

# Contracting with a Caterer



# Why buy local?

- Increases student consumption
- Can increase quality of school meals
- Stimulates the local economy by keeping money in local circulation
- Provides transparency to the consumer
- Availability of unique or specialty products
- Can potentially impact your bottom line



# School Food Authorities Define “Local”

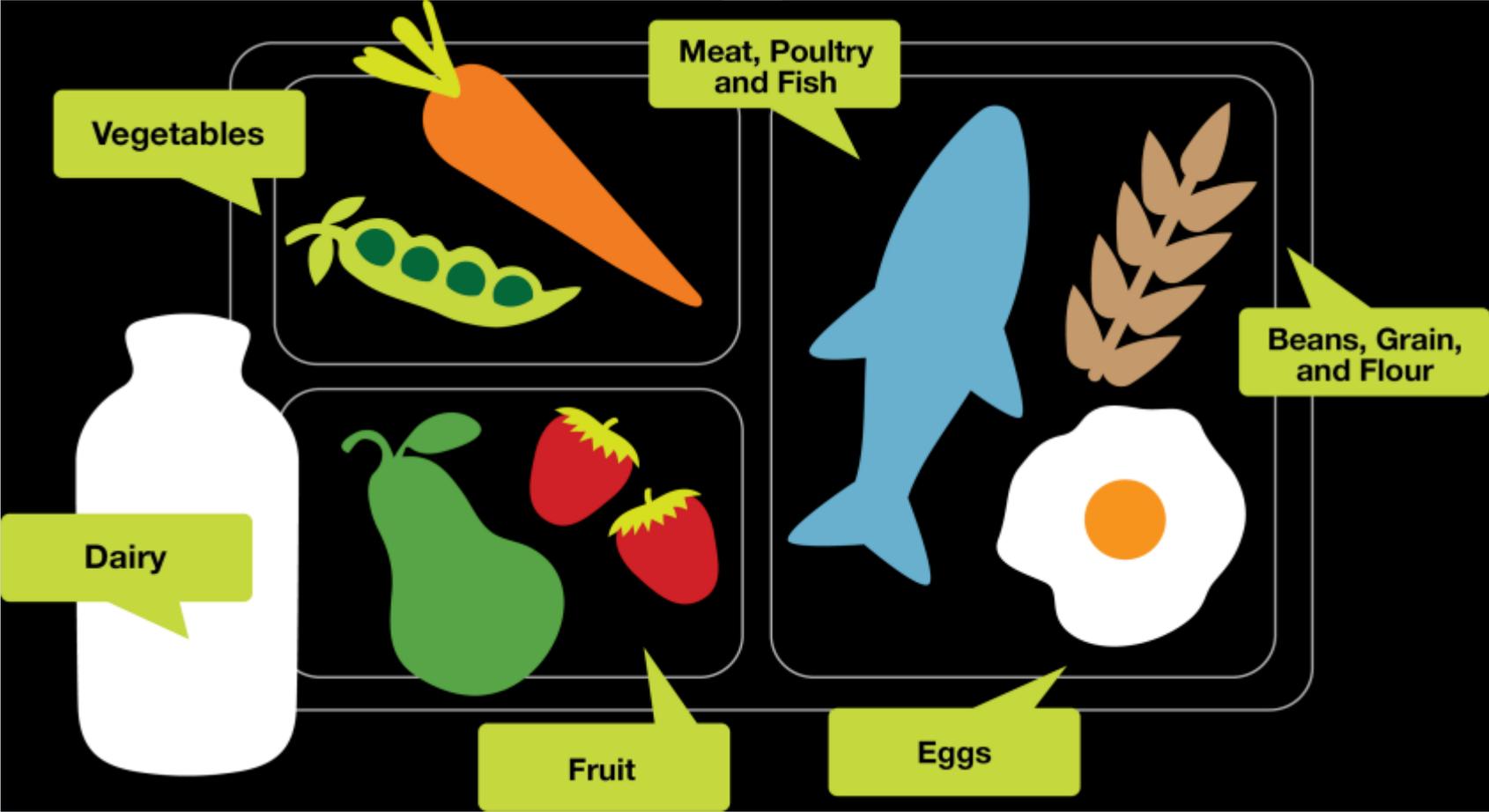
- Within a radius
- Within a county
- Within a state
- Within a region

A district’s definition of local may change depending on the:

