



NEW JERSEY DEPARTMENT OF AGRICULTURE DIVISION OF FOOD AND NUTRITION CHILD AND ADULT CARE FOOD PROGRAM

Request for Proposal/Contract – Addendum for Child and Adult Care Food Program (CACFP)

School Food Authority Name: _____

Business Administrator/Administrator Name: _____

Email Address: _____

SNP Agreement Number: _____ **CACFP Agreement Number:** _____

Contract Addendum Start Date: _____ **End Date:** _____

- | | |
|---|--|
| <input type="checkbox"/> Fixed Price FSMC Contract | <input type="checkbox"/> Current CACFP Program |
| <input type="checkbox"/> Cost Reimbursable FSMC Contract | <input type="checkbox"/> Potential Future Program |

This Contract Addendum must be completed by the School Food Authority (SFA) seeking to procure CACFP Meals, within a School Nutrition Program Request for Proposal (RFP) / Contract. All required information must be completed (see checklist on page 13). A copy of the Contract Addendum must be submitted to the State Agency with the RFP before advertising and soliciting proposals. The completed RFP and Addendum must be sent to DFNContracts@ag.nj.gov. Failure to utilize the State Agency approved RFP and Contract Addendum and/or utilizing an incomplete RFP will result in disqualification of the RFP.

SFAs must ensure that goods and services are properly procured and that all records are maintained.

The SFA shall abide by all Federal, State and local procurement regulations including, but not limited to the following regulatory requirements listed below:

1. 7 CFR Part 226 Child and Adult Care Food Program
2. 7 CFR 226.22 Procurement Standards in CACFP regulations
3. 7 CFR 210.16 and 21 Procurement – National School Lunch Program
4. Office of Management and Budget Guidance Chapter II – 200-299
5. 2 CFR Part 200 – Uniform Administrative Requirements for Grants and Agreements with institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, 2 CFR 200.318 -200.326 Procurement Standards contained in government regulations; <http://www.ecfr.gov>
6. New Jersey Local Public-School Contract Law, N.J.S.A. 18A-18A-1 et seq.

CACFP PROCUREMENT REQUIREMENTS FOR SFAs

Code of Conduct for Procurement

All institutions must maintain a written Standard Code of Conduct for Procurement. This policy governs performance of the officers, employees, and agents of the SFA who are engaged in selecting, awarding, and administering procurements and contracts. Of these individuals, none may participate in selecting, awarding, or administering procurements and contracts if, to the best of their knowledge, a conflict of interest (real or apparent) exists. Such a conflict would arise when any of these individuals, or members of their immediate families, or their partners, or an organization which employs, or is about to employ any of the aforementioned individuals, has a financial or other interest in the FSMC selected for the award of the contract.

CACFP Procurement and SFA Contracting Requirement

SFAs that contract with FSMCs for some or all aspects of the management of the food service program may allow the FSMC to conduct the same activities for CACFP that are performed for NSLP. SFAs should be reminded, however, that the SFA maintains responsibility for submitting claims, retains control of the quality of the food service, monitoring the food service operations, and remains accountable to ensure that all CACFP requirements are met.

A. Meal Service Schedule:

SFA to enter estimated number of meal servings per day, estimated number of meal service days, and estimated total number of servings in columns A, B, and C respectively.

SFA also must Check the appropriate box for Unitized Meal Service or Family / Cafeteria Style Meal Service

**CHILD AND ADULT CARE FOOD PROGRAM
MEAL SERVICE SCHEDULE**

Check All CACFP Meal Service Type(s) Applicable: Unitized Meal Service
 Family \ Cafeteria Style Meal Service

MEAL TYPE	A. ESTIMATED SERVINGS PER DAY	B. ESTIMATED NUMBER OF SERVING DAYS	C. ESTIMATED TOTAL SERVINGS (A x B = C)
BREAKFAST			
AM SUPPLEMENT			
LUNCH			
PM SUPPLEMENT			
DINNER			

