

## Food Service Management Company (FSMC) Contract Review Form

*Contracting Entities (CEs) use this form to review the FSMC's operation of the program according to the contract.*

### Purpose

The CE is responsible for ensuring the FSMC operates the program according to the contract and in compliance with all regulations and guidance. Contracting with an FSMC does not release the CE from any responsibilities for the Child Nutrition Programs (7 CFR 210.16).

This form must be used quarterly as a contract management tool for reviewing the FSMC's operation of the program according to the contract. A CE may use local contract management tools in addition to this form.

The review must be conducted by the district employee responsible for oversight of the FSMC contract or district-employed designee.

For additional FSMC guidance, see *Administrator's Reference Manual Section 18*.

### Frequency

This form must be completed each quarter for one site and be available for review by TDA upon request. The CE must review a different site type (Elementary School, Middle School, High School, etc.) each quarter.

### Record Retention

Completed forms must be kept onsite and made available on request.

Public and charter schools are required to keep documentation related to school nutrition programs for 5 years.

Private schools, other nonprofit organizations, and residential childcare institutions (RCCIs) are required to keep documentation for 3 years.

### Directions

#### *General Information*

- **Contracting Entity (CE) Name:** Record the name of the CE in the designated space.
- **CE ID Number:** Record the ID number of the CE in the designated space.
- **Date of Review:** Record the date the review was completed.
- **Site Name:** Record the site or school location name in the designated space.

#### *Parts I–XIII*

- **Answer each question** by marking the appropriate box under *Yes* or *No* and fill in any blank spaces as requested. If the question is not applicable, select “no” and explain in the comments box at the end of each part.
- **Write a comment to explain all answers** in the comment box at the end of each part (*Yes or No*). Please use an additional sheet of paper if additional space is needed.
- **Review the FSMC's documentation** related to each question topic area.
  - Is the documentation readily accessible?
  - Is the documentation accurate?
  - Is the documentation kept in an organized manner?
  - Does the documentation support the answer?
  - If not, what changes need to be made to ensure that the FSMC is implementing the program correctly?

- **Compare results from the FSMC monitoring form** to previous assessments. If corrective action was previously required, was it resolved?
- **Develop strategies to address areas of need or non-compliance.**

*Part XIV*

- Determine if any of the answers to Parts I–XIII require a corrective action plan (CAP).
- Mark the appropriate response once that determination is made.
- Record any comments, notes, process changes, or observations about the corrective action in the comment box.

*Part XV*

- If a CAP is required, complete a follow-up review within 45 days.
- Record any comments about the follow-up that will help to improve the school nutrition program in the comment box.

*Part XVI*

- Have the reviewer sign in the designated space.
- Have the FSMC/site manager sign in the designated space.

**Contracting Entity (CE) Name:**

**Date of Review:**

**CE ID Number:**

**Site Name:**

**Meal Service Reviewed:**

**Contract Type:**

I. Eligibility and Verification	<u>Yes</u>	<u>No</u>
1. Is the FSMC involved in application processing? Who is responsible for determining student eligibility? <b>Name/Title:</b>	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the FSMC involved in application verification? Who is responsible for determining student eligibility? <b>Name/Title:</b>	<input type="checkbox"/>	<input type="checkbox"/>

**NOTE:** The FSMC may not assist with eligibility and verification duties. If the answer is Yes to either question, a Corrective Action Plan (CAP) is required.

**CE Comments –Provide a rationale for all responses in Part I:**

II. Menu Cycle/Meal Pattern	<u>Yes</u>	<u>No</u>
3. Has the FSMC followed the 21-day cycle menu, as described in the contract, for the first 21 days of the contract? <b>NOTE:</b> Monitored during the first year of contract only unless otherwise noted per the state agency.	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the FSMC serving products that meet the specifications from initial solicitation? <b>Provide 3 examples of specifications reviewed:</b>	<input type="checkbox"/>	<input type="checkbox"/>
5. Did the FSMC obtain approval from the CE and utilize the advisory board for all menu changes made after the first 21 days of the contract?	<input type="checkbox"/>	<input type="checkbox"/>
6. Have all menus been developed to meet the meal pattern requirements for the appropriate age/grade groups and the nutrient specifications?	<input type="checkbox"/>	<input type="checkbox"/>
7. Is the FSMC serving reimbursable meals as described in the contract and in compliance with program regulations?	<input type="checkbox"/>	<input type="checkbox"/>
8. Does the FSMC provide meal service to all enrolled students as specified in the contract?	<input type="checkbox"/>	<input type="checkbox"/>
9. Are food production records completed each day for all meals served using the TDA prototype or another instrument that collects the same information as the TDA prototype?	<input type="checkbox"/>	<input type="checkbox"/>
10. Has the FSMC used an advisory committee of parents, students, and teachers to advise in menu planning?	<input type="checkbox"/>	<input type="checkbox"/>
11. Has the FSMC implemented meal accommodations based on medical statements provided by authorized medical authorities or Individualized Education Plans (IEP) or special dietary accommodations based on CE policy?	<input type="checkbox"/>	<input type="checkbox"/>

