

PROCUREMENT OF MEALS FROM A COMMERCIAL VENDOR

SCHOOL YEAR 2021-2022



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

TODAY'S WEBINAR



- ❖ **The power point slides for this webinar are available in SNEARS “Resources” under the Training Presentations Tab**
- ❖ **Forms referenced in this webinar are available in SNEARS “Resources” under “Other Contract Type Documents/Commercial Vendor”**
- ❖ **This webinar covers procurement of a base year commercial vendor contract only. A separate webinar is available regarding contract renewals**

OBJECTIVES

Participants should be able to:

- ❖ Understand federal and state requirements for procuring commercial vendor contracts
- ❖ Correctly complete the commercial vendor procurement process
- ❖ Understand how to manage the vendor contract
- ❖ Receive approval from the State Agency (SA)



FIRST: MAKE A DECISION

School Food Authorities (SFAs) that do not have facilities and/or the capability to prepare meals on site can choose to:

- ❖ Procure a base year commercial vendor contract following required procurement procedures

OR

- ❖ Purchase meals from another SFA



WHAT IS A COMMERCIAL VENDOR?

- ❖ A commercial vendor is an enterprise that **prepares and provides complete meals (with or without milk only) in their licensed food preparation facility.** No other component of the meal can be excluded, i.e. fruit or vegetable
- ❖ If the vendor does not provide milk, the SFA will have to purchase milk following standard procurement requirements
- ❖ A commercial vendor CANNOT:
 - ❖ Provide employees on-site at the SFA to make final meal preparation
 - ❖ Provide employees on-site at the SFA to serve meals and/or count meals
 - ❖ Manage any aspect of the school food service program



If any of the above services are provided, it is considered a food service management company (FSMC), not a vendor. FSMC procurement procedures must be followed

PURCHASING MEALS FROM ANOTHER SFA

An SFA (Receiving SFA) can purchase **complete meals (with or without milk)** from another SFA (Vending SFA) instead of a commercial vendor. If purchasing meals from another SFA:

- ❖ **Vending SFA can only provide meals to the receiving SFA. No labor or other services can be provided**
- ❖ **If the vendor SFA does not provide milk, the SFA will have to purchase milk following standard procurement requirements**
- ❖ **The receiving SFA must submit the signed contract electronically in the Electronic Contract Approval System (ECAS)**
- ❖ **The contract must be signed by the administrator/business administrator of each SFA**
- ❖ **A sample State Agency SFA to SFA Contract (#56) is available in SNEARS as a reference**
- ❖ **A recorded webinar on SFA to SFA Contracts will be posted in SNEARS/Trainings**

BREAKING HEADLINES

[Required Vendor Documents for 2021-2022](#)

Commercial Vendors will be **required** to provide all the following documents to SFAs:

- 1. Valid New Jersey Business Registration Certificate or Certificate of Business Formation (for vendors contracting with Non-Public SFAs only) from the Dept. of Treasury**
- 2. Vendor's current Health and Sanitation Certificate (within last 12 months)**
- 3. License to Operate a Wholesale Food-Cosmetic Establishment (N.J.S.A 24:15) Required when food is distributed to any other person (as in a school) other than the ultimate consumer (students)**
- 4. Form 380 - Completed Commercial Vendor Questionnaire (Available in SNEARS Resources)**

REQUIRED VENDOR DOCUMENTS FOR 2021-2022 (CONT.)

- ❖ The 4 vendor documents are required for:
 - ❖ Base year contracts
 - ❖ One-year emergency contracts (only allowed for true unforeseen emergencies-documentation required)
- ❖ SFAs must include the document requirement in specifications if procuring a base year contract or emergency contract
- ❖ SFA must upload all four documents when submitting contract to State Agency for pre-approval in ECAS

SFA contracts WILL NOT be approved by the State Agency without ALL of these documents. SFA will have to procure a new contract if these documents are not provided by the vendor

PROCUREMENT OF MEALS FROM A COMMERCIAL VENDOR

When purchasing meals from a commercial vendor:

- ❖ Full and Open competition must be assured
- ❖ SFAs must:
 - ❖ Comply with all federal, state and local procurement regulations
 - ❖ Ensure compliance with the Buy American Provision
 - ❖ Use Invitation to Bid (IFB) or Request for Proposal (RFP) for formal procurement or obtain price quotes for informal/small purchase procurement (if eligible), to procure a vendor contract
 - ❖ Keep records that detail the history of the procurement process

SFA should review forms/resources indicated in this webinar before starting process

FULL AND OPEN COMPETITION

Full and Open competition means:

- All commercial vendors are on a level playing field and have the same opportunity to compete**
- Procurement procedures and specification requirements do not unduly restrict or eliminate competition**
- Fairness and integrity in all aspects of the procurement process is followed**
- Solicitation is made from an adequate number of qualified sources by:**
 - Public advertisement for IFB and RFP (Formal)**
 - Requests made in writing from a minimum of three potential vendors for price quotes (Informal)**
- SFA must provide IFB or RFP specifications to all vendors who request them**

BUY AMERICAN PROVISION

- ❖ SFAs must ensure vendor uses domestic grown and processed foods to the maximum extent possible
- ❖ Requirement applies to entities such as commercial vendors who purchase foods on behalf of the SFA
- ❖ IFB/RFP/Price quote specifications must include Buy American requirements
- ❖ SA Commercial Vendor Contract template for 2021-2022 includes updated and expanded language regarding Buy American procedures
- ❖ SFAs are required to monitor vendor compliance with the Buy American Provision
- ❖ Vendors must request PRIOR APPROVAL from SFA before using any non-domestic food products, using [Buy American Provision Exception Documentation Worksheet \(Form #149\)](#)
- ❖ For more information, refer to the [USDA Buy American Fact Sheet](#) posted in SNEARS/Resources/Procurement Documents

What's the difference between IFB, RFP and Price Quotes?

