



Brabeion Academy

Policy 7000s: Financial Management

BRABEION ACADEMY

7400

Miscellaneous Procurement Standards

Procurement Generally

When making purchases with federal funds, the Charter School will follow its procurement policies and procedures which reflect applicable State and local laws and regulations, provided that the procurement practice also conforms to applicable Federal law and the standards identified in applicable federal regulations.

Authorization and Control

It is the policy of this Charter School to conduct its purchasing program in a manner to ensure optimum use of School funds. The Board, or its designee, reserves the right to determine what is in the best interest of the School.

Micro-Purchase Procedures

Notwithstanding the process for Administrator-approved purchases outlined in Policy 7405P, when using federal funds, the Administrator or designee may purchase supplies or services using simplified acquisition procedures when making aggregate purchases of \$10,000 or some amount less than \$10,000, and when making such purchases shall otherwise comply with all applicable Charter School purchase order procedures.

Simplified Acquisition Procedures

When procuring goods or services, whether with federal or state funds, the Charter School shall comply with all requirements and applicable Idaho law. For purchases less than the federal Simplified Acquisition Threshold (currently \$150,000), the Board may adopt small purchase procedures which do not otherwise conflict with applicable Idaho law. Absent such Policy, all purchases for amounts less than the simplified Acquisition Threshold, shall comply with applicable Idaho law.

Cooperative Purchasing

The Charter School may cooperatively enter into contracts with one or more districts to purchase materials necessary or desirable for the conduct of the business of the School provided that the

purchasing cooperative follows State purchasing and federal procurement requirements.

Personnel Conflicts of Interest

No employee will make any purchase or incur any obligations for or on behalf of the Charter School from any private business, contractor, or vendor in which or with which the employee has a direct or indirect financial or ownership interest.

Purchases or contracted services from any private business or venture in which any employee of this School has a direct or indirect financial or ownership interest will be made on a competitive bid basis strictly in accordance with the following procedures:

1. The interested employee, the business, the contractor, or the vendor will fully disclose, in writing, the employee's exact relationship to the business, the contractor, or the vendor;
2. The affected business, the contractor, or the vendor may submit a bid in compliance with the specifications outlined by the School;
3. The interested employee will not be involved in any part of the bidding process, including but not limited to, preparing specifications, advertising, analyzing, or accepting bids; and
4. This policy will apply to any organization, fund, agency, or other activity maintained or operated by the School.

No employee will solicit gifts, gratuities, favors, prizes, awards, merchandise, or commissions as a result of ordering any items or as a result of placing any purchase order with a business, contractor, or vendor on behalf of the Charter School nor accept anything of monetary value from a business, contractor, or vendor except for unsolicited gifts of \$50 or less in value.

Violations

Any Charter School officer, employee, or agent who violates this policy may be subject to disciplinary action, including but not limited to a fine, suspension, or termination. Violations of law shall be referred to the local, State, or federal authority having proper jurisdiction.

Cross Reference:

7218 Federal Grant Financial Management System 7235 Fiscal Accountability and IDEA Part B Funds
7237 Retention of Records Relating to Federal Grants 7320 Allowable Uses for Grant Funds

7320P1 Determining Necessity and Reasonableness of Expenses 7400P2 Procurement Methods Under a Federal Award

7405 Public Works Contracting and Procurement

7407 Public Procurement of Goods and Services

7408 Entering into Professional Service Contracts

I.C. § 18-1351 Bribery and Corrupt Practices – Definitions

I.C. § 33-316 Cooperative Contracts to Employ Specialized Personnel and/or Purchase Materials

Legal Reference:

I.C. § 74-401 et seq. Ethics in Government

2 C.F.R. § 200.67 Micro Purchase

2 C.F.R. § 200.88 Simplified Acquisition Threshold

2 C.F.R. § 200.317 Procurement by States

2 C.F.R. § 200.318 General Procurement Standards

2 C.F.R. § 200.320 Methods of Procurement to be Followed

Policy History

Adopted on: May 29, 2026

Revised on:

