



# School Business Administrator Training for Procurement of Services from a FSMC

NJ Department of Agriculture, Division of Food and Nutrition  
Contracts and Procurement Unit





## Overview

- This presentation will be broken down into 2 sections
- The first section will discuss Waiver #71 and options for the following SFAs
  - SFAs who have a current FSMC contracts in year 5
  - SFAs who extended their FSMC contract last year under waiver #19 (year 6)
  - SFAs who currently have an Emergency FSMC Contract that will expire on 6/30/2021
- The second section will provide an overview for any SFA who chooses go out for a new RFP for the 2021-2022 SY




## USDA COVID-19: Child Nutrition Response #71

- School Food Authorities (SFAs) with Food Service Management Company (FSMC) contracts in 5<sup>th</sup> Year, 6<sup>th</sup> (Covid Renewal) Year, or 1 Year Emergency Contracts with ending date of June 30<sup>th</sup>, 2021
- USDA COVID-19: Child Nutrition Response #71 allows SFAs with Food Service Management Company (FSMC) contracts certain flexibilities for school year 2021-2022. The following options are available based on your current contract situation



## USDA COVID-19: Child Nutrition Response #71

- If your SFA is eligible to use this waiver, you should have received an email with information and instructions on your options for the 2021-2022 school year contracts
- All SFAs that received this notice must notify us by filling out Form #379 and returning it to [DFNcontracts@ag.nj.gov](mailto:DFNcontracts@ag.nj.gov) by March 1, 2021.



# Review of Options for FSMC Contracts SY 2021-2022

Have a question on your options? Contact us at:  
[DFNcontracts@ag.nj.gov](mailto:DFNcontracts@ag.nj.gov)




SFAs currently in the **Fifth Year** of the FSMC contract cycle for SY 2020-2021 have the option to:

- Extend the contract by renewing for a 6<sup>th</sup> year for SY 2021-2022 with an ending date of June 30, 2022
- Procure a new base year contract with the State Agency SY 2021-2022 RFP following standard federal and state procurement requirements. This contract is renewable for up to 4 renewal years.
- Use the emergency noncompetitive proposal procurement method to negotiate a new one-year FSMC contract for SY 2021-2022 with an ending date of June 30, 2022. This contract is NOT renewable.



SFAs currently in the **Sixth (COVID Renewal) Year** of the FSMC contract cycle for SY 2020-2021 have the option to:


- Extend the contract by renewing for a 7<sup>th</sup> year for SY 2021-2022 with an ending date of June 30, 2022
- Procure a new base year contract with the State Agency SY 2021-2022 RFP following standard federal and state procurement requirements. This contract is renewable for up to 4 renewal years
- Use the emergency noncompetitive proposal procurement method to negotiate a new one-year FSMC contract for SY 2021-2022 with an ending date of June 30, 2022. This contract is NOT renewable



**SFAs who procured a 1-Year Noncompetitive Emergency Contract for SY 2020-2021 have the option to:**

- Procure a new base year contract with the State Agency SY 2021-2022 RFP following standard federal and state procurement requirements. This contract is renewable for up to 4 renewal years
- Use the emergency noncompetitive proposal procurement method to negotiate a new one-year FSMC contract for SY 2021-2022 with an ending date of June 30, 2022. This contract is NOT renewable





# FSMC RFP/Contract for SY 2021-2022

If you are going to go out for a new RFP for the 2021-2022  
SY please continue with this presentation



## Learning Objectives

- Understand the RFP/Contract Process
- Understand 3-Step State Agency Approval Process and due dates
- Know where to find the “mini” training presentations
- Know where to find the documents required for the RFP/Contract
- Know how to ask the Contracts and Procurement Review Team questions related to the RFP/Contract Process



## Topics to be covered

- Choose your type of contract – Fixed Price or Cost Reimbursable
- Overview of the RFP/Contract Process and Approvals by the State Agency
- List of Trainings and Dates to be posted
- List of Documents & Forms required for the RFP/Contract Process



