

FOOD SERVICE MANAGEMENT COMPANY REGISTRATION 2021-2022



Presented by:
Division of Food & Nutrition
Contracts & Procurement Unit

TODAY'S TOPICS

- ✓ 2021-22 Registration
- ✓ USDA Guidance
- ✓ Procedures for SY 2021-2022
- ✓ Contract/Renewal Reminders
- ✓ Resources/Trainings/ Questions

REGISTRATION PROCESS OVERVIEW FOR 2021-2022

FSMC Registration is a three-step process:



Step 1. Already completed: Submission of Application Document and proof of NJ Business Registration



Step 2. Completing Now: Watching this Registration Process Overview Webinar

Step 3. Coming Soon: Watching webinar *on Completing the Response and Projected Operating Statement (Form #23)* for SY 2021-22

The [New Jersey Directory of Registered FSMC Companies for SY 2021-2022 \(#221\)](#), is currently being updated and will be posted in SNEARS by February 1

STATE OF NEW JERSEY
FOOD SERVICE MANAGEMENT COMPANY (FSMC)
APPLICATION FOR REGISTRATION
SCHOOL YEAR 2021-2022

I – FSMC COMPANY IDENTIFICATION

1. Legal Company Name and Address (Street, City, State and Zip Code)

Is the FSMC a Minority Owned Enterprise? YES NO

2. FSMC Contact Information

The information completed below will be used in the "New Jersey Directory of Registered FSMCs for the 2021-2022 School Year" (Form #221). The contact information will also be used for all communications between the State Agency (SA) and FSMC.

FSMC NAME:	
MAILING ADDRESS:	
CONTACT PERSON:	
TITLE:	
TELEPHONE NO.:	
E-MAIL:	

IMPORTANT!

If designated contact person changes after Directory is published, notify State Agency so the Directory can be updated and the FSMC receives communication/emails

***Only signatures from these individuals will be accepted on contracts and renewals that are approved submitted for SA approval

IV - PERSONNEL PROFILE

6. List the Name and Title of Individuals from the FSMC Authorized to Sign Contracts/Renewals

NAME	TITLE

V CIVIL RIGHTS ASSURANCE

7. The Program applicant hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.); all provisions required by the implementing regulations of the Department of Agriculture; Department of Justice Enforcement Guidelines, 28 CFR Part SO.3 and 42; and FNS directives and guidelines, to the effect that, no person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied benefits of, or otherwise be subject to discrimination under any program or activity for which the program applicant receives Federal financial assistance from FNS; and hereby gives assurance that it will immediately take measures necessary to effectuate this agreement.

By accepting this assurance, the Program applicant agrees to compile data, maintain records, and submit reports as required, to permit effective enforcement of nondiscrimination laws and permit authorized USDA personnel during hours of program operation to review such records, books, and accounts as needed to ascertain compliance with the nondiscrimination laws. If there are any violations of this assurance, the Department of Agriculture, FNS, shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Program applicant, its successors transferees, and assignees as long as it receives assistance or retains possession of any assistance from USDA. The person or persons whose signatures appear below are authorized to sign this assurance on the behalf of the Program applicant.

SIGNATURE:		TITLE:
SIGNATURE:		TITLE:

BREAKING NEWS ALERT

USDA COVID 19: CHILD NUTRITION RESPONSE #71

Nationwide Waiver of Food Service Management Contract Duration in the National School Lunch Program and Summer Food Service Program EXTENSION (Issued January 6, 2021)

- SFAs who are currently in the fifth year of the FSMC contract cycle for SY 2020-2021 have the option to:
 - Extend the contract renewal for a 6th year for SY 2021-2022 with an ending date of June 30, 2022
 - Secure a new base year contract following standard federal and state procurement requirements. This contract is renewable
 - 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

Nationwide Waiver of Food Service Management Contract Duration in the National School Lunch Program and Summer Food Service Program EXTENSION (CONT.)

- ❑ SFAs currently in the sixth year of the FSMC cycle in SY 2020-2021 have the option to:
 - ❑ Extend the contract renewal for a 7th year for SY 2021-2022
 - ❑ Secure a new base year contract following standard procurement requirements. This contract is renewable
 - ❑ 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 one-year noncompetitive Emergency Contract in SY 2020-2021 have the option to:
 - ❑ Secure a new base year contract following standard procurement requirements. This contract is renewable
 - ❑ 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.

WHAT'S NEXT??

