**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. Additionally, State and local procurement standards take precedence over suggested practices in USDA guidance which are not required by Federal regulations. 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.

**Procedure:**

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 and 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. The SFA is required to 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 to 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 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 three weeks to allow enough time for all potential vendors to respond. 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. The SFA must conduct a pre-proposal conference for all interested FSMCs. After viewing the proposal responses, the responsible and responsive vendors, to the public advertisement, will be invited to the pre-proposal conference. On-site visits must be conducted after the pre-proposal conference, if required and necessary from the SFA. All vendors should participate in the on-site visits 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. All questions asked by prospective vendors at the pre-proposal conference or on-site visit must be responded to, in writing, by the SFA, with copies provided to all attending FSMCs. 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 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.

7. The approved RFP, with all attached appendices, attachments, exhibits and amendments, becomes the final Contract between the SFA and FSMC when signed.

8. The signed Contract, with all supporting documents included, must be sent to the SA.