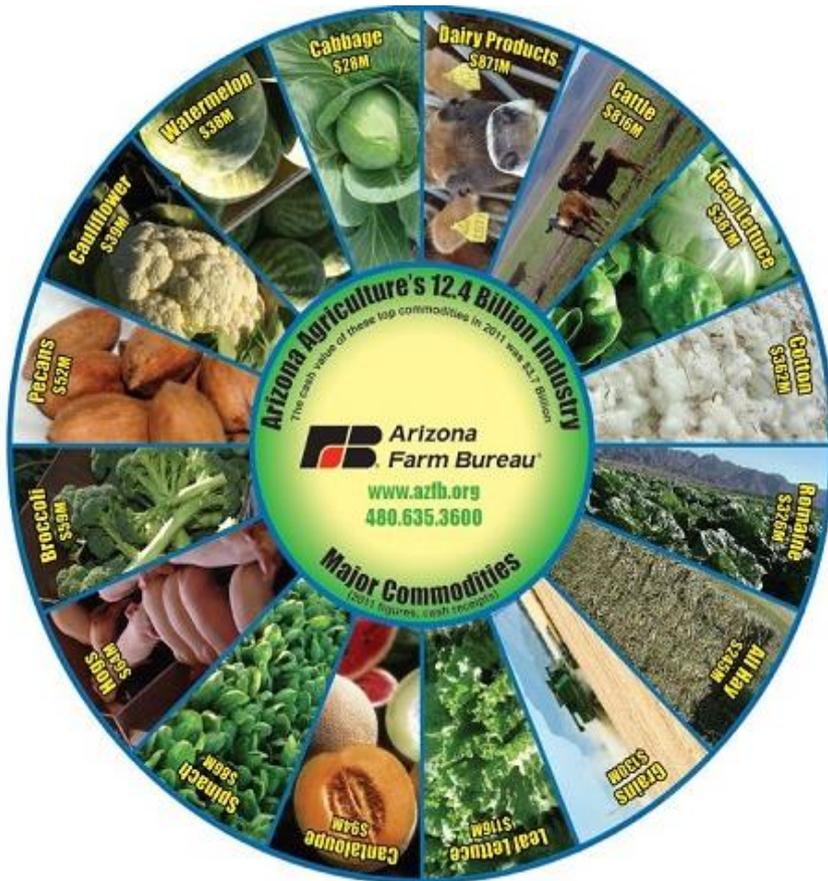
- Season
- Product
- Special events



# Whole Plate



# Resources for finding local products



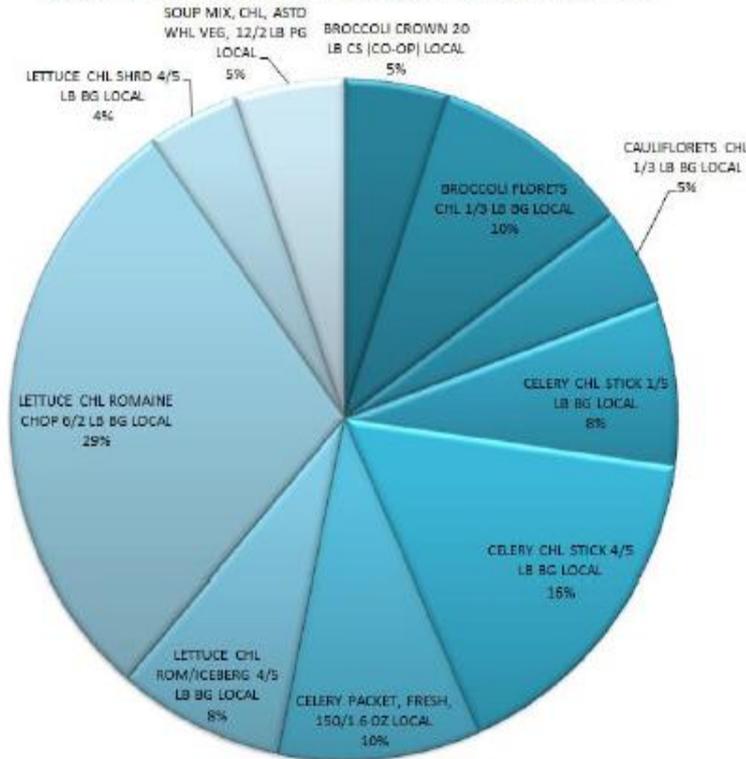
- State Resources
  - » LFA Good Food Allies
  - » AZFB Fill Your Plate
- Producer Associations
  - » Western Growers Foundation
  - » Arizona Farm Bureau
  - » Arizona Beef Council
  - » Arizona Pork Council
  - » Arizona Dairy Council
  - » Yuma Fresh Vegetables
- Farmers' Markets

<http://arizonagrown.org/>

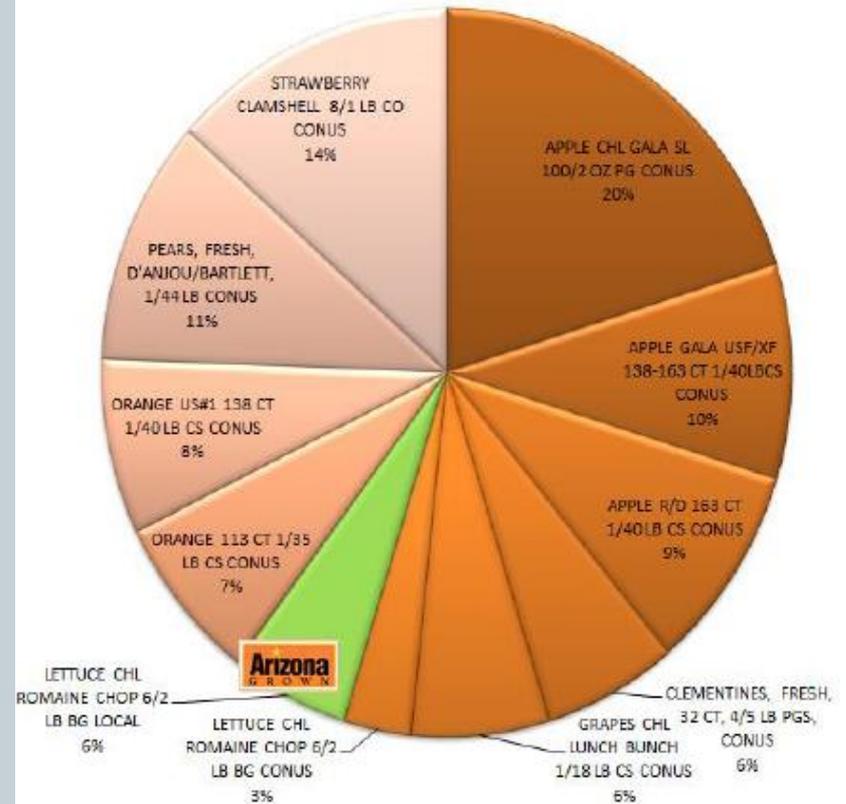
# DoD Fresh Produce Program

## Romaine Lettuce, Broccoli, Celery, Cauliflower

**Top 10 Fresh Local Produce Items Purchased 5Y'13**



**Top 10 Fresh Produce Items Purchase 5Y'13**





# Arizona Farm to School



State-wide initiative to increase access to fresh and healthy foods in school meals

- ✦ Regional Farm Tours
- ✦ Regional Buyer-Supplier Meetings/ Food Show assistance
- ✦ Featuring local items via DoD Fresh Produce
- ✦ Procurement Training
- ✦ Online resources



# Yuma Farm Tour



## Farm to School Training



Yuma Farm Tour  
December 5, 2012

The Arizona Department of Education is partnering with Yuma Elementary District and Yuma Visitor's Bureau to explore Yuma's agriculture. We invite school food buyers to join us on December 5, 2012 for a regional farm tour in Yuma, Arizona.

