

PINCO EXECUTIVE COMMITTEE MEETING

JUNE 8, 2017

10:00AM

PINCO ADMINISTRATIVE OFFICES

44809 BEECH AVENUE

LANCASTER, CA 93534



**MINUTES 10:07 AM**

**1. SIGN-IN: See Sign-in Sheet**

**2. ADOPTION OF AGENDA**

Adoption of June 8, 2017 Executive Committee Meeting Agenda.

**MOTION: PANAMA BV SECONDED: BAKERSFIELD CITY PASSED**

**3. ADOPTION: EXECUTIVE COMMITTEE MEETING MINUTES OF MAY 10, 2017.**

**MOTION: PALMDALE SECONDED: WESTSIDE PASSED**

**4. ADOPTION: EXECUTIVE COMMITTEE MEETING MINUTES OF MAY 16, 2017, WITH REMOVAL OF TEXT OF ITEM 4. (Agenda to remain as is).**

**MOTION: PALMDALE SECONDED: PANAMA BV PASSED**

**5. PUBLIC COMMENTS FROM THE FLOOR:**

Public Business from the Floor – Agendized Items and Non-Agendized Items: The public is invited to address items on the PINCO Agenda or any item that is within PINCO's jurisdiction as constituted. Without taking action or entering into a dialog with the public, PINCO Board members may briefly respond to statements made or ask clarifying questions about topics not on the PINCO agenda. Individual speakers are limited to three (3) minutes each with the total time for public input on each item limited to fifteen (15) minutes. All persons requesting to make comments are asked to complete a public speaking form prior to the meeting. You will be asked to provide your full name, who or what you are representing and the topic as an item identified on the agenda or as a non-Agendized item.

**6. REVIEW-RECOMMENDATION: PINCO PROCUREMENT CODE OF CONDUCT**

Background: At the April 14, 2016 Executive and Advisory Committee meetings, PINCO Member Districts received a proposed PINCO Procurement Code of Conduct from the Lead Agency in response to USDA/CDE issued guidelines on procurement standards. In fulfilling its responsibilities, Lead Agency will comply in maintaining PINCO's operational fidelity under the proposed protocol. In support of PINCO Member District's sponsorship of the National School Lunch Program and USDA guidelines, the Lead Agency recommends adopt/adhere to the proposed PINCO Code of Conduct.

**Motion to bring PINCO's Code of Conduct and Procurement Procedures to the first executive committee meeting in September for review.**

**MOTION: BAKERSFIELD CITY SECONDED: PANAMA BV PASSED**

**7. REVIEW: PROPOSAL(S) OF PINCO FLOOR REPAIR**

Background: Review of proposals provided by Lead Agency to repair freezer floor. In consideration of current inventories and in advance of 2017-2018 opening orders, the Lead Agency requests Executive Committee forward a recommendation to PINCO Advisory Committee and Lead Agency in next-steps and budgeting for this project.

**Motion was made to send out a simple RFQ for scope of work, warranty, timeline, and spec of product, along with references.**

**MOTION: PANAMA BV    SECONDED: GREENFIELD                      PASSED**

**“Futures” committee had a meeting at which it was decided Anne Lerma will be lead. In Anne’s absence, Jennifer Davis reported the group did a “walk- through” of the walk-in with Petra CPS, Concrete Contractor. There was extensive damage to the floor from fork lift traffic in the main drive-ways since repairs were made in January of 2015.**

**8. DISCUSSION: WAREHOUSE INSPECTIONS**

Background: At the May 18, 2017 Advisory Committee meeting, Members approved facility walk-throughs prior to scheduled PINCO meetings. The June 15, 2017 Advisory Committee meeting will be the first opportunity to have Regions divide the Service Center from the Futures Sub-committee form. Any identified issue(s) will be prioritized/addressed accordingly.

**INFORMATION ONLY**

**It was decided to break for 10 minutes during each Advisory Committee meeting for regions to conduct warehouse inspections.**

**9. DISCUSSION: TYSON AT ANC AND TYSON UNIVERSITY**

Background: Tyson recently contacted the Lead Agency wanting PINCO Member Districts to attend a round-table discussion at the upcoming School Nutrition Association conference in Atlanta July 8-12 to discuss product and menu options. Additionally, Tyson has presented an opportunity for two-three Member Districts to attend Tyson University. The four day experience involves a tour of the Tyson campus in Springdale Arkansas in addition to attending workshops and meetings involving government regulations, procurement, and product development (qualifying as hours toward USDA professional development). The Lead Agency will survey Member Districts attending ANC in July with interest in participating in the round-table and recommends the Executive Committee select two Member Districts to accompany the Lead Agency October 24- 27, 2017 for this experience.