Reviewed on: May 29, 2026



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Procurement for Child Nutrition Programs Under Federal Grants

The Food Service Manager shall be responsible for retaining information related to the procurement for child nutrition programs under federal grants, including clear and accurate descriptions of the goods or services being procured, the actions taken to procure the goods or services, and any other necessary information to show that the correct bidder was selected. This shall include email correspondence or a short memo describing:

1. What specifications were provided to the vendor, including clear and accurate descriptions of technical requirements;
2. What kind of requirements, if any, were placed on firms to qualify, such as experience or bonding or a requirement that agricultural and food products must be produced and processed in the United States;
3. The quotes received (company, date, price, and other pertinent details); and
4. Whom the procurement was awarded to.

For these purchases, the Charter School shall comply with the purchasing requirements provided by State law, unless local or federal law imposes more restrictive thresholds than State law. For purchases of up to \$3,500, no bidding or quotes shall be required and that purchases shall be spread equitably among qualifying vendors. For purchases from over \$3,500 to \$24,999, the Charter School shall obtain quotes from three sources if possible, and in any case no less than two sources. For purchases of \$25,000 to \$49,000 and purchases of \$50,000 and up, the Charter School shall comply with the requirements stated in Policy 7407. The Charter School shall perform a cost or price analysis prior to making any procurement of \$50,000 or more. This shall include making independent estimates before receiving bids or proposals.

The Charter School shall not acquire unnecessary or duplicative items.

Small, Minority, and Women's Business Enterprises

The Charter School shall take the affirmative steps required by 2 CFR 200.321 to assure that small, minority, and women's businesses enterprises and labor surplus firms are used when possible. These steps include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation

- lists;
2. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
 3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency or Department of Commerce; and
 6. Requiring the prime contractor, if subcontracts are permitted, to take the affirmative steps listed above.

Legal Reference:

2 C.F.R. § 200.318(d) General Procurement Standards

2 C.F.R. § 200.321 Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms

2 C.F.R. § 200.323(a) Contract Cost and Price

7 C.F.R. § 210.19(e) Additional Responsibilities

I.C. § 67-2806 Procuring Services or Personal Property

Policy History

Adopted on: May 29, 2026

Revised on:

Reviewed on: May 29, 2026



Brabeion Academy

Policy 7000s: Financial Management

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7400P1

Procurement Under a Federal Award

In addition to its other policies and procedures regarding procurement, the Charter School shall adhere to the following requirements when making procurements under a federal award. The School shall:

1. Ensure that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be produced, and set forth those minimum essential characteristics and standards to which the material, product, or service must conform. The Charter School will identify all requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals.
2. Prohibit the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in cases where applicable federal statutes expressly mandate or encourage geographic preference. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract
3. Provide a written method for conducting technical evaluations of the proposals received and for selecting recipients, including factors considered for the evaluation, who performs the evaluation, the number of evaluations performed, the timeframe for conducting any evaluations, and the selection of a vendor and whether another position reviews the evaluation.
4. Maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
5. Avoid acquiring unnecessary or duplicative items;
6. Consider consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach.
7. Maintain a list of prequalified persons, firms, or products which are used in acquiring goods and services, and include enough qualified sources to ensure maximum open and free competition.
8. Award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
9. Maintain records sufficient to detail the history of procurement. These records will include:
 - A. Rationale for the method of procurement;
 - B. Selection of contract type;

- C. Contractor selection or rejection; and
 - D. The basis for the contract price.
10. The use of a time and materials type contract is prohibited unless the Charter School determines that no other contract is suitable. Time and materials type contract means a contract whose cost to a school is the sum of:
 - The actual cost of materials; and
 - The direct labor hours charged at hourly rates that reflect wages, general and administrative expenses, and profit.
 11. Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. When this type of the contract is used, it will include a ceiling price that the contractor exceeds at his or her own risk. The Charter School will assert a high degree of oversight over such contracts in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.
 12. The Charter School will adhere to any additional procurement rules as applicable to specific federal programs, such as federal child nutrition programs.

