

Food Service Management Company (FSMC) Contracts - Competitive Bidding Instructions for School Food Authorities

Overall Instructions

The Vermont Agency of Education has created a Request for Proposals/Invitation for Bids (RFP/IFB) template to be used in new contracts between School Food Authorities (SFAs) and Food Service Management Companies (FSMCs). Please change the template for your SFA's needs and implement the document submission procedures listed below to ensure compliance with federal and state regulations and statutes. State of Vermont formal procurement policy applies to all new contracts with monetary value over \$250,000. The SFA should also seek the advice of their administrative or legal counsel regarding local regulations and policies. An SFA failing to follow the required procedures may be prohibited from utilizing nonprofit food service account funds to pay for the meal services contract. Please allow appropriate time for the documents to be processed—the completed materials must be reviewed and approved prior to the execution of the contract. The contract start date cannot be prior to the date of final signatures of the SFA and contractor. Reimbursement is not allowed for meals served prior to the implementation or start date of the contract. The final bid document should indicate if it is an RFP or an IFB.

The RFP describes all of the technical requirements, including bid responsiveness criteria that must be met for the proposal to be considered. The SFA must include the criteria that will be used to evaluate the proposals. Price must hold the highest weight, but you can set other criteria too. Once all the proposals are received, the ones that met the bid specifications will be considered and evaluated based on cost as well as the other factors outlined in the evaluation criteria.

The IFB describes all of the technical requirements of the need. Bid responsiveness criteria is included that must be met for the proposal to be considered. Once all bids are received, the ones that met the bid specifications will be considered. Bids are evaluated and awarded based solely on cost.

Point of Service Systems and Equipment

It is not required that an SFA purchase a particular Point of Service (POS) System or specific equipment when contracting with a FSMC. If the SFA required a POS System or any additional equipment, this requirement and all specifications must have been included in the RFP/IFB.



First Submission - RFP/IFB Template to AOE

1. Allow 30 days for the State Agency Child Nutrition Programs (SA) to review the [RFP/IFB template](#) and materials plus time for revisions should they be required.
2. All Request for Proposals/Invitation for Bids documents must be submitted to the State Agency for review prior to beginning the bid solicitation process. This RFP/IFB template requires modifications be done by the SFA to align with the specific needs of the program; the information is entered in 'Track Changes' mode. The Food Service Management Company/Vendor RFP/IFB and [Contract Submission Form](#) must accompany the solicitation/contract documents. When the documents submitted are deemed in compliance with general and state regulations and statutes, the Vermont Agency of Education will incorporate the changes into the final version and return the document with written notification authorizing the SFA to begin the bid process. The submission must indicate if the solicitation is an RFP or an IFB.
3. Advertising: Allow 30 days at least (preferably sixty days) plus time for managing the advertisement. After the SA has approved the proposed RFP/IFB documents, the SFA must advertise widely throughout the state and region in a printed newspaper of record that reaches many potential bidders. This must be posted 30 days or more to ensure compliance with regulations.
4. All changes (addenda/amendments) including all questions and answers must be submitted to the SA for review. The SFA must receive written confirmation from the SA to confirm that the document is in compliance prior to distribution to potential bidders.
5. Addenda/amendments to the RFPs/IFBs should not be issued within a recommended minimum of seven (7) working days of the time and date set for the bid opening. Otherwise, the time and date set for the bid opening may be delayed to allow issuing an addendum/amendment.
6. Following the solicitation period, all sealed bids that have been received by the SFA must be ranked using the evaluation criteria as defined by the solicitation. In addition to the [Bid Summary Form](#), all bidders must submit signed copies of the following:
 - a. [Bid-Rigging Certification](#)
 - b. [Certificate of Independent Bid Determination](#)
 - c. [Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions](#)
 - d. [Certificate Regarding Lobbying form](#)
 - e. [Disclosure of Lobbying Activities form](#) (if applicable)
7. All bids must be evaluated by the evaluation team based on the criteria established in the bid solicitation. During the evaluation period, no bidder, prospective or otherwise, may be allowed access to supporting documents received by the SFA. If

using an RFP, the SFA must award the contract to the responsive and responsible bidder whose bid scores the highest on the [pre-determined scoring criteria](#). Pricing must be weighted the heaviest in the scoring criteria. If using an IFB, the SFA must award the contract to the responsive and responsible bidder whose bid has the lowest price. Pricing is the only priority in the scoring criteria.

- a. To be considered “responsive,” a contractor must submit a response to a solicitation that conforms to all material terms and conditions of the solicitation.
- b. To be considered “responsible,” a contractor must be capable of performing successfully under the terms and conditions of the contract.

Second Submission - Proposed Contract and Evaluation Documents – Proposed Bid Selection

1. Allow 15 days for SA to review the documents and send the SFA the written notification necessary to proceed with contract award. *Following the bid opening and evaluation, and prior to the formal contract award, the following documents must be submitted to AOE for review, accompanied by the [Pre-Contract Award Summary Sheet](#). The contract may not be awarded pending AOE's compliance notification.*
 - a. Newspaper advertisement with date of publication
 - b. List of bidders that received the solicitation/contract documents and all addenda issued—include date mailed/delivered
 - c. If a pre-bid conference was held—list of bidders in attendance
 - d. Bid Summary form for each bid received
 - e. Correspondence from bidders opting not to bid (or phone call documentation)
 - f. Completed [Bid Criteria Analysis Sheet](#) summarizing all bids received
2. After receiving written notice from AOE stating that the SFA may proceed with the contract award, the SFA awards the contract to the responsive and responsible bidder whose proposal reflects the highest score on the pre-determined evaluation score sheet (if RFP) or to the responsive and responsible bidder with the lowest price (if IFB.)

Third Submission – Post Award - Executed Contract and Certification Documents

Upon completion of the contract award, the SFA must provide copies of the following documents to Vermont AOE, accompanied by a signed copy of the [Post-Contract Award Summary Sheet](#).

1. Executed copy of the contract—(Signed [Bid Summary form](#))
2. Signed copy of the [Bid-Rigging Certification form](#)
3. Signed copy of the [Certificate of Independent Bid Determination form](#)

4. If the contract is \$25,000 or more—Signed copy of the [Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions](#)
5. If the contract is over \$100,000—Signed copy of the [Certificate Regarding Lobbying](#)
6. If the contract is over \$100,000 and any funds other than Federal appropriated funds have been used for lobbying—Signed copy of the [Disclosure of Lobbying Activities](#)

Revisions

The bid solicitation and resulting contract (including all addenda) must be the same document(s) previously determined in compliance by SA. Revisions cannot be made to the executed Request for Proposals/Invitation for Bids and Contract without first submitting proposed revisions to SA for review and receiving written notification that the proposed revisions are allowable within the regulatory guidelines. Furthermore, additional documents and/or agreements, including those developed by the contractor, cannot become part of the executed contract.

Questions?

Contact Conor Floyd at 802-828-0310 or conor.floyd@vermont.gov.