**Attach a current menu to reflect the responses above.**

**CE Comments – Provide a rationale for all responses in Part II:**

**III. Competitive Foods**

**Yes No**

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 12. Is the FSMC following Competitive Food Nutrition Standards?    | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Is the FSMC following the local policy related to fundraisers? | <input type="checkbox"/> | <input type="checkbox"/> |

**CE Comments – Provide a rationale for all responses in Part III:**

**IV. USDA Foods**

**Yes No**

- |  |                          |                          |
|--|--------------------------|--------------------------|
| 14. Is the FSMC storing and managing USDA Foods received on behalf of the CE?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. Has the FSMC ensured the CE has received credit for the full value of USDA Foods received during the school year or fiscal year?<br><b>What is the amount received to date? \$</b>   | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. Does the FSMC provide the CE with clear documentation that demonstrates that the CE has received credit for the value of its USDA Foods?<br>If yes, please file a copy of the documentation with this form for verification.<br><b>NOTE:</b> This includes crediting for the value of donated foods, including brown box, Department of Defense (DOD) Fresh, and processed end products. | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. How often does the CE receive credit for the value of USDA Foods?<br><i>Check all that apply</i>   |                          |                          |
| <input type="checkbox"/> Monthly   |                          |                          |
| <input type="checkbox"/> Quarterly   |                          |                          |
| <input type="checkbox"/> End of the school year  |                          |                          |
| <input type="checkbox"/> Other:  |                          |                          |
| 18. How is the CE credited for the value of donated foods?<br><i>Check all that apply</i>  |                          |                          |
| <input type="checkbox"/> Invoice reductions  |                          |                          |
| <input type="checkbox"/> Refunds   |                          |                          |
| <input type="checkbox"/> Discounts   |                          |                          |
| <input type="checkbox"/> Other:  |                          |                          |
| 19. For cost-reimbursable contracts, does the FSMC ensure that its system of inventory management does not result in the CE being charged for USDA Foods? For fixed-rate contracts, skip this question.  | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. Does the FSMC ensure that CE retains ownership of all USDA Foods including processed foods, if applicable?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 21. Does the FSMC use USDA Foods to the maximum extent possible? Provide examples in the comments below.<br><b>What is the SFA's current entitlement balance? \$</b>   | <input type="checkbox"/> | <input type="checkbox"/> |

22. Does the FSMC use all donated ground beef, ground pork, and all processed end products in the CE's food service without substitution, if applicable?

**Attach a copy of the recent USDA Foods reports/invoice.**

**CE Comments – Provide a rationale for all responses in Part IV:**

**V. Inventory** Yes No

23. Does the FSMC have an organized method for storing, preserving, and accounting for the CE's food inventory?
24. Does the FSMC storage ensure that the food items are stored in a manner that is consistent with all health and safety rules that apply to the stored items?

**CE Comments – Provide a rationale for all responses in Part V:**

**VI. Meal Count System** Yes No

25. Has the FSMC implemented a point of service (POS) system that allows for the collection of accurate data for meals served by the eligibility category, a la carte sales, and adult sales without overt identification?
26. Are meals counted after the last food or menu item is served/selected to ensure that only reimbursable meals are claimed?
27. Does the FSMC have a backup system to ensure that all counting and claiming data is maintained?

**Describe the system:**

28. Does the FSMC maintain records to support all claims reports?
29. Does the FSMC complete the Daily Record/Accuclaim form for the CE to validate or provide the data the CE needs to complete the Daily Record/Accuclaim form?
30. Does the FSMC provide accurate claiming reports to the CE at the end of each day and month and counts for other types of food service?

**CE Comments – Provide a rationale for all responses in Part VI:**

VII. Financial, Accounting	<u>Yes</u>	<u>No</u>
31. Does the FSMC monthly invoice reconcile with the point of service (POS) counting and claiming report? In the comments, explain how the invoice meal counts are reconciled with the POS count each month.	<input type="checkbox"/>	<input type="checkbox"/>
32. Do the FSMC's food service daily income records, such as end of day POS reports, accurately reflect the revenue received by meal type (student meals, adult meals, a la carte, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>
33. Has the CE received all applicable discounts, credits, and rebates from the FSMC?	<input type="checkbox"/>	<input type="checkbox"/>
34. Does the FSMC ensure that all invoice statements are accurate, and that unallowable costs and duplicative services are not billed to the CE?	<input type="checkbox"/>	<input type="checkbox"/>
35. Does all income to the program accrue to the nonprofit school food service account?	<input type="checkbox"/>	<input type="checkbox"/>
36. Does the FSMC provide the CE with all information and documentation needed for the CE to calculate its program and nonprogram revenue and cost proportion as required by regulations? (For example: POS records, cost per meal data, and inventory or financial reports)	<input type="checkbox"/>	<input type="checkbox"/>
37. Does the FSMC provide documentation that allows the CE to ensure that the financial system is operated in compliance with all regulations and that all financial reports are accurate?	<input type="checkbox"/>	<input type="checkbox"/>
FOR EXAMPLE: Is there documentation that TDA approval was requested and given for all capital expenditures (single items over \$5,000)?		