Legal Reference:

2 C.F.R. §§ 200.300 et seq. Subpart D – Post Federal Award Requirements.

Policy History

Adopted on: May 29, 2026

Revised on:

Reviewed on: May 29, 2026



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7400P2

Miscellaneous Procurement Standards

Documented Procurement Programs

The Charter School shall maintain and use documented procedures for procurement transactions under a federal award or subaward, including for acquisition of property or services. These document procurement procedures must be consistent with state, local, and tribal laws and regulations and the standards identified in 2 CFR 200.318 through 200.327.

Informal Procurement Methods

Micro purchases are defined as a transaction with an aggregate purchase value less than or equal to the Charter School's chosen micro purchase threshold. The Charter School's micro purchase threshold is \$10,000, unless the Charter School has self-certified a higher micro purchase threshold of up to \$50,000 with the State Department of Education. Self-certification must be done annually to remain in effect and must be documented based on internal controls, the Charter School's evaluation of risk, and documented procurement procedures. This documentation shall be made available to the federal agency responsible for the grant, the State Department of Education, and auditors as described in 2 CFR 200.334. The self-certification shall also include:

1. A justification;
2. The specific threshold; and
3. Supporting documentation of:
 - A. A qualification as a low-risk audited according to the criteria in 2CFR200.520 for the Charter School's most recent audit;
 - B. An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or
 - C. A higher threshold is consistent with State law.

Micro purchases may be awarded without soliciting competitive price or rate quotes if the Charter School considers the price reasonable based on research, experience, purchase history, or other relevant information, and maintains documentation to support the choice. To the extent practicable, the Charter School will make an effort to distribute micro purchases equitably among qualified suppliers.

Simplified acquisitions are for transactions whose aggregate value is greater than the micro purchase threshold but not more than the simplified acquisition threshold. The Charter School's simplified

acquisition threshold is \$150,000 or a lower amount determined by the Board based on internal controls, an evaluation of risk, and the Charter School's documented procurement procedures.

Simplified acquisitions require rate or price quotes from an adequate number of qualified sources. The Charter School may exercise judgment on a case-by-case basis to determine how many quotes are considered adequate.

Formal Procurement Methods

Formal procurement methods are required when the aggregate value of a transaction exceeds the simplified acquisition threshold. Formal procurement methods include either the collection of sealed bids or the collection of proposals. Formal procurement methods are competitive and require public notice.

Sealed bidding is used when:

1. A complete, adequate, and realistic specification of the purchase description is available.
2. Two or more responsible bidders have been identified as willing and able to compete for the contract.
3. The procurement lends itself to a firm price contract, and the selection of the final bid is made principally on price.

Sealed bids are publicly solicited from vendors, and a firm fixed price contract is awarded to the responsible bidder whose proposal conforms with all material terms and conditions and is lowest in price.

The following shall be required for sealed bids:

1. Bids must be solicited from an adequate number of qualified vendors, and vendors shall be provided sufficient response time to submit bids.
2. Invitations for bids must be publicly advertised.
3. Invitations for bids must define the items or services with specific information and must include the required specifications for bidders to properly respond.
4. All bids will be opened at the same time and place prescribed in the invitation for bids.
5. Bids will be opened publicly.
6. A firm-fixed-price contract shall be awarded in writing to the lowest responsive bid from a responsible bidder.
7. When specified in the invitations for bids, factors such as discounts, transportation costs, and life cycle costs must be considered in determining which bid is lowest. Payment discounts must only be used to determine the low bid when the Charter School determines that discounts are a valid factor based on prior experience.
8. The Charter School will provide and document a justification for all rejected bids.

Proposals are collected when the aggregate value of the transaction is greater than the simplified acquisition threshold, but conditions are not appropriate for using sealed bids. Proposals can result in a fixed price contract or a cost reimbursement contract.

The following requirements apply to such proposals:

1. Requests for proposals require public notice.
2. All evaluation factors and their relative importance and scoring must be identified.
3. Proposals must be solicited from multiple qualified sources.
4. To the maximum extent practicable, any proposals submitted in response to the public

notice must be considered.