Invitation for Bid (IFB):

- ❖ Is a **formal** method of procurement
- ❖ Uses sealed bidding
- ❖ Must include specifications
- ❖ Must be publicly advertised
- ❖ Must be publicly opened
- ❖ Contract is awarded to the most responsible and responsive bidder with the lowest price



WHAT'S THE DIFFERENCE (CONT.)

Request for Proposal (RFP)

- ❖ Is a **formal** method of procurement
- ❖ Must be publicly advertised
- ❖ Must include specifications
- ❖ Must include evaluation criteria that will be used by SFA to rank and score vendors who submit proposals
- ❖ Price (total cost) must be the primary consideration, but is not the sole basis for award
- ❖ Contract awarded to vendor whose proposal, based on scoring and ranking, is most advantageous to SFA with price as the primary factor



THE LAST DIFFERENCE

-

Price Quotes:

- ❖ Can only be used by SFAs eligible for **Informal Procurement (aka Small Purchase Procedure)**
- ❖ Must include written specifications
- ❖ Must contact at least three potential vendors by mail, email or fax
- ❖ Contract is awarded to the most responsible and responsive vendor with the lowest price



STEPS IN PROCUREMENT

- 1. Forecast SFA needs**
- 2. Determine which procurement process required**
- 3. Develop specifications**
- 4. Advertise for bids/proposals (formal) or solicit price quotes (informal)**
- 5. Receive and evaluate bids or receive, evaluate and score proposals or receive price quotes**
- 6. Award contract**
- 7. Submit documents to SA through the ECAS system**
- 8. Obtain SA pre-approval**
- 9. Sign Contract and obtain SA final approval**
- 10. Manage contract (ongoing)**

STEP 1- FORECASTING

What is so important about Forecasting?

- ❖ Before you can proceed with writing specifications for a vended meal contract you must know and understand what you want and what you are asking for!
- ❖ Evaluate the current food service operation to determine needs
- ❖ Do your research and crunch the numbers



FORECASTING (CONT)

Some things to consider when forecasting:

- ❖ **What meal programs does the SFA currently participate in:**
 - ❖ **Lunch (NSLP)**
 - ❖ **Breakfast (SBP)**
 - ❖ **After School Snack (ASSP)**
- ❖ **Does the SFA anticipate any changes during the contract period:**

Examples include adding grade levels, a new school, additional meal programs during the contract period (such as Breakfast or After School Snack)

Note: Dinner can no longer be included in a base year contract. At-Risk dinner must be procured separately through CACFP

FORECASTING (CONT.)

- ❖ **How many students currently participate in each program**
- ❖ **Grade levels participating in the program**
- ❖ **Number of serving days (by meal type) per year**
- ❖ **Menu requirements for each meal**
- ❖ **Who will provide the milk component - SFA or Vendor**
- ❖ **SFA labor needs to oversee and serve the meals**
- ❖ **Does the SFA have proper equipment to hold and serve meals**

STEP 2 - FORMAL OR INFORMAL WHICH PROCESS TO USE?

Non-Public Schools:

- ❖ Formal procurement process required if total cost of contract is at or above \$250,000*
- ❖ Informal (small purchase) process allowed if total cost of contract is below \$250,000

*Amount is established by federal regulation

If estimated total cost of contract is close to the threshold, USE THE FORMAL PROCUREMENT METHOD

***NOTE: If the actual total cost of the contract exceeds the threshold, SFA will be required to procure a new Base Year contract following the formal procurement process**



FORMAL OR INFORMAL WHICH PROCESS TO USE?

Public and Charter Schools:

Based on NJ Public School Contract Law (18A:18A):

- ❖ Formal procurement process **required** if:
 - ❖ SFA has a qualified purchasing agent (QPA) and total cost of contract exceeds \$44,000*
 - ❖ SFA does not have a QPA and total cost of contract exceeds \$32,000*

*Or local thresholds if more restrictive than State Law

Always err on the side of FORMAL!

WHAT'S THE DIFFERENCE BETWEEN FORMAL AND INFORMAL PROCUREMENT?

FORMAL

- ❖ Must use IFB or RFP
- ❖ Must publicly advertise IFB or RFP in regional news source/official newspaper

INFORMAL (AKA Small Purchase Procedure)

- ❖ Must obtain price quotes from a minimum of 3 vendors**

All other requirements are similar for both formal and informal procurement. See [Procurement Procedures for SFAs Handout \(#326\)](#) for more information