This daylong training will take you through the Farm to School supply chain. We will visit two Arizona farms and a produce cooling facility in Yuma and Gila Valley emphasizing high-quality standards and practices in agriculture. This tour will feature best practices in food safety, procurement, and marketing.

A special thank you to JV Farms, Barkley Farms, and Tanimura & Antle for hosting our farm tour!

For more information  
Log-on and register  
at:

[www.ade.az.gov/online  
registration](http://www.ade.az.gov/online_registration)

Registration deadline:  
November 23, 2012



**BARKLEY AG**  
Enterprises, LLLP



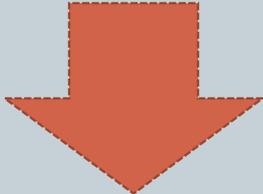
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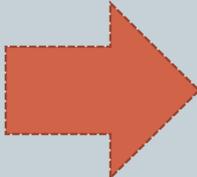
# Buyer-Supplier Meetings



...potential suppliers!



Buyers talking  
to...



# Arizona Farm to School



PHOTOS BY CHARLIE LEIGHT/THE REPUBLICAN  
Fifth-grader Brayden Porter reaches for an apple as he goes through the lunch line at Meyer Elementary School in Tempe. The district aims to fight obesity and connect schools with Southeast Valley farmers.

## VALLEY FOOD IN SCHOOLS



Available in October:

Apples

Pumpkins

Acorn Squash

Butternut Squash

Spaghetti Squash

**Invite a farmer  
to snack!**

Use Agriculture in  
the Classroom  
resources at snack  
time!



**OCTOBER**  
is  
NATIONAL **FARM TO SCHOOL** MONTH

Small fingers planting turnip seeds during science class. Locally grown greens, tomatoes and snap peas on the cafeteria salad bar. A classroom visit from everyone's favorite strawberry farmer to celebrate the spring harvest and sample sweet, red fruit. National Farm to School Month celebrates the connections that are happening all over the country between schools and local food. [Get involved at www.farmtoschoolmonth.org.](http://www.farmtoschoolmonth.org)

NATIONAL FARM to SCHOOL MONTH

The poster features a white chicken holding a carrot, an arrow pointing to a yellow school bus, and a small orange sign with the word 'is'. The background is split into a light beige top and a teal bottom. The National Farm to School Month logo is in the bottom right corner.

Visit [www.farmtoschoolmonth.org](http://www.farmtoschoolmonth.org) for more ideas

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# Meal Pattern Overviews



**SCHOOL BREAKFAST PROGRAM AND  
NATIONAL SCHOOL LUNCH PROGRAM MEAL  
PATTERN REQUIREMENTS**

# Lunch Meal Pattern Guidelines



## *General nutrition requirements for school lunches:*

- Schools must follow a food-based menu planning approach and produce enough food to offer each child the quantities specified in the meal pattern established in 7 CFR 210.10(c) for each age/grade group served in the school. *(see chart on next slide)*
- In addition, school lunches must meet the dietary specifications for calories, saturated fat, sodium and trans fat.
- Schools must make potable water available and accessible without restriction to children at no charge in the place(s) where lunches are served during the meal service.

# Lunch Meal Pattern 7 CFR 210.10(c)



- **7CFR 210.10(c)**  
Schools must offer the food components and quantities required in the lunch meal pattern.

Meal pattern	Lunch meal pattern		
	Grades K-5	Grades 6-8	Grades 9-12
	Amount of food <sup>a</sup> per week (minimum per day)		
Fruits (cups) <sup>b</sup>	2 1/2 (1/2)	2 1/2 (1/2)	5 (1)
Vegetables (cups) <sup>b</sup>	3 3/4 (3/4)	3 3/4 (3/4)	5 (1)
Dark green <sup>c</sup>	1/2	1/2	1/2
Red/Orange <sup>c</sup>	3/4	3/4	1 1/4
Beans and peas (legumes) <sup>e</sup>	1/2	1/2	1/2
Starchy <sup>c</sup>	1/2	1/2	1/2
Other <sup>c d</sup>	1/2	1/2	3/4
Additional Veg to Reach Total <sup>e</sup>	1 <sup>e</sup>	1 <sup>e</sup>	1 1/2 <sup>e</sup>
Grains (oz eq) <sup>f</sup>	8-9 (1)	8-10 (1)	10-12 (2)
Meats/Meat Alternates (oz eq)	8-10 (1)	9-10 (1)	10-12 (2)
Fluid milk (cups) <sup>g</sup>	5 (1)	5 (1)	5 (1)
Other Specifications: Daily Amount Based on the Average for a 5-Day Week			
Min-max calories (kcal) <sup>h</sup>	550-650	600-700	750-850
Saturated fat (% of total calories) <sup>h</sup>	<10	<10	<10
Sodium (mg) <sup>h i</sup>	≤640	≤710	≤740
Trans fat <sup>h</sup>	Nutrition label or manufacturer specifications must indicate zero grams of trans fat per serving.		

<sup>a</sup> Food items included in each group and subgroup and amount equivalents. Minimum creditable serving is 1/8 cup.

<sup>b</sup> One quarter-cup of dried fruit counts as 1/2 cup of fruit; 1 cup of leafy greens counts as 1/2 cup of vegetables. No more than half of the fruit or vegetable offerings may be in the form of juice. All juice must be 100% full-strength.