**MOTION: PANAMA BV    SECONDED: WESTSIDE                      FAILED**

**Lead Agency will request Tyson schedule one-day training sessions in at least two PINCO regions to provide more Member Districts/Staff with the opportunity to learn more about the processor.**

**10. REPORTS FROM LEAD AGENCY & PINCO SUB-COMMITTEES**

None

**11. REPORTS/COMMENTS FROM EXECUTIVE COMMITTEE MEMBERS**

None

**12. UPCOMING MEETING DATES:**

**2016-2017 Advisory Committee**

June 15, 2017	PINCO Service Center, Bakersfield	Year-End General Session
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**13. ADJOURN:**

**MOTION: PALMDALE                      SECONDED: PANAMA BV**

**PINCO EXECUTIVE COMMITTEE MEETING  
 PINCO ADMINISTRATIVE OFFICES  
 JUNE 8, 2017  
 SIGN IN SHEET**

<b>MEMBER DISTRICT</b>	<b>REPRESENTATIVE</b>
ACTON-AQUA DULCE USD	
ALISAL USD	
AVUHSD	<i>Joe Cole Espinoza</i>
ARVIN USD	
BAKERSFIELD CITY SD	<i>Brenda Roberson</i>
BARSTOW USD	
BEARDLSEY SD	
BIG PINE SD	
BISHOP UESD	
DELANO ELEM SD	
DELANO HS DISTRICT	
EARLIMART SD	
EASTSIDE USD	<i>Arto M... Barbara Han</i>
EDISON SD	
EL TEJON USD	
FAIRFAX SD	
GREENFIELD USD	
KEPPEL USD	<i>Ruthie C. Lutz</i>
KERN COUNTY SUPT	
KERNVILLE USD	
LAMONT SD	
LANCASTER SD	
LONE PINE SD	
LOST HILLS SD	
MC FARLAND SD	
MOJAVE SD	
NORRIS SD	
PALMDALE SD	<i>Pat... Melinda JD</i>
PANAMA-BUENA VISTA SD	
RICHLAND SD	
SOUTH FORK USD	
STANDARD SD	<i>Mougherty</i>
TAFT CITY SD	
TEHACHAPI USD	
VINELAND SD	
WASCO ELEM SD	<i>Dee Heffner</i>
WASCO UHSD	
WESTSIDE USD	
WILLIAM S. HART UHSD	
WILSONA SD	<i>...</i>



# **Partners In Nutrition Cooperative Procurement Code of Conduct**

In accordance with the general procurement standards in Title 2, *Code of Federal Regulations (2 CFR)*, Section 200.318(c), the Partners In Nutrition Cooperative (PINCO) has developed written standards of conduct to ensure no violation of regulations and to limit potential personal and organizational conflicts of interest. The following written standards govern the actions of PINCO employees, Officers and Member Districts engaged in the selection, award and administration of contracts funded by federal awards. The aforementioned shall be bound by the following code and shall:

1. Avoid the intent and appearance of unethical or compromising practice in relationships, actions, and communications;
2. Diligently follow all lawful instructions while using professional judgment, reasonable care, and exercising only the authority granted;
3. Conduct all purchasing activities in accordance with the laws, while remaining alert to and advising PINCO Member Districts regarding the legal ramifications of the purchasing decisions;
4. Refrain from any private or professional activity that would create a conflict between personal interests and the interests of PINCO;
5. Identify and strive to eliminate participation of any individual in operational situations where a conflict of interest may be involved;
6. Never solicit or accept money, loans, credits, or prejudicial discounts, and avoid the acceptance of gifts, entertainment, favors, or services from present or potential suppliers which might influence or appear to influence purchasing decisions;
7. Promote positive supplier relationships through impartiality in all phases of the purchasing cycle;
8. Display the highest ideals of honor and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the public being served;
9. Ensures, to the maximum extent possible, that domestically produced and processed (Buy American) foods are purchased?
10. Geographical preference may not be so restrictive as to limit the number of qualified firms that may compete for the contract.
11. Provide an environment where all business concerns, large or small, majority- or minority-owned, are afforded an equal opportunity to compete for PINCO's business; and

12. Enhance the proficiency and stature of the purchasing profession by adhering to the highest standards of ethical behavior for the good of the cooperative and its Member Districts.

