**Process for Contracting with a Food Service Management Company (FSMC)**

Under their agreements with a State agency (SA), school food authorities (SFAs)
are responsible for operating the school nutrition programs in schools under their jurisdiction. These programs include the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and the Special Milk Program for Children (SMP).
To assist in carrying out this responsibility, an SFA may contract with a food service management company (FSMC) to manage the food service operation involving these programs in one or more of its schools.

SFAs must comply with existing Federal, State and local procurement requirements when obtaining the services of a FSMC. Federal procurement requirements are found
at 7 CFR 210.21 and 2 CFR 200.318. The NSLP regulations appear at 7 CFR Part 210, the SBP regulations appear at 7 CFR Part 220, the SMP regulations appear at
7 CFR Part 215 and regulations for the distribution of donated foods at 7 CFR Part 250. SAs may impose additional requirements which meet or exceed the required Federal standards. An SFA should contact its SA for guidance before entering any procurement of FSMC services. For information regarding specific regulations and procedures for contracting food operations with food service management companies, please refer to the United States Department of Agriculture (USDA) publication entitled *Contracting with Food Service Management Companies, Guidance for SFAs*. <https://www.fns.usda.gov/updated-guidance-contracting-food-service-management>
and with 7 CFR 210.16.

**Process:**

**1.** SFA will notify the SA of the intent to contract with a FSMC. Information will be provided to the SFA about the competitive proposal process for acquiring the services of a FSMC. The initial term of the contract must be for one (1) year with the option to renew four (4) additional years as agreed upon by both parties. Term shall begin on
July 1 and end on June 30 unless other periods have been pre-approved by the SA. The SFA will be informed that the contract is between the SFA and the FSMC and not the Georgia Department of Education (GaDOE).

**2.** A competitive Request for Proposal (RFP) will be used to solicit and contract for nutrition and management services. It is highly recommended that the SFA use an RFP/Contract template provided by the SA upon request. The SFA may negotiate
the terminology and desirable conditions contained in the RFP/Contract to reflect the specific needs/requirements of the SFA. The SFA may also add other provisions
or requirements to the RFP/Contract based on the identified needs of the SFA.
A representative from the SA procurement team will discuss with the SFA and review the process, contents of the templates and to guide the SFA through modification
and completion of the documents.

**3.** The SFA will complete the RFP template, providing information specific to the SFA, and will submit to the SA for approval prior to the initial advertisement.

**4.** The SA will review, provide feedback and recommend changes or additions and return RFP to SFA. After updating the RFP, the SFA will return it to the SA and the
SA will approve the completed RFP. Upon written approval from the SA, the SFA will proceed to advertise the RFP in multiple media outlets. The RFP must be advertised for a minimum of two weeks to allow enough time for all potential vendors to respond, but 30 days is recommended to allow for full and open competition. The RFP must be advertised in major media outlets and the school system’s website. If proposal is deemed to be over $100,000 it must be posted on the Georgia Procurement Registry through the Department of Administrative Services (DOAS). The SFA must allow a minimum of four (4) weeks for interested FSMCs to complete and return the RFP.

**5.** An SFA may simply wish to do a pre-proposal meeting, particularly if this is the first procurement of FSMC services by the SFA. It is recommended that such a meeting
be conducted and that it be held approximately two weeks after the RFP is issued
but prior to the date proposals are due. There are two important reasons for holding
a pre-proposal meeting:

**Provide Information**—to provide information concerning contract performance requirements that may be helpful in the preparation of proposals.

**Answer Questions**—to answer any questions prospective offerors may have regarding the solicitation.

Furthermore, the meeting may bring to light ambiguities, errors, or omissions in the RFP, which may later be corrected through written amendments to the RFP. (The meeting should not be held, however, as a substitute for formally amending a deficient or ambiguous specification or to disseminate performance requirements in addition to those contained in the solicitation.) Document the meeting, provide a sign-in sheet for all in attendance, and include a summary of all information shared, questions asked, and answers provided. The information should be sent as a written addendum to the original solicitation. If more than one addendum is required, each addendum should
be numbered, and a copy of each addendum should be signed and returned with the proposal as additional supporting documentation of receipt of all requirements for consideration as a responsible and responsive offeror. All vendors should participate
in the on-site visit or pre-proposal at the same time. Separate meetings or discussions with individuals representing potential contractors outside the pre-proposal conference is discouraged in order to allow equal opportunities to all prospective vendors, limit the perceived conflict of interest apparent when conversations occur with a single vendor, and limit potential contract protests. Every effort must be made to ensure one vendor
is not perceived as having access and/or information that has not been afforded to all potential vendors.

**6.** The SFA must establish a committee, of more than one member, to evaluate the RFP. The committee may be comprised of principals, teachers, parents, administrators, school board members or other individuals who may be involved with the school nutrition operation. Due to the complexity of the process, students should not serve
as committee members. Any committee member should be carefully vetted to ensure there is no conflict of interest that may sway the evaluation to one vendor or another.
The committee will use the evaluating criteria set forth in the solicitation and award
the contract to the vendor that is most advantageous to the school nutrition operation. The SA should be present in the opening of the proposals either virtually or in person.

After evaluation committee members have completed the tabulation of scoring criteria and selected a potential awardee, the SFA must reach out to the SA. The SFA must provide the SA information on the potential awardee such as the tabulation scoresheets and reasons why this offeror was selected. The SFA must receive written approval from the SA before execution of the Contract.

**7.** The approved RFP, with all attached appendices, attachments, exhibits and amendments, becomes the final Contract between the SFA and FSMC when signed by both parties. The FSMC must not be paid out of School Nutrition funds prior to receiving SA written approval.

**8.** The signed and dated Contract, by both parties, with all supporting documents included, must be sent to the SA and downloaded into SNO (School Nutrition Online)
or the most current school nutrition data entry location.

**9.** All renewals, addendums and/or amendments must receive written approval by the SA prior to execution. Signed and dated renewals, addendums and/or amendments
by both parties must be sent to the SA and downloaded into SNO.

**10**. Monitoring of contract is essential on a continuous basis to ensure compliance
of contract terms and conditions. On-site visits to the FSMC’s facility where meals
are prepared must be done at least once a year and documented.

**Reference Video:** [https://snp.gadoe.org/PDL/Pages/Training-Catalogue.aspx](https://snp.gadoe.org/PDL/Pages/Training-Catalog.aspx)Training Catalog-Procurement-Food Service Management Companies- Part 1-3.