<sup>c</sup> Larger amounts of these vegetables may be served.

<sup>d</sup> This category consists of “Other vegetables” as defined in §210.10(c)(2)(iii)(E). For the purposes of the NSLP, the “Other vegetables” requirement may be met with any additional amounts from the dark green, red/orange, and beans/peas (legumes) vegetable subgroups as defined in §210.10(c)(2)(iii).

<sup>e</sup> Any vegetable subgroup may be offered to meet the total weekly vegetable requirement.

<sup>f</sup> Beginning July 1, 2012 (SY 2012-2013), at least half of grains offered must be whole grain-rich. Beginning July 1, 2014 (SY 2014-15), all grains must be whole grain-rich.

<sup>g</sup> Beginning July 1, 2012 (SY 2012-2013), all fluid milk must be low-fat (1 percent or less, unflavored) or fat-free (unflavored or flavored).

<sup>h</sup> Discretionary sources of calories (solid fats and added sugars) may be added to the meal pattern if within the specifications for calories, saturated fat, trans fat, and sodium. Foods of minimal nutritional value and fluid milk with fat content greater than 1 percent are not allowed.

<sup>i</sup> Final sodium targets must be met no later than July 1, 2022 (SY 2022-2023). The first intermediate target must be met no later than SY 2014-2015 and the second intermediate target must be met no later than SY 2017-2018. See required intermediate specifications in §210.10(f)(3).

# 7 CFR210.10(b) Meal requirements for lunches



## 7 CFR210.10(b) Meal requirements for school lunches for children ages 5 and older must:

- (1) On a daily basis:
  - (i) Meals offered to each age/grade group must include the food components and food quantities specified in the meal pattern 7 CFR210.10(c);
  - (ii) Food products or ingredients used to prepare meals must contain zero grams of *trans* fat per serving or a minimal amount of naturally occurring *trans* fat; and
  - (iii) The meal selected by each student must have the number of food components required for a reimbursable meal and include at least one fruit or vegetable.
- (2) Over a 5-day school week:
  - (i) Average calorie content of meals offered to each age/grade group must be within the minimum and maximum calorie levels shown in meal pattern chart 7 CFR210.10(c);
  - (ii) Average saturated fat content of the meals offered to each age/grade group must be less than 10 percent of total calories; and
  - (iii) Average sodium content of the meals offered to each age/grade group must not exceed the maximum level shown in meal pattern chart 7 CFR210.10(c).

# Lunch Age/Grade Groups



## 7 CFR 210.10(c)(1) *Age/grade groups*

- Schools must plan menus for students using the following age/grade groups:
  - Grades K-5 (ages 5-10), grades 6-8 (ages 11-13), and grades 9-12 (ages 14-18).
  - If an unusual grade configuration in a school prevents the use of these established age/grade groups, students in grades K-5 and grades 6-8 may be offered the same food quantities at lunch provided that the calorie and sodium standards for each age/grade group are met.
  - No customization of the established age/grade groups is allowed.

# Breakfast Meal Pattern Guidelines



*General nutrition requirements* for school breakfasts:

- Schools must follow a food-based menu planning approach and produce enough food to offer each child the quantities specified in the meal pattern established in 7 CFR220.8(c) for each age/grade group served in the school. *(see chart on next slide)*
- In addition, school breakfasts must meet the dietary specifications for calories, saturated fat, sodium and trans fat.
- When breakfast is served in the cafeteria, schools must make potable water available and accessible without restriction to children at no charge.

# Breakfast Meal Pattern 7 CFR220.8(c)



- **7 CFR220.8(c)**  
Schools must offer the food components and quantities required in the breakfast meal pattern.

Meal pattern	Breakfast meal pattern		
	Grades K-5	Grades 6-8	Grades 9-12
	Amount of food <sup>a</sup> per week (Minimum per day)		
Fruits (cups) <sup>b,c</sup>	5 (1)	5 (1)	5 (1)
Vegetables (cups) <sup>b,c</sup>	0	0	0
Dark green	0	0	0
Red/Orange	0	0	0
Beans and peas (legumes)	0	0	0
Starchy	0	0	0
Other	0	0	0
Grains (oz eq) <sup>d</sup>	7-10 (1)	8-10 (1)	9-10 (1)
Meats/Meat Alternates (oz eq) <sup>e</sup>	0	0	0
Fluid milk <sup>f</sup> (cups)	5 (1)	5 (1)	5 (1)
Other Specifications: Daily Amount Based on the Average for a 5-Day Week			
Min-max calories (kcal) <sup>g,h</sup>	350-500	400-550	450-600
Saturated fat (% of total calories) <sup>h</sup>	<10	<10	<10
Sodium (mg) <sup>h,i</sup>	≤430	≤470	≤500
Trans fat <sup>h,j</sup>	Nutrition label or manufacturer specifications must indicate zero grams of <i>trans</i> fat per serving.		

<sup>a</sup> Food items included in each group and subgroup and amount equivalents. Minimum creditable serving is 1/8 cup.

<sup>b</sup> One quarter cup of dried fruit counts as 1/2 cup of fruit; 1 cup of leafy greens counts as 1/2 cup of vegetables. No more than half of the fruit or vegetable offerings may be in the form of juice. All juice must be 100% full-strength.

<sup>c</sup> Beginning July 1, 2014 (SY 2014-2015) schools must offer 1 cup of fruit daily and 5 cups of fruit weekly. Vegetables may be substituted for fruits, but the first two cups per week of any such substitution must be from the dark green, red/orange, beans and peas (legumes) or "Other vegetables" subgroups, as defined in 210.10(c)(2)(iii).

<sup>d</sup> Beginning July 1, 2013 (SY 2013-2014), at least half of grains offered must be whole-grain-rich and schools must meet the grain ranges. Schools may substitute 1 oz. eq. of meat/meat alternate for 1 oz. eq. of grains after the minimum daily grains requirement is met. By July 1, 2014 (SY 2014-15) all grains must be whole-grain-rich.

