

Code of Conduct and Procurement Procedures Checklist For Child Nutrition Program Sponsors

Background

Title 2, *Code of Federal Regulations* (2 CFR), Part 200, requires all Child Nutrition Programs (CNP) to develop and maintain a written code of conduct, and procurement procedures.

Purpose

The purpose of this checklist is to provide Child Nutrition Program Sponsors with a list of components to consider for inclusion in procurement documents. Please note that while a Sponsor may not include some of the components listed below in their written code of conduct and procurement procedures, there may be other procurement documents in which certain components are required. The Michigan Department of Education (MDE) recommends that Sponsors consult with their local legal counsel to determine which components are required for your procurement documents. Sponsors must retain all procurement documents to ensure they are available upon request by the MDE.

Code of Conduct

- Conflicts of Interest, Disciplinary Action, and Gratuities, Favors, or Gifts (2 CFR 200.318 (c)(1))
- Organizational Conflicts of Interest (2 CFR 200.318 (c)(2))

Procurement Procedures

- General Procurement (2 CFR 200.318)
- Competition (2 CFR 200.319)
- Methods of Procurement (2 CFR 200.320)
- Small and Minority Businesses and Women's Business Enterprises (2 CFR 200.321)
- Cost and Price Analysis (2 CFR 200.324)
- Availability of Documents for Review (2 CFR 200.325)
- Contract Provisions (2 CFR 200.327, 2 CFR Appendix II)
- Buy American (7 CFR, sections 210.21(d) and 220.16(d))

Questions and Answers

Where can Sponsors get additional information?

For further guidance on the written code of conduct requirements and procurement procedures, refer to the following documents:

- 2 *CFR*, sections [200.318–200.327](#)ⁱ on the Electronic [Code of Federal Regulations](#)ⁱⁱ.
- [USDA Policy Memo SP 38-2017](#)ⁱⁱⁱ Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program (NSLP), and [USDA Policy Memo SP 23-2024](#)^{iv} Buy American Provision Related to the Final Rule Titled, *Child Nutrition Programs: Meal Patterns Consistent with the 202-2025 Dietary Guidelines for Americans*.
- Michigan Revised School Code Section [380.1267](#)
- Michigan Revised School Code Section [380.1274](#)

Are Child Nutrition Program Sponsors required to have a Procurement Policy?

[Michigan Legislature – Section 380.1274](#) states “The board of a school district or board of directors of a public-school academy shall adopt written policies governing the procurement of supplies, materials, and equipment.”

For Non-School Sponsors, that organization’s governing board may direct the organization to have a Procurement Policy.

ⁱ <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45d4419ad436d>

ⁱⁱ <https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1>

ⁱⁱⁱ <https://www.fns.usda.gov/nslp/compliance-enforcement-buy-american>

^{iv} <https://fns.usda.gov/cn/buy-american-provisions>