### **Procurement Standards**

PINCO conducts all procurement transactions in a manner that allows full and open competition consistent with the standards stated in 2 *CFR*, Section 200.319. To ensure objective vendor performance and eliminate any unfair competitive advantage, vendors that develop or draft specifications, requirements, statements of work, invitations for bid (IFB), or requests for proposal (RFP) must be excluded from competing for the bid (2 *CFR*, Section 200.319[a]).

Actions that restrict 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. Conducting noncompetitive pricing practices between firms or between affiliated companies.
4. Awarding noncompetitive contracts to consultants who are on retainer contracts.
5. Allowing organizational conflicts of interests.
6. Specifying brand name product instead of allowing an equal product to be offered by describing product performance or other relevant requirements.
7. Engaging in any arbitrary action during the procurement process such as awarding a contract without valid reason to a vendor that did not rank first or lowest in price according to the agency's evaluation criteria when awarding a contract.

### **Incentives**

Incentives that may serve to induce or influence an employee engaged in the selection, award, or administration of contracts may be unlawful. Examples of incentives include, but are not limited to:

- Extra goods or services that were not solicited
- Gifts (such as free merchandise, extra tickets, gift cards)
- Money for scholarships
- Cash
- Points that can be redeemed for merchandise

To avoid noncompliance with federal procurement regulations (including, but not limited to 2 *CFR*, sections 200.318, 200.319, and 400.2) and to prevent bid protests, this written Code of Conduct prohibits PINCO employees, Officers and Member Districts from accepting any incentives offered by a bidder for personal gain.

Incentives solicited by an SFA in the RFP or IFB may be allowable if the incentive or related item benefits PINCO and its Member Districts equally per the conditions of PINCO's Joint Powers Agreement.

When requesting incentives, PINCO ensures:

- All responsive bids or proposals, including those without the requested incentives, must be evaluated
- All requested incentives must exclusively and directly benefit PINCO and its Member Districts; incentives that are retained by PINCO and, or its Member Districts for non-program use, or given to employees or students as a reward for an accomplishment, are not allowed
- Soliciting incentives must not create a barrier to full and open competition
- Eliminating bidders based on the provision of incentives or points programs limits full and open competition by placing unreasonable requirements on those bidders that are unable or unwilling to provide such incentives
- Requesting incentives may reduce the pool of bidders
- Unless all bidders can offer the solicited incentives, PINCO may not score the solicited item as part of the evaluation criteria
- Bids and proposals that include unsolicited incentives are considered overly responsive and PINCO is required to disqualify overly responsive bids, especially if it causes a material change to the RFP

### **Consequences**

Pursuant to 7 *CFR*, Section 210.19(a) (4), the California Department of Education (CDE) is required to investigate complaints received or irregularities noted in connection with the operation of the food service program.

This requirement extends to the performance of individuals and organizations engaged in contract solicitation, award, and administration. The CDE's oversight and monitoring of PINCO's procurement activities includes a review of PINCO's written Code of Conduct and, when necessary, investigations of reported real or apparent conflicts of interest. If a CDE investigation reveals that PINCO Employees, Officers or Member Districts violated their Code of Conduct, the CDE will issue a finding of noncompliance and require PINCO to take corrective action. Consequences for failure to comply with federal regulations are outlined in 2 *CFR*, sections 200.338 (Remedies for Noncompliance) and 200.339 (Termination), and may include temporary withholding of USDA entitlement, suspension of program funding, denial of all or part of the cost of the noncompliant activity, and/or other remedies to bring PINCO into compliance and termination.

PINCO is familiar with federal, state, and local laws regarding the misuse of public funds that could lead to other consequences, including civil or criminal penalties, lawsuits, and bid protests that may also result in public mistrust. PINCO Employees, Officers and Member Districts shall be responsible for ensuring that their procurements and contracts comply with all applicable laws, program instructions, and guidance materials, and will consult their legal counsel regarding any proposed procurement methods or contract language.

