



CHILD NUTRITION

NATIONAL SCHOOL LUNCH PROGRAM

Zyvan Lee

Texas Department of Agriculture

Contracting Entity Expectations with Food Service Management Companies



TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER

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Food and Nutrition Division
National School Lunch Program



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www.SquareMeals.org

Alphabet Soup



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- ◆ **SFA** = School Food Authority
- ◆ **LEA** = Local Education Agency
- ◆ **FSMC** = Food Service Management Company
- ◆ **CPI** = Consumer Price Index
- ◆ **CNP** = Child Nutrition Programs
- ◆ **AR** = Administrative Review of CNP
- ◆ **PR** = Procurement Review of CNP
- ◆ **RFP** = Request for Proposal

Objectives

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- ◆ Understand district responsibilities if using an FSMC
- ◆ Understand delineation of roles between districts and FSMCs
- ◆ Understand expectations for vendor communication
- ◆ Understand changes to the contract and renewal processes
- ◆ Understand TDA's position on consultant contracts
- ◆ Understand expectations during Administrative Reviews

What is the District's Primary Role?

The district's primary role when using an FSMC is Contract Management and Oversight.

FSMCs Operating in Texas

Registration is Required

- ◆ Districts may not award FSMC contracts to entities that are not registered and approved in Texas prior to solicitation issuance.
- ◆ Registration as a Texas vendor is not permanent – vendors can be removed due to systemic or continued non-compliance.
- ◆ Must be renewed yearly from July 1 to July 31st. Renewal will not be approved if there is systemic or continued non-compliance by the vendor.

FSMC or Self-Op?

Local Decision



Responsibilities

What Cannot Be
Outsourced?



What Cannot Be Outsourced to an FSMC?

- ◆ Oversight and performance monitoring of the contracted FSMC vendor.
- ◆ Signature authority.
- ◆ Annual USDA Foods Reconciliation.
- ◆ Student Eligibility
 - Free and reduced-priced application processing.
 - Direct certification processes.
 - Data entry on student eligibility in district POS.

See Administrative Reference Manual for a more comprehensive listing

What Cannot Be Outsourced to an FSMC?

- ◆ On-site reviews of meal counting and claiming procedures.
- ◆ Contract review form of operations.
- ◆ Claims submissions.
- ◆ District managed food service fund for revenue and/or expenses.
- ◆ Financial reconciliation of billing.
- ◆ Advisory boards or committees.

Examples of District Responsibilities

Signature Authority

- ◆ District decision, not FSMC decision.
- ◆ District determines whether they want all kids to eat free or operate NSLP.
- ◆ Does the contract support district's decision?
- ◆ CE obtains a legal opinion from district counsel.
- ◆ Application in TX-UNPS.

Simplifying Contract Management

2023-2024 Fixed Meal
Rate



Who Does TDA Communicate with?

District Personnel or
FSMC Personnel?



FSMC RFP Fixed Meal Rate Template

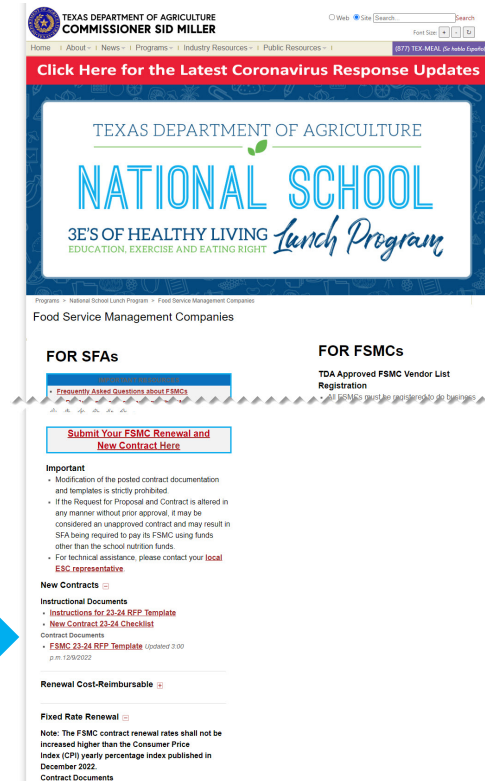
All contracts end on **June 30th**
each year.



