



STATE OF ALABAMA
DEPARTMENT OF EDUCATION



Eric G. Mackey, Ed.D.
State Superintendent of Education

August 24, 2022

M E M O R A N D U M

TO: Selected County and City Superintendents
Private School Administrators
Residential Child Care Institution Administrators

FROM: Eric G. Mackey *Eric G. Mackey*
State Superintendent of Education

RE: Emergency Procurement Approval for Milk Disruption in Alabama Schools

On August 19, 2022, the Department of Examiners of Public Accounts for the state of Alabama approved the request of the State Superintendent to allow the attached list of National School Lunch Program sponsors to utilize the Child Nutrition Program emergency procurement exemption authorized under Act 2022-264, now appearing as Section 16-13B-2.1, *Code of Alabama*, 1975.

The approved School Food Authorities (SFAs) responded to a request for information by the Alabama State Department of Education (ALSDE) Child Nutrition Program stating they will be impacted by the closing of Borden Dairy that provides 8 oz. cartons of milk for the school breakfast, lunch, and after-school snack programs. This approval allows SFAs up to sixty days (60) to purchase milk through the emergency procedures while completing the competitive bid process to enter into a contractual agreement with a new milk supplier.

Consistent with procurement regulations at 2 CFR 200.318(i), SFAs should retain information, data, and documents, which qualify specific conditions and emergency circumstances resulted in the decision to use the emergency noncompetitive procurement method and the procurement process, itself. Failure to plan for transition to competitive procurement cannot be the basis for continued use of noncompetitive procurement based on exigency or emergency circumstances.

The SFAs should maintain documentation in their procurement files. Documentation must include an explanation of the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

The following items are examples that would support the documentation requirements:

- Documentation showing the distributor, processor, or other supplier cancelled food or supply contracts, deliveries, or orders.
- Documentation showing the distributor, processor, or other supplier is no longer able to provide food as ordered or failed to consistently deliver goods.

In addition, SFAs should retain documentation providing information on the food and supplies (e.g., delivery, processing, other) being procured, including the estimated quantity and dollar value of the emergency procurement; and how the emergency procurement was handled, i.e., obtained through negotiation, phone, email, etc.

Note: Documentation does not need to be specially created for this purpose; materials created as part of the purchase will suffice if they contain the necessary information. Separate documentation is required for each noncompetitive procurement process for one or more items, not just a single item, undertaken by an SFA as a result of a COVID-19 supply chain disruption.

EGM/JA/EH

Attachment

cc: Select Child Nutrition Program Directors

Alabama
State Board
of Education

Governor Kay Ivey
President

Jackie Zeigler
District I

Tracie West
District II
President Pro Tem

Stephanie Bell
District III

Yvette M. Richardson, Ed.D.
District IV

Tonya S. Chestnut, Ed.D.
District V

Cynthia McCarty, Ph.D.
District VI

Belinda McRae
District VII

Wayne Reynolds, Ed.D.
District VIII
Vice President

Eric G. Mackey, Ed.D.
Secretary and
Executive Officer

Location:
401 Adams Avenue, Suite 280
Montgomery, AL 36104-4338



Mailing Address:
P.O. Box 302251
Montgomery, AL 36130-2251
Telephone (334) 242-9200
Fax (334) 242-1775
www.examiners.alabama.gov

Rachel Laurie Riddle
Chief Examiner

August 19, 2022

Eric G. Mackey
Alabama State Superintendent of Education
P.O. Box 302101
Montgomery, AL 36130

RE: Emergency Procurement Request for Milk Disruption in Alabama Schools

Dr. Mackey:

I am in receipt of your request of approval for the National School Lunch Program (NSLP) sponsors in Alabama to utilize the Child Nutrition Program emergency procurement exemption authorized under Act 2022-264, now appearing as Section 16-13B-2.1, *Code of Alabama* 1975, as a result of an unanticipated event causing supply chain disruptions, namely the closing of Borden Dairy milk carton processing plants.