C. CACFP TERMS AND CONDITIONS:

1. USDA regulations, 7 CFR Part 226 - Child and Adult Care Food Program, are hereby incorporated into this Contract Addendum by reference.
2. The FSMC may not subcontract for the total meal, with or without milk, or for the assembly of the meal.
3. The meals served under this Contract Addendum shall conform to the cycle menu upon which the proposal was based and to menu changes agreed upon by the SFA and the FSMC. All meals furnished must meet or exceed USDA requirements. A Child and Adult Care Food Program Meal Pattern Menu is attached hereto and made a part of this Contract Addendum.
4. Meals are to be prepared and served _____ (# of days) days a week, as specified by the SFA. FSMC shall furnish food and non-food and milk products as ordered by the SFA.
5. The FSMC shall maintain quality control inspections to check for quality of products, appearance, and packaging.
6. The State Agency may require the FSMC to provide for meals which it prepares to be periodically inspected by the local health department or an independent agency to determine bacteria levels in the meals being prepared. These bacteria levels shall conform to the standards which are applied by the local health authority with respect to the level of bacteria which may be present in meals prepared or served by other establishments in the locality. Results of these inspections shall be submitted to the SFA and to the State Agency CACFP Office.
7. The SFA reserves the right to cancel this Contract Addendum if the Federal funding to support the CACFP is withdrawn. It is further understood that, in the event of cancellation of the contract, the SFA shall be responsible for products that have already been assembled and delivered in accordance with this contract.
8. The SFA must be approved by the State Agency CACFP Office to participate in the CACFP or in the application approval process to be approved to participate in the Child and Adult Care Food Program for the CACFP meals being procured in this Contract Addendum.
9. Reimbursement for CACFP meals served is determined based on CACFP- specific rates of reimbursement. Additional State-issued reimbursement for NSLP “Reduced-Priced” meals is not applicable to CACFP contracted “reduced-price” meals / food service operations. Reimbursement for CACFP meals is limited to the CACFP per-meal reimbursement rate issued by the USDA, inclusive of Cash in-lieu of USDA commodity foods rate for each lunch or dinner served, if the cash-in-lieu of commodities reimbursement option is selected by the SFA.
10. Per FNS Instruction 796-2 Rev. 4, Financial Management – Child and Adult Care Food Program, Cash-in-Lieu of USDA Foods, **the Cash-in-Lieu-of USDA Food payments received by an SFA shall be used only to purchase food products that are produced in the United States for the use in the Program.** SFAs must maintain sufficient records to document the proper use of these payments. The Buy American Provision is also applicable to SFA food purchases for CACFP meals.
11. Per CACFP Regulation 7 CFR 226.17a(j), All at-risk afterschool supplements and at-risk afterschool meals served under this section **must be provided at no charge to participating children.**
12. **No Charge for CACFP Meals** – CACFP Permanent Agreement #34a and Policy Statement., ...**that all enrolled participants are served the same meals either at no separate charge** or with a pricing policy in effect, that meals are served regardless of race, color, national origin, sex, age, disability and retaliation, and that there is no discrimination in the meal service, admissions policy or use of any Child and Adult Care Food Program facility.

13. The SFA reserves the right to add or delete CACFP facilities and/or homes (frequent occurrence that does not result in a material change for CACFP).
14. Child and Adult Care Food Program Breakfast, Lunch, Supplement and Dinner applies to meals served Afterschool, on weekends, school breaks and school days when school is not normally in session to participate in School Nutrition Programs, except summer months.
15. No provision of this contract addendum shall be assigned or subcontracted.
16. The FSMC shall furnish food, non-food, and milk products as ordered by the SFA.
17. The SFA shall be responsible for the administration of the CACFP, including determining the eligibility of all CACFP sites, submitting the reimbursement claim, and monitoring sites. The SFA shall not delegate any CACFP management responsibilities to the FSMC. 7CFR 226.15(c).
18. The SFA shall be responsible for ensuring that the food service operation conforms to all program requirements outlined in 7 CFR Part 226.
19. The FSMC will operate the CACFP as part of this Contract Addendum. The anticipated budget and cost of operation (including the cost of food, preparation, record keeping, and delivery of meals) must be documented on the Response and Projected Operating Statement (Form #23) and billed monthly to the SFA using a Monthly Operating Statement and invoice.