5. The Charter School will have written procedures for technical evaluation and selection of proposals.
6. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the Charter School considering price and other factors.
7. Architectural/engineering professional services shall be selected based on qualifications without consideration of price. Price may only be excluded from consideration for the procurement of architectural/engineering services.

Competitive Proposals

The technique of competitive proposals is normally conducted when more than one source submits an offer, and either a fixed price or cost-reimbursement type contract is to be awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
2. The Charter School must have a written method for conducting technical evaluations of the proposals received and making selections;
3. Proposals must be solicited from an adequate number of qualified sources; and;
4. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.

The Charter School may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. This method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services even if A/E firms are a potential source to perform the proposed effort.

Contract/Price Analysis

The School performs a cost or price analysis in connection with every procurement action, (including contract modifications), in excess of the School's simplified procurement threshold or in excess of \$150,000, whichever amount is lower. A cost analysis generally means evaluating the separate cost elements that make up the total price, while a price analysis means evaluating the total price, without looking at the individual cost elements.

The method and degree of analysis is dependent on the facts surrounding the particular procurement situation; however, the Administrator or designee must come to an independent estimate prior to receiving bids or proposals.

Documentation of all such cost and price analyses shall be kept for three years beyond the current year for review.

Noncompetitive Proposals (Sole Sourcing)

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1. The item is available only from a single source;

2. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
3. The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the Charter School;
4. After solicitation of a number of sources, competition is determined inadequate; or
5. The aggregate amount of the procurement transaction doesn't exceed the micro purchase threshold.

A cost or price analysis will be performed for noncompetitive proposals when the price exceeds \$50,000.

Full and Open Competition

All procurement transactions must be conducted in a manner providing full and open competition consistent with 2 CFR §200.319. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

1. Placing unreasonable requirements on firms in order for them to qualify to do business;
2. Requiring unnecessary experience and excessive bonding;
3. Noncompetitive pricing practices between firms or between affiliated companies;
4. Noncompetitive contracts to consultants who are on retainer contracts;
5. Organizational conflicts of interest;
6. Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
7. Any arbitrary action in the procurement process.

Legal References

2 CFR § 200.317 Procurement by States
2 CFR § 200.318 General Procurement Standards
2 CFR § 200.320 Methods of Procurement to be Followed
2 CFR § 200.67 Micropurchase
2 CFR § 200.88 Simplified Acquisition Threshold
IC § 18-1351 et seq. Bribery and Corrupt Practices – Definitions
IC § 33-316 Cooperative Contracts to Employ Specialized Personnel and/or Purchase Materials
IC § 74-401 et seq. Ethics in Government

Code

7235 Fiscal Accountability and IDEA Part B Funds

7237 Retention of Records Relating to Federal Grants

7320 Allowable Uses for Grant Funds

7405 Public Works Contracting and Procurement

7407 Public Procurement of Goods and Services

7408 Entering into Professional Service Contracts

Policy History

Adopted on: May 29, 2026

Revised on:

Reviewed on: May 29, 2026



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7400P3

Requirements and Restrictions for Procurement Under a Federal Award - Competition

The following shall be required in the case of procurement under a federal grant to ensure adequate competition.

Geographical Preferences Prohibited

The School shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

Buy American and School Meals

When making purchases for the School's lunch program, the School shall, to the maximum extent practicable, purchase domestic commodities or products.

For the purposes of this procedure, "domestic commodity or product" shall mean:

1. An agricultural commodity that is produced in the United States; and
2. A food product that is processed in the United States substantially using agricultural commodities that are produced in the United States.

Additionally, the School shall require school meal program suppliers to attest that their final food products are either 100% domestic commodities or a food product containing over 51% domestic food components, by weight or volume.

Exceptions to this Buy American requirement may be made when the School determines that:

1. The food or food product is not produced or manufactured in the United States in sufficient or reasonably available quantities of a satisfactory quality; or
2. Competitive bids reveal the cost of a United States food or food product is significantly higher than the non-domestic product.