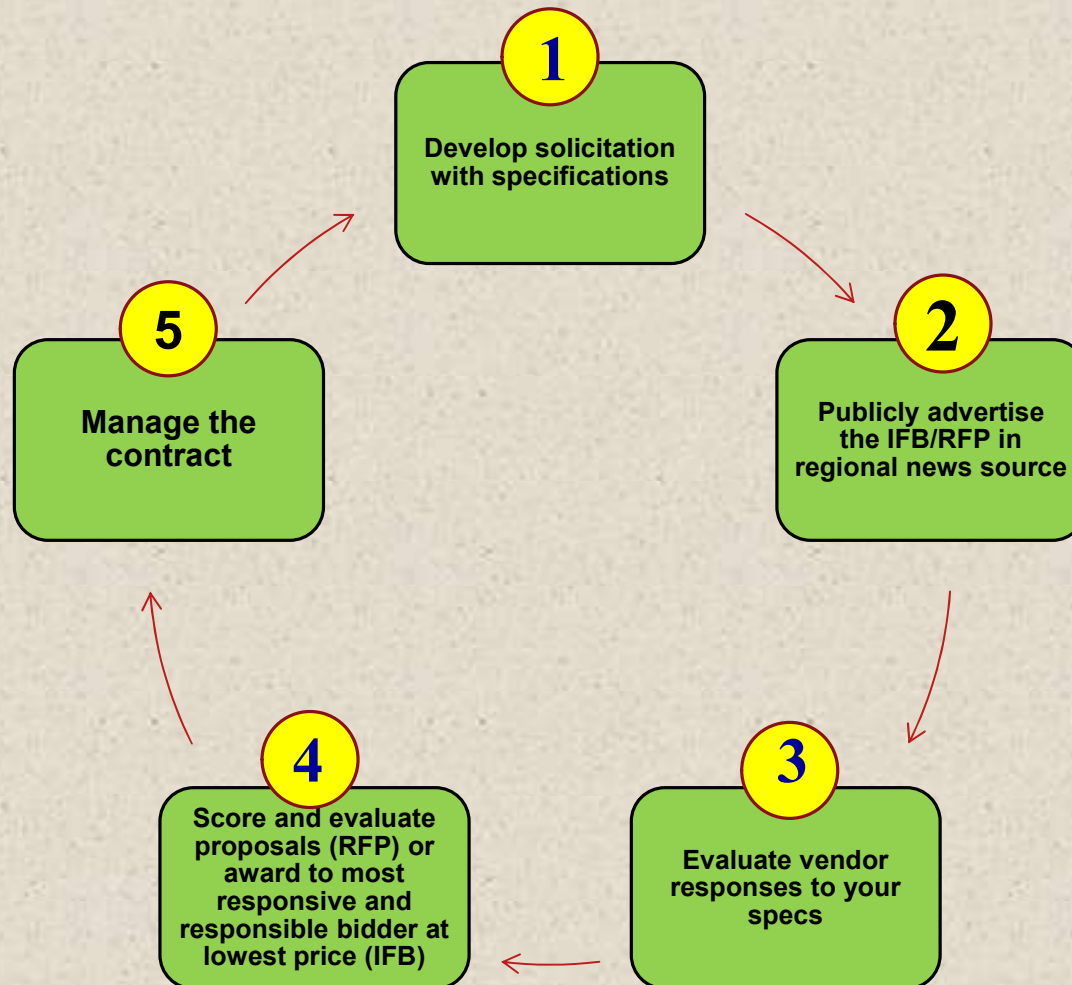
A warning sign graphic consisting of a black triangle with a white exclamation mark inside, followed by the word "WARNING" in bold, black, uppercase letters on an orange rectangular background.

! WARNING

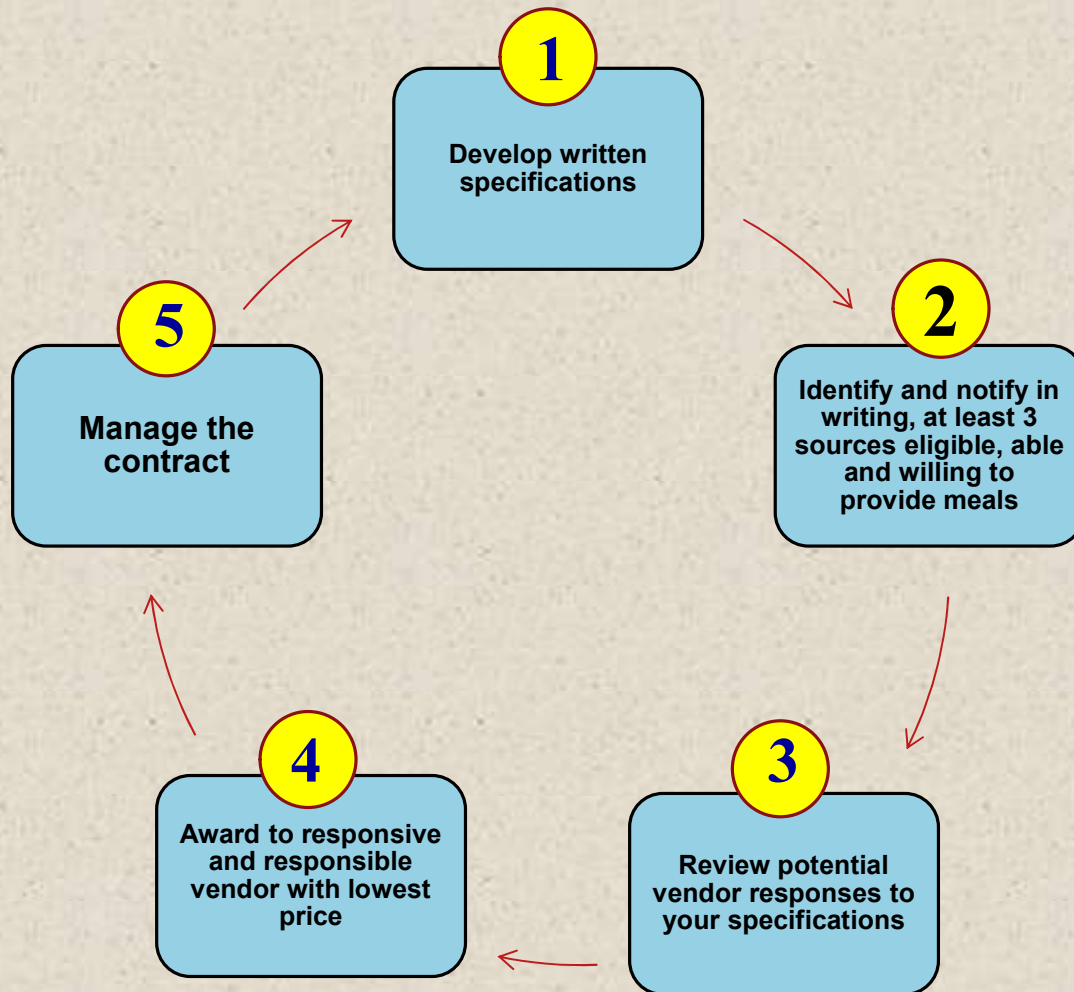
**For price quotes, contract awarded to the most responsible and responsive vendor based ONLY ON PRICE. No other evaluation factors considered

