtained and documented;
  - 6 Approval to piggyback will be obtained and documented from the governing board during a regularly scheduled meeting following the public notice;
  - 7 Notification to the vendor of final approval will be documented and issued; and
  - 8 A contract with the vendor will be developed. The contractor shall agree to retain all books, records, and other documents relative to the contract agreement for three (3) years after final payment, or until audited by the board, whichever is sooner. The board, its authorized agents, and/or state and/or USDA auditors shall have full access to and the right to examine any of said materials during said period.
- D. The school business administrator or his or her designee shall retain all books, records, and other documents relative to the award of the contract for three (3) years after final payment. If there are audit findings that have not been resolved, the records shall be retained beyond the 3-year period as

---

long as required for the resolution of the issues raised by the audit. Specifically, the school business administrator or his or her designee shall maintain, at a minimum, the following documents:

- 1 . Written rationale for the method of procurement;
- 2 A copy of the original solicitation;
- 3 The selection of contract type;
- 4 The bidding and negotiation history and working papers;
  
- 5 The basis for contractor selection;
- 6 Approval from the state agency to support a lack of competition when competitive bids or offers are not obtained;
- 7 The basis for award cost or price;
- 8 The terms and conditions of the contract;
- 9 Any changes to the contract and negotiation history;
- 10 Billing and payment records;
- 11 A history of any contractor claims; and
- 12 A history of any contractor breaches.

This procurement policy will be implemented in the 2019/2020 school year and reviewed regularly and revised as necessary for compliance with changes in law or changes in district practices.

Adopted: 03/18/2020

Key Words:

School Lunch, Food Service, Nutrition, Wellness,

<u>N.J.S.A. 18A•.1 1 1</u>	General mandatory powers and duties
<u>N.J.S.A. 18A:18A-4.1</u>	Use of competitive contracting in lieu of public bidding; boards of education
<u>N.J.S.A. 18A:18A-5</u>	Exceptions to requirement for advertising
<u>N.J.S.A. 18A•.18A6</u>	Standards for purchase of fresh milk; penalties; rules and regulations
<u>N.J.S.A. 18A:333</u>	
<u>N.J.S.A. 18A:339 through 14 programs</u>	Findings, declarations relative to school breakfast
<u>N.J.S.A.18A:33-15 through -19</u>	<u>Improved Nutrition and Activity Act (IMPACT Act)</u>