<sup>e</sup> There is no meat/meat alternate requirement.

<sup>f</sup> Beginning July 1, 2012 (SY 2012-2013) all fluid milk must be low-fat (1 percent milk fat or less, unflavored) or fat-free (unflavored or flavored).

<sup>g</sup> Beginning July 1, 2013 (SY 2013-2014), the average daily calories for a 5-day school week must be within the range (at least the minimum and no more than the maximum values).

<sup>h</sup> Discretionary sources of calories (solid fats and added sugars) may be added to the meal pattern if within the specifications for calories, saturated fat, *trans* fat, and sodium. Foods of minimal nutritional value and fluid milk with fat content greater than 1 percent milk fat are not allowed.

<sup>i</sup> Final sodium targets must be met no later than July 1, 2022 (SY 2022-2023). The first intermediate targets must be met no later than July 1, 2014 (SY 2014-2015) and the second intermediate targets must be met no later than July 1, 2017 (SY 2017-2018).

<sup>j</sup> *Trans* fat restrictions must be implemented on July 1, 2013 (SY 2013-14).

# 7 CFR220.8(b) Meal requirements for breakfasts



## 7 CFR220.8(c) Meal requirements for school lunches for children ages 5 and older must:

- (1) On a daily basis:
  - (i) Meals offered to each age/grade group must include the food components and food quantities specified in the meal pattern 7 CFR220.8(c);
  - (ii) Food products or ingredients used to prepare meals must contain zero grams of *trans* fat per serving or a minimal amount of naturally occurring *trans* fat; and
  - (iii) The meal selected by each student must have the number of food components required for a reimbursable meal and include at least one fruit or vegetable.
- (2) Over a 5-day school week:
  - (i) Average calorie content of meals offered to each age/grade group must be within the minimum and maximum calorie levels shown in meal pattern chart 7 CFR220.8(c);
  - (ii) Average saturated fat content of the meals offered to each age/grade group must be less than 10 percent of total calories; and
  - (iii) Average sodium content of the meals offered to each age/grade group must not exceed the maximum level shown in meal pattern chart 7 CFR220.8(c).

# Breakfast Age/Grade Groups



## 7 CFR 220.8(c)(1) *Age/grade groups*

- Effective July 1, 2013 (SY 2013-2014), schools must plan menus for students using the following age/grade groups:
  - Grades K-5 (ages 5-10), grades 6-8 (ages 11-13), and grades 9-12 (ages 14-18).
  - If an unusual grade configuration in a school prevents the use of the established age/grade groups, students in grades K-5 and grades 6-8 may be offered the same food quantities at breakfast provided that the calorie and sodium standards for each age/grade group are met.
  - No customization of the established age/grade groups is allowed.

# Production and Menu Records



- Schools or school food authorities, as applicable, must keep production and menu records for the meals they produce. These records must show how the meals offered contribute to the required food components and food quantities for each age/grade group every day.
- Labels or manufacturer specifications for food products and ingredients used to prepare school meals must indicate zero grams of *trans* fat per serving (less than 0.5 grams).
- All schools must develop and follow standardized recipes.
  - *A standardized recipe is a recipe that was tested to provide an established yield and quantity using the same ingredients for both measurement and preparation methods.*

# ADE Meal Pattern Resources



- Arizona Department of Education (ADE) houses all meal pattern resources on the ADE School Nutrition Webpage: <http://www.azed.gov/health-nutrition/meal-pattern/>.

This chart details the required and optional meal components for the National School Lunch Program, categorized by grade levels (K-5, 6-8, 9-12).

Lunch Meal Pattern Charts

This chart details the required and optional meal components for the School Breakfast Program, categorized by grade levels (K-5, 6-8, 9-12).

Breakfast Meal Pattern Charts

This is a production record template with columns for menu items, quantities, and various production metrics such as preparation time and waste.

Production Record Templates

This screenshot shows a webpage with various links and information related to USDA policy and manuals, including sections for 'USDA', 'MNF-1000', and 'MNF-1000-1000'.

Links to USDA Policy and Manuals

This screenshot displays a webpage with various recipe ideas and cookbooks, including sections for 'Cookbooks', 'Recipe Tools', and 'Spotlights'.

Links to Recipe Ideas

# ADE Meal Pattern Training



- Depending on the need of the schools, ADE may offer in-person trainings. Refer back to the [ADE School Nutrition Training Webpage](#) to view the training schedule.
- ADE has online meal pattern trainings available at the [ADE Online Training Library](#). No registration is required.

Vegetables

	Grades				Additional Information
	K-4	4-8	K-8	9-12	
Total Vegetable (1/2 cup)	2 1/2 (1/2)			1 (1)	Only 100% vegetable juice is allowed and no more than half the weekly offering for the first subcategory may be 100% juice.
Severe Only minimum amount required at POC	%			1	
POC minimum amount to count at POC	%			%	
<b>Vegetable Subgroups (1/2 cup)</b>					
	Minimum weekly amounts				
Dark Green	%	%		%	No maximum for any subgroup. Must offer more than minimum weekly values in order to meet weekly total.
Red/Orange	%	1%		%	
Beans/Pulses	%	%		%	
Starchy	%	%		%	Minimum cereals/grains amount to count as a subgroup is 1/8 cup.
Other	%	%		%	
To meet weekly requirement, vegetables from ANY subgroup	1	1		1	

The chart also shows the vegetable subgroups, and the required amount that should be planned each week. This ensures that the 1/2 cup of vegetables that are offered daily include variety so that students are exposed to different types of vegetables throughout the week.

Note that these subgroups are required as part of the 1/2 cup planned daily, and not in addition to the 1/2 cup planned daily.