**Attach the most recent FSMC invoice.**

**CE Comments – Provide a rationale for all responses in Part VII:**

VIII. Financial, Procurement	<u>Yes</u>	<u>No</u>
38. Does the FSMC follow the CE's internal process to ensure that foods are procured in compliance with the Buy American provision?	<input type="checkbox"/>	<input type="checkbox"/>
39. For fixed-rate contracts, does the FSMC accurately charge the number of meals claimed to the CE at the fixed-rate price according to the contract? For cost-reimbursable contracts, skip this question.	<input type="checkbox"/>	<input type="checkbox"/>
40. For cost-reimbursable contracts, does the FSMC follow all procurement regulations when purchasing on behalf of the CE? For fixed-rate contracts, skip this question.	<input type="checkbox"/>	<input type="checkbox"/>
41. For cost-reimbursable contracts, does the FSMC provide sufficient documentation for the CE to determine if all procurement was conducted correctly and in compliance with all applicable regulations? For fixed-rate contracts, skip this question.	<input type="checkbox"/>	<input type="checkbox"/>

**CE Comments – Provide a rationale for all responses in Part VIII:**

IX. Facilities	<u>Yes</u>	<u>No</u>
42. Does the FSMC have a Health Analysis and Critical Control Points (HACCP) plan in place and is there evidence of its implementation?	<input type="checkbox"/>	<input type="checkbox"/>
43. Do employees practice safe food-handling procedures?	<input type="checkbox"/>	<input type="checkbox"/>

44. Does the FSMC ensure that all facilities have health inspections as required by law?
45. Are facilities and equipment adequately maintained for safety and sanitation?
46. Is the FSMC's use of the facilities consistent with the facility use clauses included in the contract?

**CE Comments – Provide a rationale for all responses in Part IX:**

**X. Local Wellness Policy**

Yes No

47. Does the FSMC follow the CE's local wellness policy?

**CE Comments – Provide a rationale for all responses in Part X:**

**XI. Staffing**

Yes No

48. Has the FSMC staffing plan been approved by the CE?
49. Is the FSMC's staffing plan consistent with the staffing clauses included in the contract?  
# Full-time employees (FTEs) in contract:    
# FTEs (current):
50. Does the FSMC ensure that all Child Nutrition staff have the required training?
51. Does the FSMC ensure that the director's position meets the USDA professional hiring standards (7 CFR 210.30)?
52. Does the FSMC maintain documentation that demonstrates the professional standards for training and the director's position are compliant with all regulations?

**Attach a copy of the approved staffing plan and organization chart.**

**CE Comments – Provide a rationale for all responses in Part XI:**

**XII. Record Retention**

Yes No

53. Does the FSMC have a system to transfer all records to be retained for long-term storage to the CE?
54. Does the FSMC provide all documentation required to demonstrate the CE is compliant with all regulations—local, state, and federal?

**CE Comments – Provide a rationale for all responses in Part XII:**

**XIII. General Terms of the Contract**

**Yes**    **No**

55. Does the FSMC operate and manage the program(s) contracted to operate as defined by the terms of the contract?
56. Was an additional contract or addendum to the TDA contract signed?  
**Note:** additional contracts and addendums are not allowed. Please submit a copy of the additional contract or addendum to TDA.

**CE Comments – Provide a rationale for all responses in Part XIII:**

**XIV. Results of Review**

**Yes**    **No**

57. Is a corrective action plan (CAP) required?

**CE Comments – Provide a rationale for all responses in Part XIV:**

**XV. Corrective Action**

**Yes**    **No**

58. If a corrective action plan (CAP) is required, will the CE conduct a follow-up review within 45 days?
- Date the follow-up review was completed:**

**CE Comments – Provide a rationale for all responses in Part XV:**

**XVI. Attestation and Signatures**

***I attest that this information is true, accurate, and complete to the best of my knowledge.***

*Signature of CE Reviewer*

*Signature of FSMC/Site Manager*

*Printed Name of CE Reviewer*

*Printed Name of FSMC/Site Manager*

*Title of CE Reviewer*

*Title of FSMC/Site Manager*