How to find the FSMC RFP Fixed Meal Rate Template

<https://squaremeals.org/FSMC>

Scroll down to New Contracts,
click + symbol if needed



Required FSMC RFP Meal Rate Template

**SCHOOL NUTRITION PROGRAMS
FOOD SERVICE MANAGEMENT SERVICES
School Year 2023-2024**

REQUEST FOR PROPOSALS

SOLICITATION NO. _____

School Food Authority: _____

SFA's address: _____
Phone number: _____
Fax number: _____

Date Issued: _____
Proposal Due Date: _____

Page 1

Focuses on key areas for CE to provide information

Based on national standards for FSMC operation

Required for New Contract

No alterations are allowed

Requirements For Contracting an FSMC

- ◆ When procuring services, districts must ensure free and open competition.
- ◆ If an FSMC is going to submit a proposal, they cannot have ANY part in the solicitation development.
- ◆ Under no circumstances is it okay for the district to discuss the FSMC solicitation process with the current FSMC or a potential FSMC.

Full and Open Competition

- ◆ All FSMCs are on a level playing field and have the same opportunity to compete for business.
- ◆ Procurement procedures and specification requirements do not restrict or eliminate competition.
- ◆ Fairness and integrity in all aspects of the procurement process must be followed.
- ◆ The SFA must provide the RFP to all TDA registered FSMCs.

Evaluating RFPs



Evaluation Documentation

- ◆ CEs must provide justification for scoring.
- ◆ Formula where cost is the heaviest evaluation factor.
- ◆ Scoring for objective criteria such as years of experience should be defined. For example: 1 years = 1 point; 3 years = 3 points; more than 10 years = 10 points.
- ◆ The FSMC may not charge the SFA any fee other than a meal x rate.

No additional administrative, POS, delivery, late fees, or any other fees are allowable.

Evaluation Documentation

Continued

- ◆ Evaluation documents for awarded and non-awardees must be provided to TDA with contracts for review.
- ◆ If detailed evaluation and justification information is not provided; TDA cannot approve the contract.
- ◆ The SFA may not execute the contract until it is approved by TDA.

Evaluation Documentation

Continued

◆ Experience: based on the years of experience in working with CNPs.

◆ The SFA should verify the number of years of experience the FSMC reports in the proposal. This score must be consistent.

◆ Reference the instructional manual.

◆ Scroll >New Contracts >Instructions for 23-24 RFP Template

<https://squaremeals.org/Programs/National-School-Lunch-Program/Food-Service-Management-Companies>

Guarantee

- ◆ **Definition:** An FSMC commitment to meet fiscal goals specified by the SFA.
- ◆ Districts set guarantees, not the vendor. Districts must make sure that any guarantees are based on realistic projections.
- ◆ A “Guarantee” is not the price of the proposal.
- ◆ If the guarantee is to be part of the evaluation, it must be defined in the solicitation as part of the pricing criteria.

POS Software: Equipment Purchase Request Process

- ◆ FSMC can only purchase Information Technology System (POS) or Point of Sale equipment on the SFA's behalf if the SFA makes the request in the RFP. This is only if the CE does not currently have a system.
- ◆ Any equipment purchases over \$5,000 (per item) must be approved by TDA prior to purchase. Inclusion in the contract is **not** the required TDA approval.
- ◆ Procurement regulations must be followed.
- ◆ Title to all equipment must be retained by the SFA.
- ◆ Equipment expense cannot be part of the price per meal in the Fixed Price contract but must be billed as a separate line item.

Important Note!

SFAs cannot request and FSMCs cannot offer “value added” incentives such as scholarships, donations, grants, free services, free equipment, etc.

Selecting an FSMC



Selecting an FSMC; Must Meet Timelines

School Food Authority Timelines:

- December 31 - New Contracts must be submitted to TDA for approval to publish.
- March 1 - Renewals must be submitted to TDA for approval.
- April 17 - New Contract selections must be submitted to TDA for approval to award/execute.
- June 21 - New Contracts and Renewals must be signed/executed and provided to TDA.

TDA Timelines:

- October 15 - Contract Documents available.
- February 15 - New Contracts must be approved to publish.
- May 1 - TDA to approve all FSMC New Contract and Renewal submissions.

Selecting an FSMC

- ◆ SFA's must award contract to the responsible FSMC whose proposal, based on scoring and ranking, is most advantageous to the SFA, with **price as the primary factor** and other factors considered.
- ◆ Scoring and evaluation material must be kept on file and available for review by TDA upon request.
- ◆ All scoring and evaluation material must be sent to TDA as part of the pre-approval process.

Selecting an FSMC

All initial contracts and renewal contracts must be received and approved by the State Agency BEFORE the contract period begins and before execution!

Contract Duration

- ◆ All renewals are for one-year terms.
- ◆ The SFA and/or FSMC can decide to not renew the contract.
- ◆ Except for the fee or price increasing by the provided CPI percentage, no other changes are allowed for an addendum.
- ◆ Maximum contract period is 5 years.
- ◆ SFA may not allow FSMC to begin operations without TDA approval.
- ◆ All contracts end on June 30 each year.

