

Procedures to Contract with a Meal Vendor

CDE School Nutrition Unit



Planning and Preparation

Rules and Regulations

Sponsors of federal Child Nutrition Programs (CNP) interested in contracting with a meal vendor must comply with regulations and procedures for procurement. Regulations include Colorado Request For Proposal (RFP) and Contract procedures and all applicable federal, state and local regulations (including but not limited to 7 CFR 225.15(m), 7 CFR 225.17, 7 CFR 210.21, 2 CFR 200).

Vended Meals Contract: In a fixed fee vended meals contract, the meal vendor provides the meals only (prepackaged, pre-plated, or bulk/family-style) and does not manage any other aspect of the Child Nutrition Programs. However, if the contractor's employees are responsible for final preparation and/or serving of prepackaged, pre-plated meals, the additional services are included in the fixed fee bid and may not be charged separately.

Required Procedures: Sponsors must use CDE solicitation and contract templates when procuring a meal vendor. For vended meals contracts that will exceed \$250,000, CDE School Nutrition Unit must approve the RFP and contract before CNP funds can be used for payment. For contracts that will not exceed \$250,000, the sponsor may use the RFP template or the Competitive Quote template to procure a vended meal contract and will provide the contract to the CDE School Nutrition Unit during the annual sponsor application process. During renewal years, the sponsor will use the Vended Meals Contract Renewal Amendment template to renew the vended meals contract.

Note: The process to obtain a vended meals contract is competitive. Sponsor staff should not engage in conversations with potential meal vendors prior to or during the RFP process. Any information given to staff during this time cannot be taken into consideration during the evaluation of proposals.

Competitive Quote Procedures

Schedule	Action Steps	Comments
January to February	Sponsor completes the Competitive Quote Form.	Fill out any sections in red, Schedule A, and Exhibit A.
February to March	Sponsor sends the competitive quote form to all registered meal vendors using the list available on the FSMC/Vended Meals Web Page .	Allow at least one week for bidders to respond with a quote (two weeks is recommended).
March to April	Sponsor awards the contract to the responsive and responsible bidder whose bid conforms to the terms of the competitive quote form and whose price is lowest .	If a sponsor chooses to reject an offer, it must document why. For example, the bidder cannot deliver meals on the days or times that the sponsor needs. Use the Vended Meals Response Tracker on the FSMC/Vended Meals Web Page to document all responses.
April to May	Sponsor and Contractor sign the Awarded Contract Agreement (the same document as the Competitive	Once signed by both parties, the sponsor may begin payment to the contractor for vended meals



	Quote Form). Any changes to this document must be approved by CDE.	delivered.
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RFP Procedures

Sponsors must follow the procedures below that apply to the Request for Proposal (RFP) and Contract and renewal amendments. The timeline may be adjusted depending on the programs that the sponsor participates in (Example: National School Lunch vs. Summer Food Service Program)

Schedule	Action Steps	Comments
January to February	<ol style="list-style-type: none"> Sponsor develops draft RFP using CDE template (Available on the FSMC/Vended Meals Web Page). <p>If the contract will exceed \$250,000:</p> <ol style="list-style-type: none"> CDE approves the RFP before the sponsor may release it. 	<ol style="list-style-type: none"> Sponsor must use the RFP and Contract provided by CDE’s School Nutrition Unit. Changes are <u>not</u> permitted without CDE approval. Meal Vendors <u>may not</u> assist in drafting or developing the RFP if they will respond to the RFP.
February to March	<ol style="list-style-type: none"> Sponsor issues RFP to all registered meal vendors. Directory of registered vendors is available on the FSMC/Vended Meals Web Page. Sponsor advertises RFP in a media source covering their area for no less than 14 days. 	<ol style="list-style-type: none"> Sponsor sends approved RFP to each company on CDE’s Registered Vendor List before advertising the RFP. Sponsor advertises its RFP and Contract for no less than 14 days in a publication of general circulation covering the area served by the sponsor. Public bid platforms or the sponsor’s web page may also be allowable. Sponsors may only accept proposals from companies registered with CDE.
March to April	<ol style="list-style-type: none"> If applicable, walk-throughs of the Sponsor’s facilities are conducted and attended by interested bidders. Pre-proposal conferences and vendor presentations are scheduled by each sponsor as either a requirement or option of the RFP process. Sponsor may request for a CDE representative to be present (especially for first time sponsor contracts) 	<ol style="list-style-type: none"> A minimum of 30 days is required from the time proposals are solicited to the time they are due. Sponsor conducts a pre-proposal conference as advertised in the RFP. All offerors must be invited to the pre-proposal conference. Sponsor must respond in writing to all questions asked and provide a copy of all questions and answers <u>to all offerors</u>. If additional information is requested at the pre-proposal conference or if the RFP is amended by questions or requests from the pre-proposal conference, then additional time should be provided to allow vendors to develop a responsive proposal. Sponsor must also provide a copy of all correspondence to CDE’s School Nutrition Unit upon request. If only one meal vendor responds to the public advertisement, the sponsor may conduct a walk-through of the facility instead of a pre-proposal conference.
	<ol style="list-style-type: none"> Meal vendor responses are opened by the sponsor after the proposals are due. 	<ol style="list-style-type: none"> Sponsor must use the Colorado Request for Proposal and Contract.



<p>April to May</p>	<p>2. The sponsor evaluates and scores each response based on the evaluation criteria outlined in the RFP.</p> <p>If the contract will exceed \$250,000:</p> <p>3. Sponsor submits all proposals and sponsor scoring to CDE for required pre award review.</p> <p>4. CDE reviews the response to assure compliance with procurement regulations.</p>	<p>2. Sponsor’s legal counsel should review and approve the contract.</p> <p>3. Sponsors may elect at any time to stop the process.</p> <p>4. The selected meal vendor cannot participate with the sponsor in writing contract language, terms or conditions. Any meal vendor employee that drafts or writes contract terms or language would cause the contract to be voided and resubmitted to competitive procurement.</p>
<p>May to June</p>	<p>1. Sponsor provides the signed contract during the sponsor’s annual renewal application.</p> <p>If the contract will exceed \$250,000:</p> <p>2. Sponsor submits contract package to CDE for approval</p> <p>3. CDE approves contract package and the sponsor is informed that they may award a contract.</p> <p>A signed contract must be submitted to CDE during the annual sponsor renewal application.</p>	<p>1. Sponsor submits the following contract documents to CDE:</p> <ul style="list-style-type: none"> a. Final copy of the RFP and Contract • Any documents related to the vended meals contract, including relevant sections of the proposal, amendments, or addendum. <p>2. CDE approves the contract before it is signed by sponsor and meal vendor.</p> <p>3. Sponsor and meal vendor may not begin operations before:</p> <ul style="list-style-type: none"> a. Contract approval by CDE b. Date the contract is signed. <p>NOTE: If the RFP and/or Contract is altered without prior CDE approval, it is considered an unapproved contract and the sponsor may not use child nutrition funds to pay the meal vendor.</p>
<p>Annual Renewal</p>	<p>1. If the sponsor would like to renew the vended meals contract, the sponsor will complete the Vended Meals Contract Renewal Amendment template and provide a copy of the signed renewal amendment to CDE during the annual sponsor renewal application.</p> <p>2. If the sponsor does not want to renew the contract, it may re-bid using the procurement procedures outlined above.</p> <p>If the contract will exceed \$250,000:</p> <p>3. CDE approves the renewal agreement before the renewed contract is effective.</p>	<p>1. CDE may also request copies of invoices paid to the meal vendor as part of the renewal process.</p>