FOR SFAS

- SFAs affected have been notified about the waiver and available options
- Option chosen is the decision of each individual SFA
- SFAs must return an Option Selection Form (Form #379) to State Agency by March 1, 2020 indicating which option they are choosing
- SFAs choosing a 6th year renewal, 7th year renewal or one year emergency contract will receive the appropriate document directly from the State Agency. Documents will not be posted in SNEARS
- SFAs choosing to procure a new base year contract through standard procurement will be able to access the necessary documents in SNEARS

FOR FSMCs

- The old “5th year List” (List of SFAs required to procure a new contract) is on pause for 2021-2022 because SFAs are not required to procure a new base year contract following standard procurement requirements
- However, a list of SFAs currently in the 5th or 6th year or who executed an emergency contract for 2020-2021 will be posted in SNEARS for your information



COMING SOON

PROCEDURES FOR SCHOOL YEAR 2021-2022

RFPs

- SFA must submit Cost Reimbursable (CR) and Fixed Price (FP) RFPs for approval before SFA can advertise for proposals. RFPs are submitted to:
DFNContracts@ag.nj.gov

CONTRACTS

- After award, standard CR (#17CR) and FP (#17FP) base year contracts will be submitted electronically by SFA in Electronic Contract Approval System (ECAS) for Pre-Approval. After pre-approval, Contract Signature page will be submitted in ECAS for final State Agency Approval
- Emergency One-Year contracts will be a PDF fillable form sent directly to applicable SFAs. Signed contracts will be emailed by SFA to
DFNContracts@ag.nj.gov

RENEWALS

- CR and FP Renewals for years 2, 3 and 4 will be submitted in ECAS
- Year 5 CR renewals will be a PDF fillable form sent directly to applicable SFAs. Signed renewals will be emailed by SFA to DFNContracts@ag.nj.gov
- Year 6 and Year 7 renewals will be a PDF fillable form sent directly to applicable SFAs. Signed renewals will be emailed by SFA to DFNContracts@ag.nj.gov

MORE PROCEDURES/CHANGES FOR RFP/CONTRACTS

- ❑ NJ Workbook for FSMC RFP (Form #372) will include:
 - ❑ Meal counts/reimbursement information from:
 - ❑ January 2019 through December 2019
 - ❑ September 2020 to December 2020
- ❑ For CR RFPs, SFAs will indicate type of fee (cents per meal or flat fee)
- ❑ If SFA is adding Child and Adult Care Food Program (CACFP) At Risk dinner to the RFP as a current OR possible future program:
 - ❑ SFA must complete a CACFP Addendum (Form #17CACFP) and submit with RFP for State Agency approval
 - ❑ Same CACFP addendum will be used for both FP and CR contracts
 - ❑ CACFP program staff will review and approve the CACFP addendum
 - ❑ For FP contracts only: If SFA indicates a potential future CACFP At-Risk dinner program (or future SFSP), FSMC will have to include projected costs on Form #23FP when submitting a proposal
- ❑ SFAs will be required to submit a copy of successful FSMC's bid bond when submitting contract to State Agency for Pre-Approval

HOW WILL YOU KNOW IF AN RFP HAS BEEN APPROVED BY STATE AGENCY

- ❑ SFA must submit RFP to State Agency (SA) for approval before advertising for proposals
- ❑ SA approved RFP (CR and FP) will have SFA name, agreement number and date of approval on first page and every page will have a watermark that says “State Agency Approved”

CAUTION!

**DO NOT SUBMIT
A PROPOSAL TO
AN SFA IF RFP
DOESN'T
INCLUDE
WATERMARKS
AND DATE OF
APPROVAL**

Approved by DFH (ef)
January 4th, 2021
Anytown Bd of Ed - 01234567

Form #17CR
Revised January 2021

Food Service Management
Company (FSMC)
COST REIMBURSABLE
Request for Proposal (RFP) and Contract

Any School Food Authority (SFA) electing to use an FSMC and enter into a Cost Reimbursable contract must prepare an RFP utilizing this document which **may not be re-typed or altered in any way**. Any changes to this RFP document in the form of additional requirements or specifications must be submitted to the State Agency for approval on the RFP Modification Request on page 58 of this document.

Modifications and/or amendments to the contract will be reviewed by the State Agency as part of the RFP review and approval process. **The entire completed RFP document must be submitted to and approved by the State Agency prior to the solicitation process**. Should the SFA and FSMC enter into any contract without State Agency approval of the RFP, it will be null and void.

The purpose of this solicitation is to obtain an FSMC to manage the SFA's school food service program.

SCHOOL FOOD AUTHORITY NAME: Anytown Bd of Ed

BUSINESS ADMINISTRATOR: Jane Doe

BUSINESS ADMINISTRATOR EMAIL: Jane.Doe@abc.edu

AGREEMENT NUMBER: 01234567

CONTRACT STARTING DATE: July 1, 2021

CONTRACT ENDING DATE: JUNE 30, 2022

The proposer is herein referred to as the Food Service Management Company (FSMC). The contract will be between the School Food Authority (SFA) and FSMC.

A FEW PROPOSAL/CONTRACT REMINDERS

- FSMC cannot develop or modify RFP/specifications for SFA
- FSMC cannot develop evaluation criteria or participate in scoring of proposals for SFA
- Proposals cannot be overly responsive:
 - Value added incentives are prohibited (i.e. scholarships, donations, etc.)
 - Improvements to the food service facility or building are prohibited
 - Equipment purchases on behalf of SFA are prohibited unless SFA makes specific request in RFP
 - If there is a guaranteed return, guarantee in contract cannot exceed bottom line on Form #23
- If SFA provides vended meals to another SFA under an SFA to SFA contract:
 - Contract must be between vendor SFA and receiving SFA
 - FSMC cannot contract directly with receiving school to provide vended meals
 - FSMC cannot provide any labor to serve or count meals at receiving school
 - Payments must be made directly from the receiving SFA to the vendor SFA. Payments cannot be made directly to the FSMC

RENEWAL REMINDERS

If SFA elects to renew contract:

- ANY increase in management fees (or meal rates) cannot exceed the quarterly index rate in effect on the date the board of education approves the renewal (public/charter schools) or the date renewal is signed (non-public schools)

The quarterly index rate is published by the Department of Community Affairs four times a year (January, April, July and October)

Website for current index rate:

http://www.state.nj.us/dca/divisions/dlgs/programs/lpcl_docs/cur_index_rate.pdf

- Meal equivalent conversion factor must be same as in base year contract for all renewal years
- If there is a guarantee, guarantee conditions are the same as in the base year contract
- FSMC management/administrative fee cannot be increased if a future program indicated in a base year contract is implemented in any renewal year
- Reminder:
 - Years 2, 3 and 4 will be submitted electronically by SFA in ECAS
 - Years 5, 6 and 7 will be a hard copy emailed by SFA to DFNCONTRACTS
 - SFAs will be directly emailed the appropriate renewal form. Renewal forms will not be posted in SNEARS

FYI - SFA RFP/CONTRACT/RENEWAL TIMELINE SUMMARY

CONTRACT/RENEWAL CHOICE FOR APPLICABLE SFAS

SFAs in Year 5 or 6 or who used an emergency contract must submit their procurement choice for SY2021-2022 by **March 1, 2021**

RFPs

SFA must submit CR or FP RFP via DFNContracts@ag.nj.gov for SA approval before advertising for proposals. Deadline is **April 9, 2021**

CONTRACTS

After award, SFA must submit FP or CR Contract for pre-approval in ECAS with all required support documents, by **May 31, 2021***

SFA must upload completed Contract Signature Page by **June 30, 2021**

EMERGENCY CONTRACTS

SFA must submit signed emergency contract by **May 31, 2021***

RENEWALS

SFA must submit FP and CR renewals by **May 31, 2021***

- Year 2, 3, 4: ECAS
- Year 5, 6, 7: Email to DFNContracts@ag.nj.gov

***June reimbursement will be placed on hold for any SFA that has not submitted contract/renewal documents by the May 31, 2021 deadline**

SFA cannot make payment to the FSMC beginning July 1, 2021 if contract or renewal has not received final approval by SA

RESPONSE & PROJECTED OPERATING STATEMENT (FORM #23)

- ❑ FSMC must complete Form #23 and include with each contract proposal, renewal and emergency contract
- ❑ Form #23 overview webinar will be posted in SNEARS “Training” by February 1.
 - ❑ It is recommended that all FSMC staff involved in the preparation of Form #23 watch the webinar
 - ❑ Forms that are not completed correctly will be returned for revision
- ❑ Six versions are available:
 - ❑ #23CR Public or #23CR Non-Public for CR
 - ❑ #23FP Public or #23FP Non-Public for FP
 - ❑ #23CR Covid or #23FP Covid (For emergency contracts)
- ❑ FSMCs received a test copy of #23 (FP & CR public) with the December 3rd Registration

Based on feedback, changes were made and a final version developed with a revision date of 12/2020. No further changes will be made

DO NOT USE THE TEST COPY OF #23 SENT WITH THE REGISTRATION MEMO

PROCUREMENT REVIEWS 2020-2021

Federally Mandated Procurement Reviews

- SFA procurement reviews are being conducted during the current school year (2020-21)
- Reviews are conducted by an outside company and are completed 100% off site
- FSMCs will be asked to provide documentation supporting selected monthly invoices and operating statements
- SFAs may be required to submit a Corrective Action Plan (CAP) that involves obtaining additional documentation from the FSMC
- Further information on procurement requirements is available in SNEARS
- Questions regarding procurement reviews must be sent to:

Procurementreviews@ag.nj.gov



FSMC RESOURCES

A new category (**FSMC Resources**) is available in SNEARS Resources for FSMCs to access relevant documents. Documents that are not currently posted will be posted as they are updated/revised/developed. **Documents will no longer be sent by email**

FSMC Resources category will include:

- List of “SFAs in 5th Year, 6th Year, and 1 Year Emergency FSMC Contracts”
- Mandated federal forms packet (#39, #130, #131, #132, #133) required for base year and one year emergency contracts:
 - Disclosure of Investment in Iran (#39)
 - Debarment Certificate (#130)
 - Certificate of Independent Price Determination (#131)*
 - Certification Regarding Lobbying (#132)
 - Political Contribution Disclosure Form (#133)

*Not required for 1 Year Emergency FSMC Contracts

MORE FSMC RESOURCES

- Response and Projected Operating Statement (Form #23):
 - All versions
- Sample RFP/contract (Form #17FP and #17CR)
- NJ Directory of Registered FSMC Companies for SY 2021-2022
- State Agency Determined FSMC Meal Equivalent Conversion Factor (Form #348)
- Sample invoices and operating statements
- Beginning July 1, 2021, a list of SFAs with approved contracts/renewals for 2021-2022. List will be updated biweekly
- Other forms as needed



TRAINING/RESOURCES



- FSMCs have access to all recorded webinars and power point presentations
 - Webinars are posted in SNEARS under “Training”
 - Power point presentations from webinars are posted in SNEARS “Resources” under the “Training Presentations” tab.
- FSMCs have access to all posted forms, in addition to forms posted in FSMC Resources
 - Forms are posted by category in SNEARS under “Resources”
- A series of short, recorded webinars on various topics regarding the contract and renewal process, procurement, etc. will be posted in SNEARS as they are developed

ACCESSING TRAINING/RESOURCES


- ❑ The general public can access links for Resources and Trainings from the NJDA's School Nutrition Programs webpage at:

<https://www.state.nj.us/agriculture/divisions/fn/childadult/school.html>

- ❑ Each link is listed under the Overview section (see arrow below):



School Nutrition Programs



- ▶ **School Nutrition Programs**
- ▶ Child and Adult Care Food Program
- ▶ Summer Food Service Program
- ▶ Farm to School Program
- ▶ Farm to School and School Garden Fund Tax Check Off

- [Overview](#)
- [National School Lunch Program](#)
- [School Breakfast Program](#)
- [After School Snack Program](#)
- [Special Milk Program](#)
- [Fresh Fruit and Vegetable Program](#)
- [Eat Right, Move More Program](#)
- [Wellness Policy](#)
- [Community Eligibility Provision](#)
- [Seamless Summer Option](#)
- [State Agency Administrative Review Summaries](#)
- [Contact Information](#)
- [New Jersey National School Lunch Program Waiver Requests](#)

Related Links

- [Shaping NJ School Toolkit to Advance School Wellness](#)
- [Tray Talk - Communities for Healthy School Meals](#)

▪ **Overview**

The United States Department of Agriculture's (USDA) school nutrition programs are administered through the New Jersey Department of Agriculture (NJDA). Eligible public schools, non-profit private schools, and residential child care institutions (RCCI) enter into written agreements with NJDA to operate local programs that provide nutritionally balanced meals to children each day.

The programs available with the School Nutrition Programs include: National School Lunch Program (NSLP), School Breakfast Program (SBP), After School Snack Program (ASSP), Fresh Fruit and Vegetable Program (FFVP), Special Milk Program (SMP), and Seamless Summer Option (SSO).

By participating in the School Nutrition Programs, schools and RCCIs serving meals or milk that comply with requirements can receive financial assistance.

[School Nutrition Programs Brochure](#) [94] (1.18MB PDF)

[Click here](#) to find out how to become a **Sponsor**.

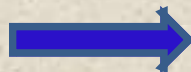
[Reimbursement Rates – Public & Charter Schools](#)

[Reimbursement Rates – Private, Non-public Schools & RCCIs](#)

[Click here](#) to access SNEARS Resources

[Click here](#) to access SNEARS Webinar Trainings

[Click here](#) to access School Nutrition Programs forms.





Contact Information for Questions

FSMC registration/FSMC Forms/Contracts/Renewals

Email: DFNContracts@ag.nj.gov

Reminder: Questions regarding specific SFAs must be submitted directly by the SFA certifier/alternate certifier

Procurement/Procurement Reviews

Email: Procurementreviews@ag.nj.gov

General School Nutrition Program (SNP) questions (i.e. SSO, meal pattern, etc.)

Phone: 609-984-0693

Summer Food Service Program (SFSP):

Email: tracii.butler-powell@ag.nj.gov

Child and Adult Care Food Program (CACFP)

Email: stephanie.sutton-page@ag.nj.gov