



STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, ME 04333-0023

JANET T. MILLS
GOVERNOR

A. PENDER MAKIN
COMMISSIONER

August 12, 2020

Rick Lyons
Superintendent
Medway Public Schools
25 Middle School Drive
Medway, ME 04460


Dear Superintendent Lyons:

A Procurement Review of the Medway Public Schools Nutrition Department was conducted.

The enclosed Official Notification of Review Findings and Corrective Action describes the corrective action documentation and completion dates required. Failure to do this may result in the withholding of reimbursement payments until it is received and/or a follow-up visit verifies that corrective action has been determined as acceptable.

If you should have any questions, or if we can assist in any way please feel free to contact Stephanie Stambach at 624-6732 or email stephanie.stambach@maine.gov.

Sincerely,


Walter Beesley
Child Nutrition Director

WB/SS/pp

Enclosure

**Procurement Review Report
Medway School Nutrition Program
SY 2020**

A procurement review of the Medway School Nutrition Department was conducted. The purpose of this review is to ensure compliance with Federal Regulations 2 CFR 200 and 7 CFR 210 as well as applicable local laws when procuring goods and services for the school nutrition department.

Summary: The solicitation documents for the bread and milk bids were difficult to review, as the solicitation was formal in nature; however, was evaluated using an informal process. For purposes of the review, the bid was evaluated based on an informal process (small purchase) and findings are listed below. Conducting an informal, small purchase, would involve collecting a minimum of two price quotes and going with the lowest price of the vendor that meets all of the criteria. A formal process involves publically advertising the bid, including the evaluation criteria in the solicitation, as well as the required federal provisions.

With Medway being a smaller school district, it is recommended to conduct a more informal, small purchase method. Keep in mind it must fall within the district's small purchase threshold. The district should reassess which process will be used in the future.

Finding 1 - Procurement Procedures: The Procurement Procedures provided (Policy DJR-Federal Procurement Manual) specifically noted that it was not applicable to Federal Child Nutrition Programs.

Required Corrective Action: *Remove exceptions #4 and #5 in Federal Procurement Manual so procedures are compliant with federal regulations and send a copy to the reviewer.*

Date Due: January 1, 2021

Finding 2- Small Purchases- Medway issued solicitation bid documents for milk and bread. The solicitation did not include language for the Buy American provision, which is required to ensure that only domestic products are purchased.

Required Corrective Action: *Revise milk and bread solicitations to include the Buy American provision and send a copy to the reviewer.*

Date Due: January 1, 2021

Finding 3- Small Purchases- Two responses were provided for the bread solicitation- Bimbo Foods and LePage Bakery. According to the prices quoted, LePage Bakery had a lower price for the total bread items; however, Bimbo Foods was awarded the bid. It was also found that Bimbo was selected due to past experience; this is not allowed as it does not allow competition with other companies and cannot be measured. References from other districts could be used as part of the evaluation criteria to measure customer satisfaction. The evaluation criteria must be provided to the companies with the solicitation. Informal purchases are usually based on price.

It was also noted that only one invoice from Bimbo Foods was submitted to the reviewer for the entire SY 2019 school year. In looking at sample invoices, bread products were purchased from

the distributor Northcenter. By purchasing from other companies, federal procurement regulations are not being followed and the district spent unnecessary time and effort going out to bid.

Required Corrective Action: *Revise bread solicitation and submit a copy to the reviewer.*

Date Due: January 1, 2021

Corrective Action is required. In accordance with §210.18(k), failure to return completed documentation within 30 days from the corrective action deadline date will result in the withholding of reimbursement payments. Local Education Agencies have the right to appeal findings which impact their reimbursement. For more information visit

<https://www.maine.gov/doe/sites/maine.gov.doe/files/inline-files/Child%20Nutrition%20Appeals%20Process.pdf>

We hope that this review has been helpful to you and your staff. If you should have any questions, or if we can assist in any way please feel free to contact Stephanie Stambach at 624-6732 or email stephanie.stambach@maine.gov.

Sincerely,

Stephanie Stambach MS, RD, SNS
Child Nutrition Consultant

WB/SS/pp

CC: Bill Adams, Alyssa Dickinson