## How to Plan a Lunch Menu

This online training will review how to plan a weekly menu that meets the lunch meal pattern requirements. Attendees will watch the example menu planner building a week's menu day by day, ensuring all components and vegetable subgroups have been planned. Attendees will be asked questions throughout the training to test their knowledge.

Does the menu meet the Daily Requirements?

[3-Day] Meal Pattern for School Breakfast Program					
Required	Grade K-5	Grade 6	Grade 7	Grade 8	Grade 9-12
Fluid Milk	1 cup (8oz)				
Produce/Vegetables	1 cup (8oz)				
Grains/Breads	1/2 cup (4oz)				

MONDAY

- Grain: 1 slice of Whole Grain-Rich Toast, 1 oz/eq
- Fruit: Apple Slices, 1 cup
- Fluid Milk: Fat Free Plain Fat Free Chocolate, 1 cup each

We planned 1 cup of Fruit... check!

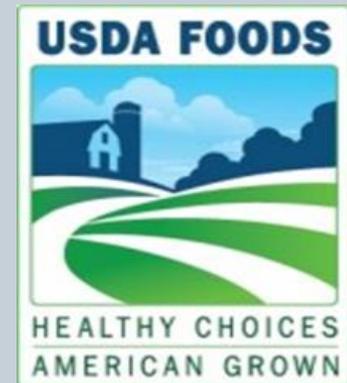
## How to Plan a Breakfast Menu

This online training will review how to plan a weekly menu that meets the breakfast meal pattern requirements. Attendees will watch the example menu planner building a week's menu day by day, ensuring all components have been planned. Attendees will be asked questions throughout the training to test their knowledge.

# USDA Foods



- Recipient Agency(RA) entitlement based on total meal count for participation in the National School Lunch Program (NSLP)
- Types of USDA Foods
  - Frozen, canned, or dry
    - ✦ Chicken, pork, beef
    - ✦ Fruits, veggies, grains, cheese, yogurt, beans
    - ✦ Products are ordered based on a request driven system



# Menu Planning



- Work with your caterers to determine where USDA Foods can be incorporated into your menus
  - Case cost provided to schools
- Notify caterers when products are allocated to you on the web-based ordering system (*myFoods*)
- Be flexible with types of USDA Foods
  - Cancellations
  - Shipment delay

# Delivery



- US Foods contracted vendor for USDA Foods
- Delivery window between 6am-2:30pm
- Sponsors billed for all delivery fees
- You **MUST** communicate with your caterer when USDA Foods are delivered
  - Food safety issues will result from improper storage
  - May result in termination of USDA Foods Program



# Department of Defense (DoD) Fresh Produce Program



- Included in USDA Foods Program
- Sponsors use entitlement for the purchase of fresh fruits and vegetables
- For use in School Breakfast, Lunch, and Afterschool Snack programs
- Opportunity to purchase local produce
  - Indicated in catalog
- Stern Produce contracted vendor for Program

# Catered Sponsor Program



- Started as Pilot
- Allows School Food Authority (SFA) to designate qualified commercial storage facilities for delivery of USDA Foods
  - Includes catering facilities that meet specific requirements
- Contact Airica Lisenbee for application
- Renew contract annually

# Catered Sponsor Program



- **Steps to participate**
  - Submit completed application
  - Site Visit
    - ✦ Ensure compliance and provide technical assistance
  - Completed US Foods credit application with catering facility address
  - Acceptance Letter

# Crediting/Invoicing of USDA Foods and DoD Fresh Produce Program



- In accordance with 7 CFR 250 the SFA must complete a reconciliation of USDA Foods inventory and document whether the SFA has received the USDA Foods rebates, discounts, and credits it is entitled to from the caterer.
  - SFA needs to complete annually
  - Separate line items for USDA Foods and DoD Program
  - Included in Administrative Review

# Procurement and Contracts



Every year, you as a sponsor (SFA) will do one of the following:

- Conduct procurement and turn in a new ***informal*** contract/agreement
- Renew an existing ***formal*** contract
- Go out to bid for a new ***formal*** contract

# Determine the Proper Procurement Procedures



## Determining Factors:

- Type of Sponsor
- Value of Contract

Choose one of the following methods based on the determining factors:

- Informal
- Formal

# Procurement Thresholds



**\$100,000**

– Arizona Law, applies to:

Arizona School Districts and Non-Exempt Charter Schools

**\$150,000**

– Federal Law, applies to all participants:

Exempt Charter Schools (A.R.S. Section 15-183(E)(6)), Non-Profits, and Residential Child Care Institutions

Lowest applicable threshold controls.

# Informal Procurement – *below the threshold*



- Obtain price quotes from at least three qualified sources.
- Maintain a written record of the quotes obtained.
- Maintain documented evidence of free and open competition at the best price.
- Maintain documentation of the selection procedure.

# Informal Contracting Documents



- Catering Contract Checklist
  - Completed by SFA
- Template Caterer Agreement – Standard Agreement to Provide Food Service
  - Completed by SFA
    - ✦ 2.7. Contract Document: Sponsor will prepare all Vendor contract documents.
- Certification of Independent Price Determination
  - Signed by both SFA and Caterer
- Certification Regarding Lobbying
  - Completed by Caterer

# Formal Procurement – *above the threshold*



- Mandatory SFA Training
- RFP Template and RFP Evaluation Rubric
- ADE Approval of Solicitation Materials
- RFP Release
- Evaluation Committee
- ADE Approval of Evaluations and Proposal
- Contract Award

# RFP & Proposal/Offer



- Request for Proposal (RFP) – SFA sets forth the objectives, needs, and requirements that must be met to win the contract
- Proposal/Offer – caterer’s opportunity to show the SFA that they are the best company for the job
- How does a caterer win? Be the Lowest Responsible Responsive Bidder
  - ✦ Lowest Price – Objective determination
  - ✦ Responsible Offeror – Qualified by experience, equipped to perform the work required as described in the RFP
  - ✦ Responsive Offeror – bid conforms to all the material conditions of the RFP

