

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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Shawn.Vondracek@nebraska.gov (402-480-3046)
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 Template with Exhibits.
December 1	Deadline for SFAs considering a Food Service Management Company (FSMC) for the next school year, to request the Request for Proposal (RFP) Template/Exhibits from NDE.
January 15	Deadline for SFAs to submit to NDE the completed RFP Template/Exhibits.
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 template with Exhibits.
6. Ensure the RFP and Exhibits 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 with Exhibits to Nutrition Services for approval.
9. After NDE approval, the SFA places notification in the Omaha World Herald newspaper and then sends the notification to all FSMCs on the list included in the RFP. The date of publication is the start date of the 60-calendar day solicitation period.
10. The pre-proposal meeting is conducted on-site at SFA within 10-14 days after the notification date.
11. All FSMC questions must be submitted in writing. The SFA must respond in writing to all FSMC questions. All questions/responses are sent to FSMCs in attendance at the pre-proposal meeting at the specified date/time in the RFP.
12. FSMC proposals are due to SFA at the specified date/time in the RFP.
13. Each member of the evaluation committee independently reviews and scores proposals.
14. Points are totaled and the most advantageous FSMC proposal is selected, based on cost and other criteria.
15. The SFA submits the FSMC Proposal to Nutrition Services for approval. The contract cannot be signed without NDE approval.
16. As a result of clarifications that may be needed in the FSMC proposal, the FSMC submits to the SFA an additional addendum which is then submitted to Nutrition Services for approval and inclusion into the contract.
17. Upon Nutrition Services approval notification, both parties must sign the contract and Appendix J: Independent Price Determination Certificate. The completed signature page and Appendix J must be submitted to Nutrition Services.
18. FSMC Contract implementation.
19. The SFA is required to continually monitor the implementation of the 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 food items (e.g. reimbursable meals, a la carte, and adult 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.
- b. Monitor that the maximum amount are received and used by the FSMC in the SFA's food service program.
- c. 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.