



United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
Center Drive
Alexandria, VA
22302-1500

SUBJECT: School Districts and Federal Procurement Regulations

TO: Regional Director
Special Nutrition Programs
All Regions

Enclosed is a letter from Mr. Marshall Matz dated July 11, 2001, regarding school districts compliance with federal procurement regulations. Mr. Matz is concerned that serious violations of these regulations may be occurring in the procurement of computer software used in school meal programs. Specifically, Mr. Matz addresses school districts issuing procurement documents drafted by potential bidders.

Please remind State agencies that the Department's regulations prohibit awarding contracts to any entity that develops or drafts specifications, requirements, statements of work, invitations for bids, requests for proposals, contract terms and conditions or other documents. While schools have broad discretion in gathering information for use in connection with procurements, information from potential bidders must be appropriately modified to develop tailored specifications, otherwise these bidders must be excluded from competing for such procurements.

Please advise State agencies to carefully review school districts compliance with these federal regulations and take appropriate action. If you have any questions, please contact Terry Hallberg at (703) 305-2600.

A handwritten signature in cursive script that reads "Stanley C. Garnett".

STANLEY C. GARNETT
Director
Child Nutrition Division

Attachment