If an SFA eligible for the Informal Small Purchase Procedure wants to award a contract based on ANY criteria other than lowest price (i.e. taste tests, menu choices offered, etc.) an RFP IS REQUIRED AND FORMAL PROCUREMENT PROCEDURES MUST BE FOLLOWED

FORMAL PROCUREMENT PROCESS



INFORMAL (SMALL PURCHASE) PROCUREMENT PROCESS



HOW TO CALCULATE TOTAL COST OF CONTRACT TO DETERMINE FORMAL OR INFORMAL

To determine total cost of contract, multiply:

Total # of meals needed per day, by meal type

X

Unit price per meal, by meal type

X

Annual number of meal service days

Note:

- ❖ Calculate cost for each meal type offered (breakfast, lunch, after school snack). Add together for total cost
- ❖ Numbers from the last non-Covid operational year should be used to project total cost for school year 2021-2022

**** IF CLOSE TO THRESHOLD, USE FORMAL PROCESS****

DETERMINING TOTAL COST OF CONTRACT **EXAMPLE**

Total # of each meal type needed daily: **100**

Unit price per breakfast: **\$1.50**

Unit price per lunch: **\$2.70**

Serving days in school year: **165**

Breakfast: **100 X \$1.50 X 165 = \$24,750**

Lunch: **100 X \$2.70 X 165 = \$44,550**

TOTAL COST: \$69,300

Public/Charters: **Formal process required**

Non-Public: **Informal process allowed**

STEP 3 - DEVELOP WRITTEN SPECIFICATIONS

WRITTEN SPECIFICATIONS REQUIRED FOR BOTH FORMAL AND INFORMAL PROCUREMENT

- ❖ Specifications must:
 - ❖ Be developed by SFA (not vendor)
 - ❖ NOTE: Specifications will need to be uploaded at the time of ECAS contract submission
 - ❖ Be given to all interested vendors prior to the submission deadline for bids/quotes
 - ❖ Include all contract requirements, as indicated in the Commercial Vendor Contract (#233) and clearly define the items or services needed
- ❖ **FOR RFP ONLY:**
 - ❖ Must include criteria SFA will use to evaluate and score proposals
 - ❖ SA Scoring Criteria and Evaluation Form (#222) is REQUIRED to be completed and included with specs

Can Use Sample Scoring Criteria (#247) for suggested criteria to include

REQUIRED RFP SCORING CRITERIA & EVALUATION FORM (#222)

- ❖ Must be included with RFP
- ❖ Complete Columns A & B
- ❖ Total Cost must have highest weighting percentage

Must include Criteria

Must include weighting factor percentage

Form #222
Revised March 2020

Commercial Vendor RFP Scoring Criteria & Evaluation Form

USDA procurement regulations require that an evaluation and scoring plan be included in the RFP prior to the solicitation of any proposals. **SFAs must not change or by-pass the published evaluation and scoring criteria to circumvent full and open competition.** SFA must complete the **Evaluation Criteria (Column A) and Weighting Factor Percentage (Column B) sections** in the table below as part of the RFP. SFA can select up to 6 additional criteria from the sample criteria provided in the Sample Commercial Vendor RFP Scoring Criteria (Form #247) or develop their own. **SFA must assign a Weighting Factor Percentage (Column B) for each criterion and #1 Total Cost, must have the highest weighting factor percentage and remain on the form as the first criterion.** Once the proposals are received, the evaluators must assign a score to each criterion ranging from 1-5 points (Column C). Each score in Column C must be multiplied by the assigned weighting factor percentage to get a weighted score in Column D. **When evaluating the proposals, scoring must be done individually and not as a group.**

Column A	Column B	Column C	Column D
The Criteria Used in Evaluating Proposals The points awarded range from 1 to 5, with 5 being the highest score and 1 being the lowest	Weighting Factor Percentage	Points Score 1 to 5	Total Weighted Score Multiply Column B X C
1. Total Cost: points awarded to the cost of the contract will be based on the lowest total cost receiving the most points with decreasing points for each vendor's higher cost.			
2.			
3.			
4.			
5.			
6.			
7.			
Weighting Factors in Column A should total 100% Total Score is the addition of all totals in Column C	100%		Total Score

To average the scores, add all total scores for each individual vendor and divide by the number of evaluators.

Print Name of Evaluator & Title: _____

Signature: _____ Date Evaluated: _____

Commercial Vendor Name: _____ Date of Proposal: _____

SPECIFICATIONS (CONT.)