Pursuant to the authority delegated to the Department of Examiners of Public Accounts by Act 2022-264, I am granting your request only for the attached list of school food authorities. As stated in Act 2022-264, this approval is limited to sixty days during which time a contractual agreement for such purchases shall be entered into in compliance with the competitive bid law. If the Department can be of any further assistance, please let us know.

Sincerely,

Rachel Laurie Riddle
CHIEF EXAMINER

RLR/lbm
Attachment

**BORDEN DAIRY MILK DISRUPTION IMPACTING
ALABAMA NATIONAL SCHOOL LUNCH PROGRAM SPONSORS IN SCHOOL YEAR 2022-2023**

School Food Authority (SFA) Name	Milk Vendor	Impact on District	Avg weekly milk usage @.28 cents each	Enrollment
Andalusia City Schools	Borden	Yes	15,500	1866
Auburn City	Borden	Yes	22500	9372
Autauga County	Borden	Yes	9000	8991
Baldwin County Regional Juvenile Detention	Borden Dairy	Yes	700	30
Bessemer City Board of Education	Borden	Yes	5185	3574
Bibb County Schools	Borden Dairy	Yes	20,000	3095
Birmingham Board of Education	Borden's Dairy	Yes	50,000	21285
Breakthrough Charter School	Borden	Yes	2500	164
Bullock County Schools	Borden Dairy	Yes	7000	1461
Butler County	Borden	Yes	13600	2946
Chambers County Board of Education	Borden	Yes	12000	3409
Choctaw County Board of Education	Borden Dairy	Yes	2,500	1076
City of Chickasaw Board of Education	Borden	Yes	2200	1057
Clarke County	Borden Dairy	Yes	5600	2310
Cleburne County	Borden's	Yes	8600	2660
Coffee County Schools	Borden/New Dairy	Yes	9500	2874
Conecuh County Board of Education	Borden	Yes	8500	1125
Coosa County	Borden's	Yes	7000	796
Cornerstone Schools of Alabama	Borden Dairy	Yes	3000	676
Covington County Schools	New Dairy/Borden	Yes	13,500	2978
Crenshaw County BOE	Borden	Yes	12,475	2230
Cullman County Board of Education	Borden	Yes	18,000	9684
Dale County	Bedsole Milk (dist	Yes	22,500	3194
Daleville City	Borden Dairy	Yes	1200	921
Demopolis City Schools	Borden Dairy	Yes	8450	2115
Dothan City Schools	Bedsole Milk Co	Yes	39600	8221
Elba City Schools	Legend Dairy / Bo	Yes	7000	662
Enterprise City Schools	Borden	Yes	22,500	6565
Ephesus Academy	Borden Milk Co.	Yes	125	71
Escambia County Board of Education	Borden	Yes	18,500	4168
Etowah County	Borden	Yes	60,000	8487
Eufaula City Board of Education	Borden	Yes	9000	2373
Fairfield City Schools	Borden	Yes	4500	1707
Fort Rucker Dependent School	Borden	Yes	2600	629
Gadsden City Schools	Borden's	Yes	27,000	4947
Geneva City Schools	Borden	Yes	6550	1224
Geneva County	Borden	Yes	25000	2715
Glenwood Mental Health	Bordon Dairy	Yes	525	58
Gulf Shores City Schools	Borden	Yes	8650	2333
Hale County Board of Education	Borden	Yes	8,000	2325
Haleyville City Schools	Borden Dairy	Yes	3600	1604
Henry County Board of Education	Borden (delivered	Yes	15000	2683
Homewood City School	Borden	Yes	5000	4127
Hoover City Schools	Borden's	Yes	30,000	13577
Jackson County	Borden	Yes	20,000	5257
Jacksonville City Schools	Borden	Yes	8000	1669