When such an exception is made, the Superintendent or his or her designee shall document such exceptions.

Prequalified Lists

The School shall ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the School shall not preclude potential bidders from qualifying during the solicitation period.

Solicitation Language

The School shall ensure that all solicitations incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible.

When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers shall be clearly stated; and identify all requirements which the offers must fulfill and all other factors to be used in evaluating bids or proposals.

Contracting with Small and Minority Businesses and Women’s Business Enterprises

When soliciting goods and services on projects that will use federal funds, the School shall comply with the following requirements for the purpose of ensuring small business, minority- owned businesses and women’s business enterprises are to be used whenever possible:

1. Place qualified small and minority businesses and women’s business enterprises on its solicitation lists;
2. Assure that small and minority businesses, and women’s business enterprises are solicited and notified whenever they are potential sources of the needed goods or services;
3. Divide the total requirements of a project, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises;
4. Establish reasonable delivery schedules, where the project requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises;
5. Consult the services, assistance, and information, as appropriate, of qualified organizations such as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Require a project’s prime contractor, if subcontracts are to be let, to take the affirmative steps listed in the numbered list above.

Legal References:

2 C.F.R. 200.319 Competition.

2 C.F.R. 200.321 Contracts – Minorities, Women and Small Businesses.

Policy History

Adopted on: May 29, 2026

Revised on:

Reviewed on: May 29, 2026



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7400P4

Requirements and Restrictions for Procurement Under a Federal Award - Competition

Contractor Oversight

The Charter School shall maintain oversight to ensure that its contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

Conflict of Interest

The following standards of conduct define conflicts of interest and shall govern the performance of employees engaged in the selection, award, and administration of contracts:

1. No Charter School employee, officer, agent or Board Member may participate in the selection, award, or administration of a contract supported by a federal award if they have a real or apparent conflict of interest. Such a conflict of interest is present when the employee, officer, or agent, any member of their immediate family, their partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm or person considered for a contract.
2. Charter School officers, employees, and agents of the non-federal entity must neither solicit nor accept gratuities, favors, nor any service or item exceeding \$50 in value from any contractors or subcontractor. Any Charter School employee, who solicits any gift, or who accepts an unsolicited gift with a value exceeding \$50, shall be subject to disciplinary action up to and including termination. Any Charter School officer or agent shall be immediately terminated or separated from Charter School service.
3. Any subrecipient of the Charter School that is not a state, local government, or Indian tribe shall also maintain written standards of conduct covering organizational conflicts of interest. For the purposes of this policy, organizational conflicts of interest are when a recipient of subrecipient is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization due to relationships with a parent company, affiliate, or subsidiary organization.

Efficient Purchases

The Charter School shall use all resources and assets effectively and efficiently. Accordingly, prior to any purchase request, the requestor shall evaluate the need for the item, and shall ensure that the acquisition of unnecessary or duplicative items is avoided. In addition to the previous requirements, whenever feasible, consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Finally, where appropriate, an analysis will be made of lease versus purchase alternatives, and any similar analysis of alternatives to determine the most economical approach.

1. To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the federal government, the Charter School shall endeavor to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.
2. The Charter School shall endeavor to use federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.
3. The Charter School shall endeavor to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.
4. The Charter School shall award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.
5. The Charter School shall maintain records sufficient to detail the history of procurement. These records shall include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
6. The Charter School may use time and material type contracts only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and material type contract means a contract whose cost to the Charter School is the sum of:
 - The actual cost of materials; and
 - Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

This formula generates an open-ended contract price; a time-and materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract shall set a ceiling price that the contractor exceeds at its own risk. Further, the Charter School shall assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

7. The Charter School alone shall be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the Charter School of any contractual responsibilities under its contracts. Violations of law shall be referred to the local,

state, or federal authority that has proper jurisdiction.

Legal Reference:

2 C.F.R. § 200.318 General Procurement Standards

Policy History

Adopted on: May 29, 2026

Revised on:

Reviewed on: May 29, 2026



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7403

Procurement for Goods and Services for School Meal Programs

When making purchases related to the Charter School federally funded school breakfast and lunch programs, the School shall adhere to the following requirements in addition to any more restrictive requirements imposed by other applicable policies.