# Emergency Contracts



- Used when there is an issue with a caterer chosen through formal procurement
- Used when there is not enough time to rebid
- Only applicable for a one year term (or less)
- Must go out to bid again the following year

# Contract Terms



Every ADE approved contract is for **one year or less**

## **Informal Contracts (Standard Agreement):**

- Do not contain renewal language
- Cannot be renewed
- Required to be re-procured and re-executed every year

## **Formal Contracts/RFP:**

- RFP allows the contract to be renewed four times, (4) additional one year periods
- Formal contract is for not more than 5 years total

# Contract Renewal Forms



- Catering Contract Checklist
  - Completed by SFA
- Catering Amendment – Single page with all the boxes.
  - Completed by SFA
- Certification of Independent Price Determination
  - Signed by both SFA and Caterer
- Certification Regarding Lobbying
  - Signed by Caterer

# Review of Required Documents – Informal Contract : Standard Agreement and 2 certifications



## STANDARD AGREEMENT TO PROVIDE FOOD SERVICE BETWEEN A SPONSOR AND A FOOD SERVICE VENDOR

This agreement (“Agreement”) is entered into on <insert date> by and between <insert name of school and CTD#> (“Sponsor”) and <insert name of Food Service Provider> (“Vendor”) for school breakfast and/or lunches. Total estimated contract amount: <insert estimated value of this agreement for the term of the contract>

### BACKGROUND

Whereas, it is not within the capability of the Sponsor to prepare specified meals under the following program(s): **National School Lunch Program (NSLP); School Breakfast Program (SBP); After School Care Snack (ASCS); Summer Food Service Program (SFSP); and CACFP Programs (At-Risk Supper/Snack) <delete the programs that are NOT part of this contract>** program(s).

Whereas, the facilities and capabilities of the Vendor are adequate to prepare and deliver specified meals to the Sponsor’s facility(ies); and Whereas, the Vendor is willing to provide such services to the Sponsor on a Fixed-fee contract reimbursement basis.

Therefore, both parties agree as follows:

### AGREEMENT

#### 1. Vendor Responsibilities

- 1.1. Food Services: The Vendor agrees to prepare specified meals for delivery <insert inclusive or exclusive> of milk or juice to the site specified in Paragraph 1.2 per the agreed upon menu planning option specified in Paragraph 1.6. The Sponsor has approved the menu, which is incorporated into this Agreement by this reference.
- 1.2. Service Site(s): For the purpose of this Agreement, the Vendor shall make and deliver meals that comply with the **NSLP/SBP/ASCS/SFSP/CACFP <delete the programs that are NOT part of this contract>** program (s) and this Agreement to the food service site at the following location(s): <insert the Sponsor site(s) address(es)>

# Contract Renewal

## Contract Amendment and 2 Certifications



<p>&lt;Insert School Food Authority (SFA) Name&gt;                  &lt;Insert SFA Address&gt;                  &lt;Insert SFA City, State and Zip Code&gt;  <b>Formal Procurement Catering Amendment</b></p>
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<b>1. AGREEMENT NO.:</b> <Insert Contract Number listed on the signed Offer and Award form of the RFP Template>	<b>2. AMENDMENT NO.:</b> <Insert Agreement Amendment number 1, 2, 3, or 4>	<b>3. START DATE:</b> July 1, 2016  <b>4. CTD Number:</b> <Insert CTD Number>
<b>5. CATERER NAME &amp; ADDRESS:</b> <Insert Caterer Name and Address >		
<b>6. AUTHORITY FOR AMENDMENT:</b> Special Terms and Conditions page 9 section number four (4) A, <b>Contract Option</b> , states the contract must be one year with the option to have four additional one-year extensions. The entire duration of the agreement shall not exceed five (5) years. 7 CFR 210.16(d)		
<b>7. PURPOSE OF AMENDMENT:</b> To extend the contract an additional year and initiate a new pricing schedule.		

**8. THE ABOVE REFERENCED AGREEMENT IS HEREBY MODIFIED AS FOLLOWS:**

- A. In accordance with the provisions of the Special Terms and Conditions, page 9, Section 4 A, **Contract Option**, the contract must be one (1) year with the option to have four (4) additional one-year extensions, for the total duration of this Contract, including the exercise of any options under this provision, not to exceed five (5) years. <Insert School Food Authority Name> is exercising its option at this time to extend the term of the contract for an additional 12 months. The contract now ends on June 30, 2017.
  
- B. Pricing Schedule of the original contract is replaced with the following 2015/2016 Pricing Schedule. The mutually agreed Fixed Meal prices will be:  
 <\$0.00 Insert new price> per SBP Breakfast  
 <\$0.00 Insert new price> per NSLP Lunch  
 <\$0.00 Insert new price> per ASCS Snack

<b>9. EXCEPT AS PROVIDED FOR HEREIN, ALL TERMS AND CONDITIONS OF THE ORIGINAL CONTRACT/AGREEMENT NOT HERETOFORE CHANGED AND/OR MODIFIED REMAIN UNCHANGED AND IN FULL EFFECT.</b>	
IN WITNESS WHEREOF THE PARTIES HERETO SIGN THEIR NAMES IN AGREEMENT.	
<b>CATERING COMPANY:</b> <INSERT CATERING COMPANY NAME>	<b>SFA:</b> <INSERT SFA NAME>
<b>SIGNATURE OF AUTHORIZED INDIVIDUAL:</b>	<b>SIGNATURE:</b>
<b>TYPED NAME:</b>	<b>TYPED NAME:</b>
<b>TITLE:</b>	<b>TITLE:</b>
<b>DATE:</b>	<b>DATE:</b>

# New Formal Contract (RFP) Proposal including 2 Certifications.



## Child Nutrition Programs Catering Contract Request for Proposal (RFP)

School Food Authority Name: **<Insert School Food Authority Name here>**

Solicitation/RFP Number: **<Insert Solicitation/RFP Number here>**

Solicitation Release Date: **<Insert Solicitation Release Date here>**

Solicitation Due Date: **<Insert Solicitation Due Date here>**

Solicitation Due Time: **<Insert Solicitation Due Time here>**

Submittal Location: **<Insert Submittal Location here>**

### Description of Procurement:

Competitive sealed proposals for the materials or services specified will be received by **<Insert School Food Authority Name Here>** at the above specified location until the time and date cited. Offers received by the correct time and date will be opened and the name of each Offeror will be publicly read.