# COST REIMBURSABLE OR FIXED PRICE

- Fixed Price Contracts

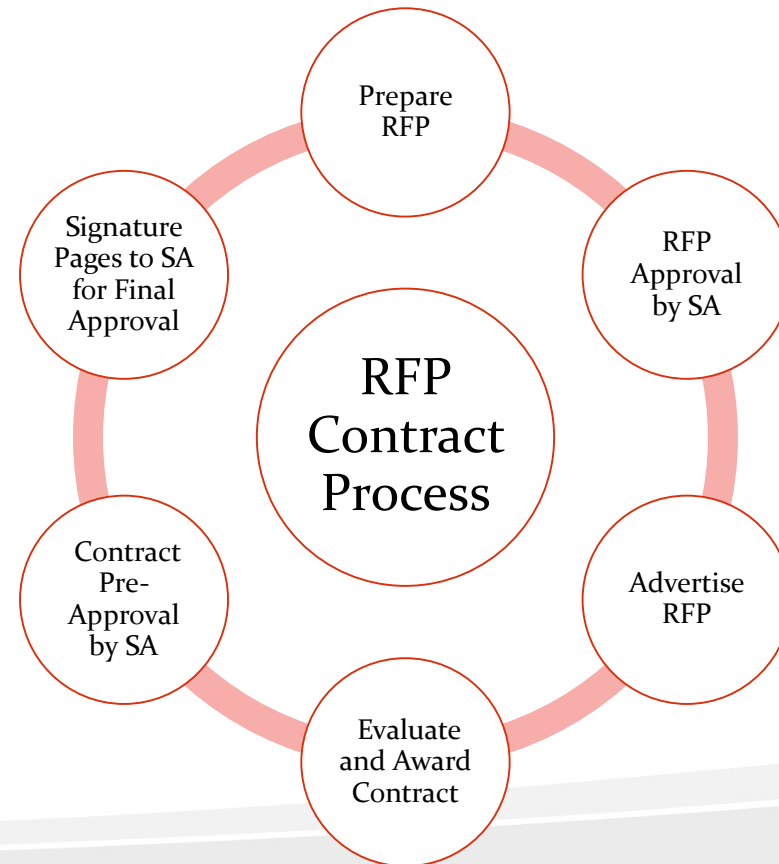
- FSMC charges a Fixed Price per meal for all meals and meal equivalents served
- SFA monitors the meals claimed compared to meals charged on invoice

- Cost Reimbursable Contracts

- The FSMC will charge the SFA for costs for food, labor and supplies
- FSMC will charge a management/administrative fee for indirect costs
- SFA will review and monitor all documentation for costs charged to the program and rebates, discounts and credits received by the FSMC

# FSMC RFP/CONTRACT PROCESS

1. RFP Approval  
Deadline -  
4/9/2021
2. Contract Pre-  
Approval Deadline  
– 5/31/2021
3. Final Approval  
Deadline –  
6/30/2021





## Prepare the RFP/Contract

- SFA will choose the type of Contract for the proposal – Fixed Price or Cost Reimbursable
- SFA will use the State of New Jersey FSMC Contract
  - Fixed Price is Form 17FP
  - Cost Reimbursable is Form 17CR
- Request SFA Data (meal counts and reimbursements) to use in RFP – Form 372
  - Submit request for Data to [DFNcontracts@ag.nj.gov](mailto:DFNcontracts@ag.nj.gov) be sure to include your SFA name and agreement number in the Subject Line



## RFP APPROVAL

- The School Food Authority (SFA) must submit the completed RFP to the SA for approval before advertisement
- **Deadline for RFP Approval is April 9, 2021**
- RFP Approval may take up to 30 days so be aware of advertisement dates when sending documents to the SA.
- RFP Approval documents are sent to:  
[DFNcontracts@ag.nj.gov](mailto:DFNcontracts@ag.nj.gov) with your SFA name & agreement number in Subject line



## ADVERTISE THE RFP

## EVALUATE AND AWARD THE CONTRACT

- Once you have a **SA approved RFP** you must advertise the RFP for a minimum of **20 calendar** days
- Evaluate proposals received with a team from your SFA
  - Team members should evaluate and score the proposals based on Scoring Criteria in your RFP
- Award the Contract to FSMC based on evaluation and scoring
  - Submit Report to the Board of Education for approval (Public and Charter Schools)





## Contract Pre-Approval by the State Agency

- SFA will submit contract documents to the SA for Pre-Approval – This process may take up to 30 days
- **NEW THIS YEAR**
  - All contracts will be submitted in ECAS
  - **IMPORTANT!!!** Be sure to review the training for ECAS submission of contract documents
- **Pre-Approval Deadline for contract submission is May 31, 2021**
  - Must have Board Approval prior to contract submission
  - Reimbursement will be placed on hold if submitted after the deadline



## Final Contract Approval

- Once the Pre-Approval notice is sent from ECAS, the SFA will print out the contract Signature Page to be signed by both parties
- SFA will upload the Signature Page in ECAS for Contract Final Approval
- Contract is not valid until Signature Page is Approved.
- **Final Approval Deadline is 6/30/2021**
- SFA cannot make a payment to the FSMC without final approval



## Training Topics and Dates Posted in SNEARS

- Trainings including this Overview will be posted in SNEARS
  - Resources - Trainings - Contracts
- All “mini” training segments will be approximately 15 – 30 minutes long and will be pre-recorded
- Dates listed for the training will be the date the training is posted
- SFA should view all trainings at their convenience



# Division of Food And Nutrition

## NJDA Announcements

[School Meals Programs: Providing Multiple Meals at a Time During the Coronavirus Pandemic](#) [10/26/2020]

[REVISED: School Meals Programs: Providing Multiple Meals at a Time During the Coronavirus Pandemic](#) [10/22/2020]