- ❖ Specifications must include:
 - ❖ Current information, requirements and terminology. Do not use old outdated specifications
 - ❖ Requirements that allow for full and open competition between potential vendors
 - ❖ All federal and state regulatory requirements
 - ❖ Any anticipated changes, such as:
 - ❖ Adding additional programs (SBP, ASSP)
 - ❖ Adding grade levels or a new school
 - ❖ **Anticipated changes MUST be identified in the specifications. If not, it is a potential material change of the contract. If a material change takes place at any time during the contract period, the SFA must start a new procurement for a base year contract**

Refer to Commercial Vendor IFB/RFP Specification Guidance (#238) and SA developed Commercial Vended Meal Contract (#233) for guidance and requirements that should be included in specifications

SPECIFICATION GUIDANCE

SFA should include as much information as possible to allow vendor to give realistic bid/proposal/quote such as:

- ❖ Length (term) of base contract (1 year or multi-year)
- ❖ Type of meals requested (breakfast, lunch, snack, dinner)
- ❖ Number of meal components (with or without milk only)
- ❖ Number of serving days, location(s) and meal time(s)
- ❖ Equipment needs, if any
- ❖ Type of meal service (i.e., bulk, unitized pre-packaged, hot, cold)

Note: Be clear and specific if serving breakfast in the classroom that meals have to be delivered already packaged as one unit (with the possible exception of milk)

- ❖ Delivery schedule
- ❖ Grade groupings required for menu planning (K-5, 6-8, K-8, 9-12)

MORE SPECIFICATION GUIDANCE

- ❖ Menu development responsibility (SFA or vendor)
- ❖ Responsibility of vendor for completion of production records
- ❖ Requirements that the vendor:
 - ❖ Comply with Hazard Analysis Critical Control Points (HACCP) standards
 - ❖ Comply with meal pattern regulations
 - ❖ Comply with the Buy American provision
 - ❖ Provide standardized recipes, Nutrition Facts Labels, Child Nutrition (CN) labels, Product Formulation Statements and/or other supporting documentation for menu items they provide
 - ❖ Have proof of business registration with the NJ Dept. of Treasury, Division of Revenue
 - ❖ Have proof of current health authority inspection report for each facility where meals are prepared
 - ❖ Have wholesale food license
 - ❖ Complete required Commercial Vendor questionnaire

REQUIRED FORMS

SFA **must** include the following required forms with specifications (formal and informal process):

❖ **Mandated Federal Forms Packet with all 5 forms is available in SNEARS:**

- ❖ **Certificate Regarding Debarment (#130)**
- ❖ **Certificate of Independent Price Determination (#131)**
- ❖ **Disclosure Of Lobbying Activities (#132)**
- ❖ **Certification Regarding Lobbying (#133)**
- ❖ **Disclosure of Investment Activities in Iran (#239)**

Certification and disclosure forms must be completed and signed, where indicated, by vendors submitting bids/proposals/quotes

❖ **Form 380-Commercial Vendor Questionnaire**

❖ **Refer to the Commercial Vendor Specification Guidance (#238) for further information**

SUGGESTED FORMS

The following forms should be provided with the specifications:

All SFAs:

- ❖ School Lunch Meal Pattern (#198)
- ❖ Daily Menu Production Record (#51)
- ❖ Exhibit A-Whole Grain Rich Oz. Equivalency Chart (#33)
- ❖ School Calendar for 2021-2022 (or number of serving days in school year)

If Applicable to SFA:

- ❖ School Breakfast Pattern (# 91)
- ❖ After School Snack Meal Pattern (#71)

The above forms (except calendar) are available on the Dept. of Agriculture web site at:

<http://www.nj.gov/agriculture>

STEP 4 - ADVERTISE FOR BIDS/PROPOSALS (FORMAL PROCUREMENT)

FORMAL PROCESS

MUST publicly advertise Invitation for Bid (IFB) or Request for Proposal (RFP) in regional news source/official newspaper:

- ❖ 20 days minimum required for advertisement prior to deadline for submission of proposal/bid
- ❖ SFA cannot advertise exclusively on school web site or local newspaper with limited circulation
- ❖ Use appropriate terminology. Do not use “IFB” or “Bid” if actually seeking “RFP” or “Proposal” and vice versa

Can use Sample Legal Notice of IFB/RFP for a Commercial Vendor (Form #296) for public advertisement

STEP 4-SOLICIT QUOTES INFORMAL (SMALL PURCHASE) PROCUREMENT

INFORMAL PROCESS ONLY

- ❖ Price quotes must be solicited, in writing, from an adequate number of qualified sources using:
 - ❖ Letters sent by mail, email or fax to potential vendors (**minimum of 3 required**) requesting price quotes
 - ❖ Written responses from potential vendors contacted should be required even if they are declining to submit a quote

Can use Sample Request for Proposal Letter (#245) to solicit quotes

STEP 5 - RECEIVE & EVALUATE BIDS/PROPOSALS

FOR SEALED BIDS (IFB):

- ❖ Publicly open bids at time and place specified in the IFB
- ❖ Date fixed for receiving bids cannot fall on a Monday or any day directly following a state or federal holiday
- ❖ Evaluate bids to determine if all conditions and requirements in the IFB were met
- ❖ Bids must be rejected if conditions or requirements in the specifications were not met or followed

SFA must complete REQUIRED Commercial Vendor Meal Record of IFB/RFP (#240)

STEP 5 - RECEIVE & EVALUATE BIDS/PROPOSALS

FOR RFPs

- ❖ Receive proposals by specified date in RFP
- ❖ Evaluate proposals to determine if all conditions and requirements in specifications were met
- ❖ Proposals that did not meet specification requirements are considered “non-responsive” and must be rejected. Inform the vendor in writing
- ❖ Do not consider any additional factors the potential vendor may have included in their proposal-this is considered overly responsive
- ❖ **An evaluation committee (minimum of 2) must rank and score proposals based only on evaluation criteria included in specifications**
- ❖ **The Commercial Vendor Scoring and Evaluation Form (#222) that was included in specs, must be used to evaluate proposals**

RECEIVE AND EVALUATE PROPOSALS (CONT.)/PRICE QUOTES

FOR RFPs (CONT.)