Offers must be in the actual possession of **<Insert School Food Authority Name Here>** on or prior to the time and date, and at the submittal location indicated above. **Late offers will not be considered.**

Offers must be submitted in a sealed envelope or package with the Solicitation/RFP Number and the Offeror's name and address clearly indicated on the envelope or package. All offers must be completed in ink or typewritten. Additional instructions for preparing an offer are included in this Solicitation.

Persons with disabilities may request special accommodations such as interpreters, alternate formats, or assistance with physical accessibility. Requests for special accommodations must be made with 72 hours prior notice. Such requests are to be addressed to the Solicitation Contact Person or Procurement Officer listed below.

**OFFERORS ARE STRONGLY ENCOURAGED TO CAREFULLY READ THE ENTIRE  
SOLICITATION**

Procurement Officer: **<Insert School Food Authority Procurement Officer/Contact Name here>**

Procurement Officer Phone Number: **<Insert Procurement Officer/Contact Phone Number here>**

Procurement Officer Fax Number: **<Insert Procurement Officer/Contact Fax Number here>**

# Submitting Documentation



- Copies must be signed and dated
- One copy of each document is sufficient
- No need to send originals
- Email to [Veronica.Cramer@azed.gov](mailto:Veronica.Cramer@azed.gov)

# Common Completion Mistakes



## Informal (Standard Agreement):

- Missing Info
- Incorrect Dates
- Not all delivery locations are listed
- Outdated Meal Pattern Language
- Renewal Language
- Documents aren't signed and dated

# Common Completion Mistakes



## Formal (Contract Amendment):

- Missing Info
- Incorrect Dates
- Amendment Number

## For Both

- Certification Documents not Submitted

# Contract Management



- **What is a contract?**
  - Set of promises that creates duties and expectations that are enforceable by law
  
- **Common Contract Issues**
  - Didn't read the contract
  - Read but didn't understand
  - Didn't include all terms that were negotiated

# Contract Management



- Know your sponsor responsibilities listed in the contract
- Remember that you are responsible for meeting the program requirements
- Any changes to the contract need to be made in writing
- Contract may be terminated with 30 day notice

# What Can't a Caterer Do?



- Meal Ordering
- Recordkeeping related to Meal Count to substantiate claims
- Submitting Claims
- Training and monitoring administrative and site staff
- Announcing availability of meals to the media
- Determine income eligibility and maintain income eligibility statements
- Prepare program applications

# Summer Food Service Program (SFSP)



- Decide if you will participate in the seamless or simplified program

## **Seamless**

- current contract can be used

## **Simplified**

- must use FSMC/caterer on registered list
- must have bonding in place
- must meet additional requirements

- Make sure SFSP is listed in your contract
- If it is not listed you will need to amend the contract

# SFSP Procurement



- Same Thresholds as NSLP
- If Sponsor Participates in NSLP they can elect to use NSLP procurement standards rather than SFSP procurement standards
- If Sponsor is required to conduct formal procurement for SFSP it will follow same procedures we discussed earlier.

# FSMC Defined



**Food service management company** = *any commercial enterprise or nonprofit organization with which a sponsor may contract for preparing unitized meals, with or without milk, for use in the Program.*

**May be:**

- (a) Public agencies or entities;
- (b) private, nonprofit organizations; or
- (c) private, for-profit companies. 7 CFR §225.2

# What Can't a FSMC Do?



- Meal Ordering
- Recordkeeping related to Meal Count to substantiate claims
- Submitting Claims
- Training and monitoring administrative and site staff
- Announcing availability of meals to the media
- Determine income eligibility and maintain income eligibility statements
- Prepare program applications

# Vended Sponsor



Sponsor that purchases from a food service management company (including a caterer) the unitized meals, with or without milk, which it will serve at its site(s).

- Must ensure that program procedures and guidelines are met.
- Remain legally responsible for the food service operation
- Adhere to contract with FSMC.

# Additional Requirements



## **Bonding Requirements:**

### *Bid Bond*

- If the bid is over \$150,000 the FSMC must submit a bid bond in the amount of not less than 5 percent and no more than 10 percent of the value of the contract for which the bid is made as determined by the sponsor.
- **A copy of the bond shall accompany each bid.**
- The bond must be from one of the companies listed in the most recent issue of the US Department of Treasury Circular 570.
- <http://www/fms.tres.gov/c570/index.html>

# Additional Requirements



## **Bonding Requirements:**

### *Performance Bond*

- Each FSMC that enters into a food service contract over \$150,000 with an SFSP sponsor must obtain a performance bond in the amount not less than 10 percent nor more than 25 percent of the value of the contract.
- Determined by the State agency.
- **Copy must be given to sponsor within 10 days of award.**
- SBA can help contractors comply with the bonding requirement.
- [www.sbaonline.sba.gov](http://www.sbaonline.sba.gov)

# Additional Requirements



- **Unitized Meals**
- **Menu Changes**
- **Subcontracts**
- **Health Certifications**
- **FSMC Registration**

# Contract Questions



- If you have questions regarding contract information, contact:
  - Veronica Cramer
  - Contracts Management Officer
  - 602-364-1965
  - [Veronica.cramer@azed.gov](mailto:Veronica.cramer@azed.gov)

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*Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.*

*To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).*

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