Micro Purchases (\$10,000 or Less)

The Charter School shall, to the extent practicable, distribute micro purchases equitably among qualified suppliers. Micro purchases may be awarded without soliciting competitive quotes if the School considers the price to be reasonable. The School shall maintain evidence of this reasonableness with the records of any such purchase.

Small Purchase Procedures (\$10,000 to \$100,000)

Before making a small purchase, the Charter School shall obtain quotes from vendors. When possible, three quotes should be obtained, and in all cases at least two quotes will be obtained. These quotes may be provided verbally and shall be documented by the School.

Informal Bidding (\$100,000 - \$250,000)

The Charter School shall issue a written request for bids for any purchase subject to semi-formal bidding requirements. This request describing the goods or services desired shall be provided to at least three vendors. Unless there is an emergency, the School shall grant the vendors three days to provide a written response. In all cases, the vendors shall have one day to submit any objections.

Formal Bidding (\$250,000 and Above)

At least two weeks before the bid opening, the Charter School shall publish notice of the request for bids. The School shall make bid specifications available upon request and will accept written objections. The School may, at its discretion, request a security or bond from vendors submitting bids.

All bids shall be publicly opened at the time and place prescribed in the invitation for bids.

The purchase shall be made pursuant to an open competitive sealed bid process. The procurement shall be made from the qualified bidder submitting the lowest bid price complying with bidding procedures

and meeting the specifications for the goods and/or services sought to be procured.

The contract shall be:

1. A firm fixed price contract and may specify a lump sum or a per unit price;
2. A cost-reimbursable contract; or
3. Established by line item bidding.

The Charter School may reject any bid if there is a sound and documented reason to do so.

Legal References:

2 CFR § 200.319 Competition

2 CFR § 200.320(a) and (b) Methods of Procurement to be Followed

2 CFR § 200.67 Micro-purchase

I.C. § 67-2806 Procuring Services or Personal Property

Policy History

Adopted on: May 29, 2026

Revised on:

Reviewed on: May 29, 2026



Brabeion Academy

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7403P1

Code of Conduct for Child Nutrition Programs

Pursuant to 2 CFR 200.318 (c) (1), a code of conduct will be expected of all persons who are engaged in the awarding and administration of contracts supported by USDA Food and Nutrition Program Funds. The written standards of conduct must comply with the federal rule. At a minimum, the standards should include:

1. No employee, officer or agent of the **Brabeion Academy** shall participate in the selection or in the award or administration of a contract supported by program funds if a conflict of interest, real or apparent, would be involved.

Conflicts of interest arise when one of the following has a financial or other interest in the firm selected for the award or in any tangible personal benefit offered by the firm:

- a. The employee, officer, or agent;
 - b. His or her partner;
 - c. Any member of his or her immediate family;
 - d. An organization which employs or is about to employ one of the above.
2. The **Brabeion Academy** employees, officers, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, political contractors, or parties to sub-agreements. Trivial benefits not to exceed a value of fifty dollars (\$50.00) incidental to personal, professional or business contracts and involving no substantial risk of undermining official impartiality may be permitted.
 3. Penalties for violations of the standards of code of conduct of the **Brabeion Academy's** Child Nutrition Program may include any or all of the following:
 - a. Reprimand or other disciplinary action by Board or Business Owner
 - b. Dismissal by Board or Business Owner
 - c. Additional legal action necessary

The non-Federal entity must maintain a written code of standards of conduct; establish procurement

procedures and all procurement transactions shall be conducted in a manner that provides the maximum of free and open competition. These procedures must reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in 2 CFR 200.318. An institution should not knowingly do business with a company that is debarred or suspended.

This institution is an equal opportunity provider.

Idaho State Department of Education-CNP Revised: December/2015

Policy History

Adopted on: May 29, 2026

Revised on:

Reviewed on: May 29, 2026