- ❖ Each evaluator must score each proposal independently
- ❖ Scores from each evaluator must be combined to determine total score
- ❖ Optional **Sample Vendor RFP Scoring Process Form (#376CV)** is an excel spreadsheet that can be used by evaluators to calculate total scores
- ❖ SFA must document evaluation of proposals and recommended vendor. Documentation includes names of vendors, summary of proposals, rank in order of evaluation and reason(s) vendor selection is recommended
- ❖ **SFA must complete REQUIRED Commercial Vendor Meal Record of IFB/RFP (#240)**

FOR PRICE QUOTES

- ❖ Choose responsible, responsive vendor with lowest price quote
SFA must complete REQUIRED Informal RFP Commercial Vended Meals Documentation Log (#251)

STEP 6: AWARDING THE CONTRACT

Sealed Bids (IFB):

- ❖ Award contract to the responsible vendor whose bid met terms/conditions/requirements and is **lowest in price**
- ❖ Contract award must be made by written notice to successful bidder

Request for Proposal (RFP):

- ❖ Award contract to responsible vendor, whose proposal, based on scoring and ranking, is most advantageous to SFA, with **price as the primary factor** and other factors considered

Price Quotes (Small Purchase Procurement)

- ❖ Award contract to the responsible vendor whose quote is **lowest in price**

For IFB, RFP and Price Quotes:

- ❖ Unsuccessful vendors should be promptly notified
- ❖ Public/Charter schools must place a notice in the official newspaper summarizing the award of the contract

CONTRACT TERM

- ❖ Length (term) of contract:
 - ❖ Must be determined by SFA
 - ❖ Must be consistent with term requested in specifications
 - ❖ Must be stated in contract
- ❖ Contract can be awarded for a term of:
 - ❖ 1 Year; **or**
 - ❖ 2 Years; **or**
 - ❖ 3 Years
- ❖ If multi-year contract (2 or 3 years) is awarded, unit price per meal/snack **must remain exactly the same** for the entire contract term

CONTRACT TERM EXAMPLES

❖ **One year term example:**

July 1, 2021 – June 30, 2022

❖ **Multi-year term examples:**

July 1, 2021 – June 30, 2023 (2 year)

July 1, 2021 – June 30, 2024 (3 year)

Regardless of the term, contracts must begin on July 1 and end June 30

STEPS 7 & 8: SUBMISSION OF DOCUMENTS AND STATE AGENCY APPROVAL PROCESS

After award of the base year contract:

- ❖ Complete contract template in ECAS following directions on each screen

Reminder: Contract template (#233) for reference only is available in SNEARS under Resources
- ❖ Only the certifier or alternate certifier can certify and submit the contract in ECAS
- ❖ Required documents are uploaded in ECAS
- ❖ SA approval, non approval and other notification emails will come through ECAS



ECAS

Electronic Contract Approval
System

REQUIRED DOCUMENTS AND DEADLINES

- ❖ All required documents must be uploaded and the completed contract submitted for Pre-Approval in ECAS by **May 31, 2021**
- ❖ Required documents vary depending on type of procurement process used (formal or informal)
- ❖ Contracts and required documents can only be submitted after Board of Education official approval (public/charter schools)
- ❖ Contracts will not be approved without required documents
- ❖ **June reimbursement will be withheld if contract and support documents are not submitted for pre-approval by May 31**

Refer to the **Commercial Vendor Required Documents for ECAS Submission Form (#116)** for required documents to upload in ECAS

REQUIRED DOCUMENTS TO SUBMIT

For **FORMAL** procurement, upload:

- Affidavit of publication or actual copy of published notice of Invitation For Bid (IFB)/Request for Proposal (RFP)
- Completed Commercial Vendor Record of Bids/Proposals Received Form (#240)
- Entire IFB or RFP specifications developed by SFA and used to procure meals
- Each evaluator's completed RFP Scoring Criteria and Evaluation Form (#222) for each vendor submitting a proposal (*For RFP only*)
- Vendor documents
 - Business Registration Certificate
 - Health & Sanitation Certificate
 - Wholesale Food License
 - Commercial Vendor Questionnaire



AFFIDAVIT OF PUBLICATION OR ACTUAL AD

- ❖ Actual proof of advertisement of IFB/RFP in regional news source (print or online) is required
- ❖ Must submit:
 - ❖ **Affidavit of publication** from the newspaper which includes date of publication, photocopy of actual ad and notarized signature

OR

- ❖ A copy of the **actual printed advertisement** clipped from the print newspaper or a printed copy of the actual posted ad after advertising in an online regional newspaper



Note: A copy of the advertisement information SFA submitted to newspaper for publication is not acceptable

COMMERCIAL VENDED MEAL RECORD OF RFP/IFB FORM #240

Form 240
Revised
1/2021

COMMERCIAL VENDED MEAL RECORD OF REQUEST FOR PROPOSAL (RFP)/INVITATION FOR BID (IFB)
CHECK the option that applies: Responses are for an RFP
 Responses are for an IFB

School Food Authority: _____ School Year: _____ Agreement #: _____

Commercial Vendor Name	FOR RFPs ONLY	Breakfast Per Meal Cost	Lunch Per Meal Cost	Snack Per Snack Cost	TOTAL COST	Comments
	Score *					

*Total Score From Form 222

Name of Vendor Awarded Contract: _____

Reason for Selection of Vendor: _____

Vendor Was Notified On: _____ Method of Notification: Email Fax Mail

Signature of Person Completing this Form: _____

Date: _____

Notes:

