

SCHOOL FOOD AUTHORITY PROCEDURES FOR CONTRACTING WITH A FOOD SERVICE MANAGEMENT COMPANY

SFA's bidding for the first time or re-bidding for a Food Service Management Company contract need to follow the steps outlined below.

1. Contact Nebraska Department of Education - Nutrition Services of your interest in contracting with a FSMC.

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2. Conduct an analysis of the SFA's current foodservice program:
 - a. Financial Analysis – Profit/Loss over the last 1-5 years;
 - b. Costs – Food Costs, labor costs, paper/chemicals/equipment costs;
 - c. Operational Considerations – facilities, equipment and food service staff;
 - d. Other internal and external factors – changes to the SFA (building/remodeling), customer satisfaction.
3. Review School Food Authority Non-Delegable Responsibilities (end of this document)
4. Follow NDE's RFP Timeline

November 1	NDE releases RFP.
December 1	Deadline for SFAs considering a Food Service Management Company (FSMC) for the next school year, to request the Request for Proposal (RFP) Packet from NDE.
January 15	Deadline for SFAs to submit to NDE the completed RFP package.
March 1	Last date for RFP notification in a newspaper with statewide distribution. Notification must be sent to all FSMCs operating or expressing interest in operating in NE. A sixty (60)-calendar day solicitation period is required from the date of the notification. NDE must approve the entire RFP package prior to the SFA publishing notification.
May 15	Deadline for NDE to receive FSMC Proposal and required information as outlined in RFP.
July 1	Start of new program year. Execution date of SFA/FSMC Contract.

5. Contact NDE- Nutrition Service to obtain required Fixed Price RFP to be completed.
6. Ensure the RFP contains all required information, is clear, and provides thorough and accurate information to enable prospective FSMC companies to prepare a proposal.
7. Consult with the SFA's legal authority throughout the procurement process.
8. Submit the completed RFP packet to Nutrition Services for approval prior to solicitation.
9. After NDE approval, SFA places notification in a newspaper with statewide distribution and then sends notification to all FSMCs on the list provided by Nutrition Services. The date of publication is the start date of the 60-calendar day solicitation period.
10. Pre-proposal meeting conducted on-site at SFA, 10-14 days after notification date.
11. Proposals due to SFA at specified date/time as referenced in RFP.
12. Evaluation committee reviews and scores proposals.
13. The most advantageous FSMC proposal is selected, based on cost and other criteria.
14. Submit the FSMC Proposal, RFP/Contract, and completed attachments/exhibits to Nutrition Services for approval prior to signing and contract implementation.
15. Upon Nutrition Services approval notification, both parties must sign the contract. The completed signature page must be submitted to Nutrition Services.
16. FSMC Contract implementation and SFA monitoring of contract.

SCHOOL FOOD AUTHORITY NON-DELEGABLE RESPONSIBILITIES

The SFA is legally responsible for the conduct of the food service program, and must supervise and monitor the food service operations to ensure compliance with the rules and regulations of USDA and NDE-Nutrition Service regarding the school food service program.

The SFA and the Food Service Management Company (FSMC) acknowledge the SFA is responsible for completing the following duties, which are not delegable to the FSMC:

1. **On-site inspections:** 7 CFR 210.16(a)(2)(3).
 - a. Monitor the food service operation through periodic visits to ensure compliance with the approved FSMC contract.
 - b. Conduct on-site reviews of the lunch counting /claiming system by school.
 - c. Follow-up on any lunch counts which show counting discrepancies.
2. **Control and overall financial responsibility** of the school food service account. 7 CFR 210.19(a)(2). Maintain a Nonprofit School Food Service and observe the requirements for and limitations on the use of Nonprofit School Food Service revenues set forth in 7 CFR 210.14 and the limitations on any competitive school food services as set forth in 7 CFR 210.11, 7 CFR 210.9(b)(1).

3. **Advisory board:** establish and include parents, staff and students to assist in menu planning. The FSMC must adhere to the menu for the first 21 days of meal service. Changes thereafter maybe made with the approval of the SFA. 7 CFR 210.16(b)(1), 7 CFR 210.16(a)(8)
4. **Health certification:** 7 CFR 210.16(a)(7) must be maintained to assure that all state and local regulations are met by the FSMC preparing or serving meals at the SFA facilities.
5. **Establish all prices:** Retain control of the quality, extent, and general nature of its food service and the prices to be charged for meals. 7 CFR 210.16(a)(4).
6. **Retain signature authority** on: 7 CFR 210.9 (a)(b), 210.16(a)(5), 2CFR 245.
 - a. Application/agreement to participate in the Child Nutrition Programs including
 - b. Free and reduced price policy statement; and
 - c. On-line claim system.
 - d. Contractual agreements of the school nutrition program i.e., vending meals to other SFAs, etc. and any commodity processing contracts. CFR 210.21, 7; CFR 210.19(a)(1); 2 CFR 200 and 400; 7 CFR 250.15(a)
 - e. Resolution of all program review and audit findings. 7 CFR 210.9(b)(17) and 210.18(k)(1)(2)
7. **Submit monthly claim for reimbursement** 7 CFR 210.8(a); 7 CFR 210.16(a)(5).
 - a. NDE-Nutrition Services approves only SFA personnel access to the system, which also represents secure signature authority for applications and claims.
 - b. Review to ensure accuracy of lunch counts prior to the claim submission.
 - c. Edit check worksheets that compare daily lunch counts by eligibility category.
Free and reduced-price meals may not be claimed in excess of the number of students approved for such benefits.
8. **Free and Reduced Price Meal Process** 7 CFR 245.6
 - a. Develop, distribute and collect eligibility application for free and reduced price meals and free milk.
 - b. Determination and verification of applications for free/reduced price meals or free milk.
 - c. Conduct any hearings related to such determinations.
9. **USDA donated foods** 7 CFR 250.51
 - a. Retain title to USDA foods; and
 - b. Ensure that all USDA foods made available to the FSMC, including processed USDA foods, accrue only to the benefit of the SFA's NPFSA and are fully utilized therein. 7CFR 210.16(a)(6); 250.50(a). All refunds and rebates received from processors regarding USDA foods must be retained by the SFA. The SFA must ensure that the FSMC has credited it for the value of all USDA foods received for use in the meal service in the school year, in accordance with 7 CFR 250.51 (a) and (b). Document the value of USDA Foods credits reconciled.
10. **A la carte food service:** 7 CFR 210.16(a)
The SFA must also offer free, reduced price and full price reimbursable meals to all eligible children in order to operate an a la carte food service.

11. **Buy American:** 7 CFR 210.21(d)(2)(1)

SFAs are required to purchase, to the maximum extent practicable, domestic commodities or product.

- a. Definition of domestic commodity or product.
 - i. An agricultural commodity that is produced in the United States; and
 - ii. A food product that is processed in the United States substantially using agricultural commodities that are produced in the United States.
- b. Applicability to Hawaii. Shall apply to a school food authority in Hawaii with respect to domestic commodities or products that are produced in Hawaii in sufficient quantities to meet the needs of meals provided under the school lunch program under this part.
- c. Applicability to Puerto Rico. Shall apply to a school food authority in the Commonwealth of Puerto Rico with respect to domestic commodities or products that are produced in the Commonwealth of Puerto Rico in sufficient quantities to meet the needs of meals provided under the school lunch program under this Act or the school breakfast program. (National School Lunch Act, Section 12(n)(4)).