**References:**

U.S. Department of Agriculture Policy Memorandum SP 09-2015, CACFP 03-2015, SFSP 02-2015: Written Codes of Conduct and Performance of Employees Engaged in Award and Administration of Contracts  
Title 2, *Code of Federal Regulations*, sections 200.318, 200.319, 200.338, and 200.339, and Part 400  
Title 7, *Code of Federal Regulations*, Section 210.24  
California Government Code, sections 87301 and 87302

Written: April 4, 2016



# PINCO WAREHOUSE

## Area Checklist

### REVIEWER INFORMATION

Exec Member:

Date:

Region:

Scribe:

### OFFICE AREA / CONFERENCE ROOM / GROUNDS

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Temp/Sweep Logs       | <input type="checkbox"/> Processed Food Registration Cert | <input type="checkbox"/> No trip hazards        |
| <input type="checkbox"/> Pest Control records  | <input type="checkbox"/> Area around building clear       | <input type="checkbox"/> Office free of clutter |
| <input type="checkbox"/> USDA inspection logs  | <input type="checkbox"/> Grounds free of hazards          | <input type="checkbox"/>                        |
| <input type="checkbox"/> State inspection logs | <input type="checkbox"/> Equipment in working order       | <input type="checkbox"/>                        |

COMMENTS

### COLD SPACE STORAGE

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Floors clean           | <input type="checkbox"/> No ice build up       | <input type="checkbox"/> No trip hazards            |
| <input type="checkbox"/> Product stacked neatly | <input type="checkbox"/> Clear lines of sight  | <input type="checkbox"/> Equipment in working order |
| <input type="checkbox"/> Refrig coils clean     | <input type="checkbox"/> Space between product | <input type="checkbox"/>                            |
| <input type="checkbox"/>                        | <input type="checkbox"/>                       | <input type="checkbox"/>                            |

COMMENTS

### LOUNGE & RESTROOMS

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Appliances clean    | <input type="checkbox"/> Floors clean         | <input type="checkbox"/> TP stocked                 |
| <input type="checkbox"/> Toilets disinfected | <input type="checkbox"/> Paper towels present | <input type="checkbox"/> Equipment in working order |
| <input type="checkbox"/>                     | <input type="checkbox"/>                      | <input type="checkbox"/>                            |
| <input type="checkbox"/>                     | <input type="checkbox"/>                      | <input type="checkbox"/>                            |

COMMENTS

### DRY STORAGE & LOADING DOCKS

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Floors clean           | <input type="checkbox"/> Clear lines of sight  | <input type="checkbox"/> No trip hazards            |
| <input type="checkbox"/> Product stacked neatly | <input type="checkbox"/> Space between product | <input type="checkbox"/> Equipment in working order |
| <input type="checkbox"/>                        | <input type="checkbox"/>                       | <input type="checkbox"/>                            |
| <input type="checkbox"/>                        | <input type="checkbox"/>                       | <input type="checkbox"/>                            |

COMMENTS



# Tyson University Course Agenda

Tyson World Headquarters  
Springdale, Arkansas

Topic	Description	# of Hours
Company Overview	Learn about the extensive history of Tyson Foods, while touring the Tyson Museum and Discovery Center.	1.5
K-12 Insights	Review recent trends and insights within Food Service; specifically the K12 channel from the Tyson Insights Team.	0.5
Government Regulations & Procurement Overview	John Purcell, from K12 Marketing Services, will review the new government regulations and the ever changing landscape of the procurement process.	1.5
Poultry 101	Tyson product management team will discuss all aspects of poultry processing to include: Tyson's Vertical Integration (from feed mill to hatcheries and broiler farms to processing plants) and a robust tour of a Poultry Processing Plant.	2.5
Industry Sustainability	Dr. Christine Daugherty will review everything that Tyson is doing to lead the industry in sustainability efforts.	1
Raising Practices & Clean Labels	Tyson Marketing and Nutritional team will discuss it's current and future state of animal raising practices, and discuss the topic of "cleaner labels".	1
Nutrition & Sensory 101	FSDs will go through an interactive experience to see how new products are launched. Research and Development and Nutrition Team will take guests through new product development cycle showcasing a new upcoming SKU and FSDs will participate in a "mock" sensory panel.	1
Exclusive Product Sampling	Sample the new items being launched across all brands for the upcoming school year. Additionally, see some of the marketing activations that will be launched to support these items.	2.5

<b>Marketing Overview &amp; Resources</b>	See first hand all the marketing resources Tyson has to offer to fully support customers to help grow their ADP.	1
<b>Q&amp;A Collaboration</b>	Interactive session where the FSDs will provide great feedback and ideas of how Tyson can better serve them as customers.	1

**Meals:**

Breakfast will be provided at hotel each day

Lunch will be provided each day at Tyson World Headquarters

3 Dinners (Tuesday through Thursday) will be provided by Tyson at various locations in Northwest Arkansas.

**Travel Arrangements:**

Tyson will cover as much of the expenses (Flight, Lodging, Transportation, Food, etc.) that is allowed.