Complete for IFB or RFP

REQUIRED RFP SCORING CRITERIA & EVALUATION FORM

One form completed by each evaluator for each vendor submitting proposal

Complete Columns C and D, sign and date

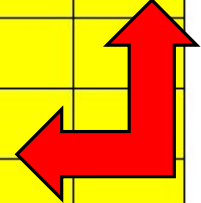
Form #222
Revised March 2020

Commercial Vendor RFP Scoring Criteria & Evaluation Form

USDA procurement regulations require that an evaluation and scoring plan be included in the RFP prior to the solicitation of any proposals. **SFAs must not change or by-pass the published evaluation and scoring criteria to circumvent full and open competition.** SFA must complete the **Evaluation Criteria (Column A) and Weighting Factor Percentage (Column B) sections** in the table below as part of the RFP. SFA can select up to 6 additional criteria from the sample criteria provided in the Sample Commercial Vendor RFP Scoring Criteria (Form #247) or develop their own. **SFA must assign a Weighting Factor Percentage (Column B) for each criterion and #1 Total Cost, must have the highest weighting factor percentage and remain on the form as the first criterion.** Once the proposals are received, the evaluators must assign a score to each criterion ranging from 1-5 points (Column C). Each score in Column C must be multiplied by the assigned weighting factor percentage to get a weighted score in Column D. **When evaluating the proposals, scoring must be done individually and not as a group.**

Column A	Column B	Column C	Column D
The Criteria Used in Evaluating Proposals The points awarded range from 1 to 5, with 5 being the highest score and 1 being the lowest	Weighting Factor Percentage	Points Score 1 to 5	Total Weighted Score Multiply Column B X C
1. Total Cost: points awarded to the cost of the contract will be based on the lowest total cost receiving the most points with decreasing points for each vendor's higher cost.			
2.			
3.			
4.			
5.			
6.			
7.			
Weighting Factors in Column A should total 100% Total Score is the addition of all totals in Column C	100%		Total Score

Column A & B previously completed for RFP



To average the scores, add all total scores for each individual vendor and divide by the number of evaluators.

Print Name of Evaluator & Title: _____

Signature: _____ Date Evaluated: _____

Commercial Vendor Name: _____ Date of Proposal: _____

REQUIRED DOCUMENTS TO SUBMIT

For **INFORMAL** (small purchase) procurement, upload:

- Documentation of solicitation of quotes, which includes:
 - Dated letters, emails or faxes sent to potential vendors (**minimum of 3**)
- Completed Commercial Vended Meals Documentation Log (#251)
- Written specifications developed by SFA and used to procure meals
- Vendor documents
 - Business Registration Certificate
 - Health & Sanitation Certificate
 - Wholesale Food License
 - Commercial Vendor Questionnaire



INFORMAL RFP VENDED MEALS DOCUMENTATION LOG- FORM #251

Form 251
Revised 1/2021

Informal Commercial Vended Meals Documentation Log

If the solicitation was made by email, letter, or fax: this form is required to record the progression of the process

This **Informal** Procurement Log can be used to document all quotes received as a result of the School Food Authorities (SFA) solicitation for commercial vended meals. Refer to **Form 187- Commercial Vendor Contract/Renewals Fact Sheet** (Revised January, 2021) for general **informal** procurement rules for buying goods and/or services with School Nutrition Programs funds.

The SFA must solicit quotes from at least three vendors in order to ensure competition and to satisfy federal and state procurement requirements. The SFA will need to document the quotes and all other pertinent information discussed with the responsive vendors. Specifications are required. The SFA must make certain that all vendors receive the same product specifications. **All procurement records must be kept for at least three prior years plus the current year from the date the last invoice is paid.**

School Food Authority: _____ Agreement #: _____

Submitted By: _____ Date: _____

Date of Contact	Name and Address of Potential Vendors	Solicited By			Date Material Sent		Quotations Received			Comments
		Letter	Email	Fax	Solicitation	Specifications	Yes/Date	No Response	Not Interested	

Required for Price Quotes

REQUIRED DOCUMENTS TO SUBMIT

For **Multi-Year** contracts, submit:

Base Year:

- ❖ All documents required for a base year contract (formal or informal process)

Second (and if applicable) third year:

- ❖ SFA must certify in ECAS that meal/snack prices have not changed for the second (and if applicable) third year of the contract
- ❖ Certification must be completed by **contract submission deadline each year**. Reimbursement will be withheld if the deadline is not met

STEP 9: SIGN CONTRACT



- ❖ After receiving email that SA has pre-approved contract:
 - ❖ Download the Contract Signature Page
 - ❖ Both the SFA and the Vendor must sign
 - ❖ Upload the signed Contract Signature Page in ECAS within 10 business days
- ❖ After SA reviews the signed document, a final approval email will be sent to SFA
- ❖ Print final document (contract & signature page)
- ❖ Give a copy to vendor and keep a copy on file

URGENT REMINDER

Pre-approval is not final approval

Final approval is granted only after Contract Signature Page is uploaded in ECAS

STEP 10: MANAGE THE VENDOR CONTRACT

Successful procurement extends beyond signing the contract!

SFA is responsible to ensure that the vendor:

- ❖ **Provides meals/menus that comply with USDA meal pattern requirements**
- ❖ **Provides meals/components that are acceptable to students**
- ❖ **Completes a portion of daily production record or provides required information for SFA to complete daily production record (as specified in contract)**
- ❖ **Provides standardized recipes, Nutrition Facts Labels, CN labels and/or manufacturer product formulation statements for all menu items when requested by SFA and/or SA**
- ❖ **Charges SFA the per meal/snack price specified in contract**
- ❖ **Adheres to delivery schedule**

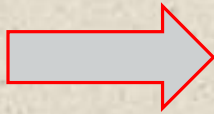
MANAGING THE VENDOR CONTRACT (CONT.)