**BORDEN DAIRY MILK DISRUPTION IMPACTING
ALABAMA NATIONAL SCHOOL LUNCH PROGRAM SPONSORS IN SCHOOL YEAR 2022-2023**

Jefferson County Schools	Borden	Yes	225000	35807
Jefferson County Youth Detention	New Dairy Holdco	Yes	500	36
Lanett City Schools	Borden	Yes	3000	959
LEAD Academy	Borden	Yes	4,000	2560
Lee County Board of Education	Borden Dairies	Yes	45,000	9616
Lee County Youth Development Center	Borden Dairy Co	Yes	800	56
Leeds City Schools	Borden Dairy	Yes	8,500	2136
Linden City Schools	Borden	Yes	1,500	455
Lowndes County	Bordon	Yes	700	1290
Macon County	Borden Dairy	Yes	5350	1883
MAEF Public Charter Schools, Inc.	Borden	Yes	2500	451
Marengo County Schools	Borden Dairies	Yes	5050	972
Marion County Board of Education	Borden	Yes	12000	3316
Mental Retardation Board of Dale County Viv	Borden Dairy Co.	Yes	350	15
Midfield City Schools	Borden	Yes	1000	1056
Mobile County Commission Strickland Youth	Borden Dairy	Yes	1200	87
Monroe County Public Schools	Bordens	Yes	25,000	3122
Montgomery County Youth Facility	Borden's	Yes	700	33
Montgomery Public Schools	Borden	Yes	80000	27209
Opelika Cit schools	Borden	Yes	9000	4979
Opp City Schools	Borden Dairy	Yes	6000	1273
Ozark City Schools	Bedsole (Bordens)	Yes	7950	2322
Oxford City Schools	Borden	Yes		4175
Pelham City Schools	Bordens	Yes	17,000	3489
Pell City School System	Borden	Yes	14100	4133
Perry County Board of Education	Boren Dairy	Yes	4000	1071
Phenix City Schools	Borden	Yes	45000	7411
Pickens County	Borden	Yes	10,000	2416
Pike Road Schools	Borden	Yes	2100	0
Prichard Preparatory School	Borden Dairy	Yes	300	99
Randolph County School System	New Dairy Opco d	Yes	11000	2030
Roanoke City Schools	Borden Dairy	Yes	10,755	1561
Russell County	Borden Dairy	Yes	25000	3717
Saraland City Schools	Borden Dairy	Yes	10525	3261
Scottsboro City Schools	Borden Dairy	Yes	14,000	2485
Selma City Schools	Borden Dairy	Yes	7400	2439
Shelby County Juvenile Detention	Borden	Yes	420	24
Shelby County Schools	Bordens	Yes	60,000	21246
St Clair County	Borden	Yes	30,500	9527
St. James Catholic School	Borden Dairy	Yes	670	125
St. Mary Catholic School	Borden Dairy	Yes	1400	478
Sylacauga City Schools	Borden	Yes	8,500	2099
Talladega City	Borden	Yes	7,500	1760
Talladega County Board of Education	Borden	Yes	70900	8292
Tallassee City Schools	Borden's	Yes	5300	1600
Thomasville City Schools	Borden Dairy	Yes	7,300	1078
Troy City Schools	Borden Dairy	Yes	7100	1768
Tuscaloosa City	Borden	Yes	35000	12170
Tuscaloosa County Schools	Bordon	Yes	80000	19083
University Charter School	Borden	Yes	2900	585
Vestavia Hills City Schools	Borden	Yes	10050	7327

**BORDEN DAIRY MILK DISRUPTION IMPACTING
ALABAMA NATIONAL SCHOOL LUNCH PROGRAM SPONSORS IN SCHOOL YEAR 2022-2023**

Walker County	Borden	Yes	28,000	7668
Washington County	New Dairy/Borden	Yes	12000	2619
Wilcox County Board of Education	Borden	Yes	3600	1303
Winfield City Schools	Borden	Yes	5000	1295
Winston County Board of Education	Borden Dairy	Yes	16,982	2755
TOTAL			681950	406013