Certification of Standards of Conduct

According to 7 CFR Section 226.22 (d) and 2 CFR Part 200.318, institutions must maintain a written code of standards of conduct.

- A. The written code of standards of conduct shall govern the actions of all the representatives in the award and administration of contracts supported by Program payments.
- B. No representative of the SFA or FSMC can participate in the selection, award or administration of this contract, which is supported by Federal funds, if and when a conflict of interest (real or apparent) is involved.
- C. A conflict would occur when:
 - 1. The employee, officer or agent;
 - 2. Any member of his/her immediate family;
 - 3. His or her partner; or
 - 4. An organization, which employs or will employ any of the above, has a financial or other interest in the bidder that has been selected.
- D. The SFA's representatives can and will not solicit nor accept gratuities, favors or any monetary incentive from bidders, possible bidders or parties to sub-agreements.

Instructions for completion of Schedule A: Site Information List

1. Enter SFA's name in the "Institution" field and enter the CACFP Agreement Number in the associated field.
2. List all Schools and Facilities. Be sure to use the proper names and street address for all sites listed.
3. Under the associated columns, enter the beginning and ending dates for meal service at each site.
4. Under the associated column, enter the days of the week for meal service.
5. Under the "Quantity" column, enter the average number of meals that are estimated to be served per meal type listed at that site. For example, if a site plans to serve 20,000 dinners for 320 days, then the average is 62.5 (20,000 / 320). Do not insert the maximum number that will be served on a particular day.
6. Enter the anticipated delivery time and meal service time for each of the meal types specified to be served at each site.
7. Under the associated columns, enter an "X" if unitized meal service or OVS is applicable for a specific meal type.

Note: Since the Schedule A must be completed well in advance of the application deadline, it is recognized that changes will occur in the data by the time the program begins. However, be as accurate as possible since the data is used by the FSMC to arrive at the proposal prices. The FSMC awarded the contract will accept program participation changes after the proposal opening.

CHILD AND ADULT CARE FOOD PROGRAM

SCHEDULE A: CACFP FACILITY INFORMATION LIST

SFA NAME					CACFP AGREEMENT #								
NAME OF SCHOOL	ADDRESS	DATES OF MEAL SERVICE		DAYS OF WEEK	TYPE OF MEAL	QUANTITY	DELIVERY TIME (If Applicable)	SERVING TIME	UNITIZED MEAL SERVICE (X)	OVS (X)	HOLDING FACILITIES		SPECIAL PROVISIONS
		BEGIN	END								YES	NO	
					B								
					AM							SATellite MEAL SERVICE FROM CENTRAL KITCHEN (X)	
					L								
					PM								
					D								
					B								
					AM							SATellite MEAL SERVICE FROM CENTRAL KITCHEN (X)	
					L								
					PM								
					D								
					B								
					AM							SATellite MEAL SERVICE FROM CENTRAL KITCHEN (X)	
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					PM								
					D								
					B								
					AM							SATellite MEAL SERVICE FROM CENTRAL KITCHEN (X)	
					L								
					PM								
					D								

** Add additional Schedule A Sheets, as needed. ***Add Potential Future Schools Participation with Estimated Start Date.

CHILD AND ADULT CARE FOOD PROGRAM

SCHEDULE B: MENU

The contracting SFA **must attach a menu** for all meal types to the CACFP Addendum. These menus must meet the USDA Child and Adult Care Meal Pattern requirements by listing the required components for each CACFP meal served. The meal requirements for the Program are designed to provide nutritious and well-balanced meals to each participant. 7 CFR Section 226.20 of the CACFP regulations represents the minimum requirements, for meals served to children in the CACFP Program.