- ❖ SFA is responsible to ensure that the vendor:
 - ❖ Provides **REQUIRED** daily, dated delivery slips. SA sample forms or locally developed delivery slips can be used. The updated SA forms are:
 - ❖ **Commercial Vended Meal Delivery Ticket-Pre-plate (Form #45CVPreplate)**
 - or
 - ❖ **Commercial Vended Meal Delivery Ticket-Bulk (Form #45CVBulk)**
 - ❖ Maintains HACCP principles in preparation, storage and delivery of meals
 - ❖ Provides documentation for any food items that do not meet the Buy American Provision **using Buy American Provision Exception Documentation Worksheet (#149)**
 - ❖ Follows all conditions/requirements included in specifications and contract

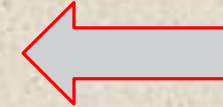
PROFESSIONAL STANDARDS

- ❖ SFAs receiving vended meals must designate an employee who is responsible as the food service director for the program
- ❖ **Minimum Professional Standard training requirements/hours must be met for the designated food service director and all SFA staff who work regularly with the meal program**
- ❖ SFA must document training activities
- ❖ Commercial vendor employees are exempt from training requirements. However, the SFA must make sure vendors have the knowledge and skills to supply safe and nutritious meals that meet meal pattern requirements

Detailed information on Professional Standards requirements, including a training tracking tool and informational webinar is available in SNEARS



Reminders



- ❖ Only certifier or alternate certifier can enter information in ECAS. Submitters do not have authority to enter contract in ECAS
- ❖ **Pre-approval is not approved.** The contract is not valid until signed Contract Signature Page is uploaded in ECAS and the SA gives final approval
- ❖ Signed signature page must be submitted within 10 business days after SFA receives pre-approval email
- ❖ SFA must have final approval from SA before meal service begins
- ❖ School Nutrition funds cannot be used to pay vendor prior to final SA approval
- ❖ Reimbursement for June will be withheld if SFA does not submit contract/documents for pre-approval by May 31 deadline

REMINDERS REGARDING CONTRACTS



- ❖ **SFA cannot have more than one vendor provide meals on the same serving day**
- ❖ **SFA cannot amend the terms of an approved contract. For example: If the contract states meals are served Monday, Wednesday and Friday, the addition of meals on Tuesday and/or Thursday is not allowable**
- ❖ **SFAs cannot sign any other commercial vendor contract either in place of or in addition to the SA contract**
- ❖ **Specific SFA contract related questions or requests must be made by the certifier, alternate certifier or submitter only**

LAST REMINDERS

- ❖ **SFA should verify that the certifier and alternate certifier email addresses are correct in SNEARS to ensure emails sent through ECAS are received**
- ❖ **Make sure emails from ECAS and DFNContracts@ag.nj.gov are accepted and do not go to SPAM or Quarantine**
- ❖ **Copies of all procurement documents must be kept on file at the SFA. Documents may be requested during procurement reviews or audits**

ACCESSING FORMS AND WEBINARS

FOR AUTHORIZED USERS IN SNEARS:

Commercial Vendor Forms

**SNEARS/Resources/Other Contract Type Documents/
Commercial Vendor**

Recorded webinars

SNEARS/Training

Webinar power point presentations

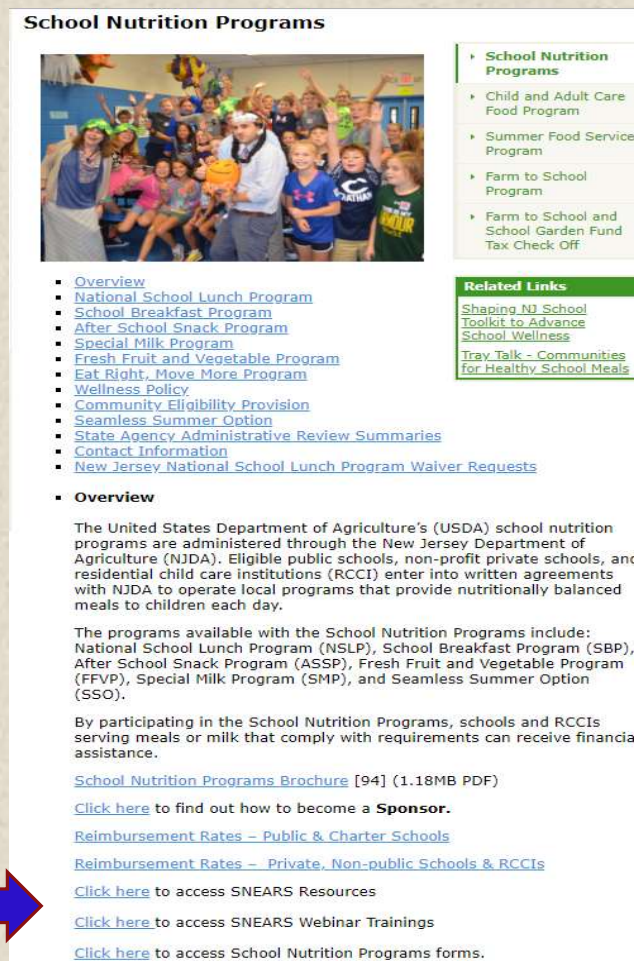
SNEARS/Resources/Training Presentations

TRAINING/RESOURCES ACCESS FOR EVERYONE ELSE


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

▪ **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

Commercial Vendor 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

PROCUREMENT OF MEALS FROM A COMMERCIAL VENDOR WEBINAR

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

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

NJ Department of Agriculture
School Nutrition Programs
609-984-0693
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 commercial vendor. 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