[REVISED FY 2021 SSO Application Instructions](#) [10/15/2020]

[View All](#)

## Upcoming Deadlines

Food Safety Inspection **10/30/2020**

Verification Collection Report Part 1 **10/31/2020**

FY 2021 SSO Application Due **10/31/2020**

[See more...](#)

## Training / Resources

[Training](#)

[Resources](#)



## Training Topics and Dates Posted in SNEARS

- Advantages of the Fixed Price Contract – Posted in SNEARS  
11/29/2017
  - This training covers advantages and disadvantages of each type of contract and specific requirements of the SFA when administering and monitoring the FSMC contract
- Completion of the FSMC RFP/Contract for Approval –  
2/12/21
  - Page by page instructions on completion of RFP (Forms 17CR or 17FP)



# Training Topics and Dates Posted in SNEARS

- CACFP (At Risk Dinner Program) Addendum – Posted  
2/1/2021
  - Information about and instruction on completion of 17CACFP document
  - **IMPORTANT** – This addendum must be completed if you choose current or future CACFP
- Scoring Criteria and Evaluation of Scoring Criteria in RFP –  
3/10/21
  - One of the most important steps in the RFP process is determining what scoring criteria you will use and how to evaluate those criteria



## Training Topics and Dates Posted in SNEARS

- Evaluation of Costs on the FSMC Proposal – TBA
  - How to review and evaluate the FSMC Response and Operating Statement (Form 23) and comparison of all proposals on Form 24
- Submission of Documents for Contract Pre-Approval – TBA
- ECAS Training for Base Year Fixed Price Contracts - TBA
- ECAS Training for Base Year Cost Reimbursable Contracts - TBA



## What is ECAS?

- Electronic Contract Approval System (ECAS)
- Both Fixed Price and Cost Reimbursable Base Year Contract Documents will be Submitted for Approval through the ECAS System
  - ECAS submission for Cost Reimbursable contracts is new this year!
- **ECAS Does not include the RFP Approval Step**
  - The RFP/Contract must be submitted to [DFNcontracts@ag.nj.gov](mailto:DFNcontracts@ag.nj.gov) for approval before advertisement.
- ECAS is for Contract Pre-Approval and Final Approval Steps





## Documents and Forms for RFP/Contract

All documents and Forms can be found in SNEARS under Resources – FSMC Cost Reimbursable or Fixed Price Contracts Documents

Forms that are CR are for Cost Reimbursable and FP are for Fixed Price Contracts

- **Forms 17CR & 17FR** - RFP/Contract for procurement of services from an FSMC – Required to be reviewed by the SA before advertising RFP
- **Forms 23CR and 23FP** - FSMC Response and Operating Statement (To be included with the RFP and returned with FSMC proposal)



## Documents and Forms for RFP/Contract

- **Form 372** – NJ Worksheet for RFP (This form must be *requested* for your individual SFA
  - Send request to [DFNcontracts@ag.nj.gov](mailto:DFNcontracts@ag.nj.gov) and in the Subject line insert your SFA Name and Agreement number
- **Forms 39, 130, 131, 132 & 133** - Mandatory Federal Forms Packet (to be included in the RFP and returned with the proposal)
- **Forms 381CR and 381FP** - SFA Guidance on completion of the RFP/Contract (Guidance and Instructions)



## Documents and Forms for RFP/Contract

- **Form 320** – RFP Scoring and Evaluation instructions and worksheets
  - This form includes several documents and must be returned to the State Agency with submission of contract documents
- **Form 24CR and 24FP** – FSMC Proposal Comparison Form
  - Must be returned to the State Agency with submission of contract documents.
- **Form 46** - Board Report N.J.S.A. 18A:18A-4.4
  - The Board Report is required prior to the Board Meeting when contract is awarded



## In Summary

- Watch the Mini Training Webinars
- Make a timeline for the RFP process – Start early
- Deadlines for RFP Approvals mean that is the last day you can submit and complete the process.
- Services under the FSMC Contract cannot begin until Final Approval has been received.
- We are here to assist you – submit all questions to [DFNcontracts@ag.nj.gov](mailto:DFNcontracts@ag.nj.gov)



# Procurement of Services from a Food Service Management Company

This webinar can count toward 1 hour of professional standards  
training:

Key Area- Operations  
Learning Topic- Purchasing/Procurement  
Topic Code – 2400

New Jersey Department of Agriculture  
School Nutrition Programs  
609-984-0693

[www.nj.gov/agriculture](http://www.nj.gov/agriculture)

*This institution is an equal opportunity provider*



Thank you for participating!

*Disclaimer:*

**This presentation was provided as technical assistance to provide a general framework of the process of contracting with a Food Service Management Company. SFAs are advised to review all reference materials and applicable federal, state and local law to ensure compliance. In addition, seeking legal counsel or advice is recommended when procuring a contract of any kind.**