Please note, per federal regulations, if a CACFP SFA Sponsoring Institution participates in the National School Lunch Program (NSLP), the SFA may utilize the NSLP meal pattern and NSLP Offer vs. Serve (OVS) federal requirements, in lieu of the CACFP meal pattern and OVS requirements. CACFP OVS is only approved to be utilized for meals served as part of a CACFP At-Risk Afterschool Meals Program. CACFP Preschool or Outside-School-Hours Programs are not able to serve meals using an Offer vs. Serve Meal Service option.

Please indicate either CACFP or NSLP meal pattern on each menu.

SFAs approved to participate in both the NSLP and CACFP Meals Program have the flexibility to utilize the NSLP or CACFP meal pattern for CACFP At-Risk meal service operations.

- The SFA must indicate below which meal pattern requirements will be utilized and implemented for CACFP meal service.
- CACFP At-Risk Afterschool Meals Program menus must reflect all meal pattern requirements for the specific meal pattern requirements (NSLP or CACFP) selected.

Type of meal pattern requirements to be utilized and implemented for CACFP Meals:

NSLP/SBP/ASSP Meal Pattern Requirements (7 CFR 210)

CACFP Meal Pattern Requirements (7 CFR 226.20)

For additional assistance, please visit the USDA website: <https://www.fns.usda.gov/cacfp/meals-and-snacks>

Please ensure to review the USDA CACFP Meal Pattern footnotes listed for each meal type for additional meal pattern component requirements.

CACFP Offer Versus Serve (OVS) Meal Service Requirements

The goals of OVS are to simplify program administration, reduce food waste, and costs while maintaining the nutritional integrity of the CACFP meal that is served. For any meal to be eligible for reimbursement, no matter what meal service type is used, all food components in the required minimum serving sizes must be offered and available at each meal service for all participants.

SFAs electing to use OVS in the CACFP At-Risk Afterschool Meals Program have the option to utilize and adhere to either the NSLP/SBP OVS requirements or the CACFP OVS requirements.

- The SFA must indicate below which set of OVS regulations will be utilized and implemented.
- The SFA must identify, on the associated CACFP Schedule A, which facilities/schools will implement OVS.
- CACFP At-Risk Afterschool Meals Program menus must reflect all meal pattern requirements, including OVS requirements.

Example of OVS Requirements in School Nutrition Programs vs. CACFP:

NSLP/SBP	CACFP
<ul style="list-style-type: none"> • Requires at least one component be a fruit or vegetable to qualify as a reimbursable meal. • Can count a large item (like a 2 oz. muffin) as two separate food items. (SBP Only) • Allows two servings of the same food item to count toward component requirements. (SBP Only) 	<ul style="list-style-type: none"> • Does not require a fruit/vegetable be selected to qualify as a reimbursable meal. • Does not permit large item (like a 2 oz. muffin) to qualify for more than one food item. • Does not permit offering two servings of the same food item.

SFA OVS Selection:

- The SFA chooses to utilize and implement OVS for CACFP Operations
- The SFA chooses to **NOT** utilize and implement OVS for CACFP Operations

Type of OVS Requirements to be utilized:

- NSLP OVS Requirements
- CACFP OVS Requirements – For At-Risk Afterschool Meal Programs only; Not permitted for Outside-School-Hours Afterschool Meal Programs

CHECKLIST OF REQUIRED RFP CACFP ADDENDUM ITEMS TO BE COMPLETED

SFA:

1. Prepare RFP CACFP Addendum draft to be submitted for approval to the State Agency.
2. Complete information needed for Pages: 1, 3, 4, 8, 9, 10.
3. Attach SFA Menu(s) for each meal type to be procured.
4. Submit CACFP RFP and Contract Addendum draft copy to State Agency for approval (prior to distributing to bidders).

For State Agency Use Only:	
NJDA CACFP Approval	
CACFP NPS Approval:	Date:
CACFP State \ Assistant Coordinator Approval:	Date: