



# Memorandum

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## Procedures for Participation in the USDA Pilot for Unprocessed Fresh Fruits & Vegetables for SY 2020-2021

Please read and agree to the following procedures in order for your school to participate in the Pilot Project for SY 2020-21.

1. The USDA Pilot for Unprocessed Fresh Fruits and Vegetables does not invalidate the federal procurement law. Under this program neither USDA nor OGS has procured any product. Schools must continue to properly procure unprocessed produce.
  - A geographic preference may be used to encourage the purchase of locally grown and raised products. This preference does not eliminate the requirement for procurements to be conducted in a manner that allows for maximum free and open competition. While the final rule of the geographic preference option states, *when procuring local, unprocessed agricultural products, the discretion to define the local area for any geographic preference is left to the institution responsible for procurement*, “local” must not be defined in a manner that unnecessarily restricts competition. Questions regarding the procurement process should be directed to New York State Education Department at: <http://portal.nysed.gov/portal/page/portal/CNKC> or (518) 473-8781. In addition, the USDA Food and Nutrition Service website has extensive information regarding the procurement of local foods at: <https://www.fns.usda.gov/farmtoschool/procuring-local-foods>
  - SFAs may use language in the solicitation which provides that: *for vendors to be considered **responsible and responsive**, the **vendor must apply for and be placed on the USDA Eligible Vendor List for the pilot project. Directions** on how to apply for USDA approval as an eligible vendor and be placed on the Eligible Vendor List should also be included in the solicitation.*
  - Schools may leverage existing contracts should their produce vendor already be on the USDA approved vendor list. All schools participating in the pilot should have a **payment clause** in the **contract** that states: *An awarded vendor approved to participate in the USDA Pilot Project for the Procurement of Unprocessed Fruits and Vegetables will also deliver eligible orders to participants as per this bid; invoices for delivered products will reflect bid pricing and be submitted to the USDA, Agricultural Marketing Service for payment as described in the Eligible Vendor Requirements of the pilot.*
2. Once you have verified that your successful bidder is indeed on the approved vendor listing, you may then schedule delivery of your Pilot produce. At the time of delivery, school staff must inspect all products noting count of product received and any issues with quality and/or

condition of the products. Schools will need to sign the delivery invoice and obtain a copy of the invoice from the driver. This is your copy for reconciliation purposes and should not be sent to your business office for processing or payment.

- Schools will receive an e-mail from their vendor within 24 hours confirming their delivery including any discrepancies at time of delivery. This information will be in the form of a spreadsheet.
- Schools must **verify** their invoices by responding to the vendor by e-mail within 24 hours. Vendors will then submit this invoice data to USDA AMS for payment. USDA AMS will make payment and e-mail all parties including schools when payment is made to the vendor.
- Should there be discrepancies at this point, schools will need to respond to the vendor by e-mail within 24 hours with any issues. The vendor will then correct any discrepancies and return a corrected invoice spreadsheet to the school by e-mail.
- Should the school and vendor not come to an agreement, the invoice will be paid by the school out of their commercial account.

3. Please be advised that you are responsible for monitoring the balance of your Pilot entitlement. You should maintain a spreadsheet containing, at a minimum, the following data: vendor name; building name delivered to; invoice number; delivery date; produce received; and total cost. Do not spend more than your Pilot set aside. Failure to properly monitor your pilot funds may put your other USDA food orders at risk and/or your ability to participate in the pilot program over upcoming school years.

**Please sign and return this form** by email to [ogsdonatedfoods@ogs.ny.gov](mailto:ogsdonatedfoods@ogs.ny.gov) or fax to (518) 486-5660. This form may be submitted by mail to: OGS Food Distribution, Empire State Plaza, Corning Tower, Room 2978, Albany, NY 12242.

RA Code: \_\_\_\_\_ (RA Code is a letter and three numbers – i.e. A001.)

School Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_