Contract Management and the Renewal Process



Renewal Process Review Items

- ◆ The review of Renewal Amendment, including monitoring of USDA foods reconciliation, ensuring all rebates, credits and discounts have been provided to CE.
 - ◆ Review methodology of fee increases, budgets, list of schools served, certifications and compliance assessment.
 - ◆ Reference the renewal checklist that is available on squaremeals.org.
- Scroll > Renewal Cost-Reimbursable > 23-24 FSMC Renewal Checklist

<https://squaremeals.org/Programs/National-School-Lunch-Program/Food-Service-Management-Companies>

Material Changes

Definition: Any change made to a contract after it has been awarded that alters the terms and conditions of that contract substantially enough that had other respondents known of these changes in advance, they could have bid differently and more competitively.

Consultant Contracts

- ◆ Districts may **NOT** hire an FSMC vendor as a consultant and subsequently award a contract to them.
 - Unfair advantage.
 - Conflict of interest.
- ◆ Districts must disclose to TDA their use of any FSMC vendors as a consultant.
- ◆ It is the district's responsibility not to recommend award to these vendors, as related costs will be unallowable.

The Administrative Review

- ◆ Non-compliance with state and federal requirements via mandatory contract monitoring or an administrative review, TDA may require the CE to rebid the contract.

Contract is Voided and Re-Solicitation is Required

What Happens with
Non-compliance?



Annual Contract Renewals

- ◆ Contact term is July 1 – June 30.
- ◆ Renewal submission is due by March 1 at the latest.
- ◆ Changes in fees are limited to the Consumer Price Index (CPI) increase or decrease.
- ◆ An explanation of the fee change methodology is required.
- ◆ Must provide documentation for USDA Annual Reconciliation and the FSMC Contract Review Form.
- ◆ Without TDA approval, the CE cannot continue the contract.

Contract Management

Expectations and Utilizing
the FSMC Contract Review
Form



Required Contract Review Form

Texas Department of
Agriculture

Form | Contract Review | FSMC
August 26, 2022

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 FMSC 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.

Contract Review Form

Texas Department of
Agriculture

Form | Contract Review | FSMC
August 26, 2022

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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

- I. Eligibility and Verification.
- II. Menu Cycle/Meal Pattern.
- III. Competitive Foods.
- IV. USDA Foods.
- V. Inventory.
- VI. Meal Count System.
- VII. Financial Accounting.
- VIII. Financial Procurement.
- IX. Facilities.
- X. Local Wellness Policy
- XI. Staffing.
- XII. Record Retention
- XIII. General Terms of the Contract.

Contract Management



FSMC Contract Review Form.

- Ensure program compliance.
- Used Quarterly.
- Conducted by District/CE.
- Available for review by TDA.
upon request.
- 13 sections for review.
- Opportunity for program.
integrity and checks/balances.

*Texas Department of
Agriculture* *Form | Contract Review | FSMC
August 26, 2022*

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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?

Contract Management



Section I – Eligibility and Verification.

- Application process involvement.
- Verification process.



Section II – Menu Cycle/Meal Pattern.

- Following 21-day menu cycle.
- Meeting specifications.
- Obtaining approval for menu changes; establish advisory board.
- Serving reimbursable meals.
- Meal accommodations.

Texas Department of Agriculture
Form: Contract Review | FSMC
August 16, 2022

Contracting Entity (CE) Name: _____ Date of Review: _____
CE ID Number: _____ Site Name: _____
Meal Service Reviewed: _____ Contract Type: _____

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

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 | | Yes | No |
|---|--|--------------------------|--------------------------|
| 3. Has the FSMC followed the 21-day cycle menu, as described in the contract, for the first 21 days of the contract? | | <input type="checkbox"/> | <input type="checkbox"/> |
| NOTE: Monitored during the first year of contract only unless otherwise noted per the state agency. | | | |
| 4. Is the FSMC serving products that meet the specifications from initial solicitation? | | <input type="checkbox"/> | <input type="checkbox"/> |
| Provide 3 examples of specifications reviewed: | | | |
| | | | |
| 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"/> |

Contract Management

Section III – Competitive Foods.

- Smart Snack guidelines.
- Compliant with fundraising policies.

Section IV – USDA Foods.

- Managing USDA Foods received.
- Receiving proper credit for value.
- Inventory management.
- Retain ownership of foods.
- Use to maximum extent possible.

Texas Department of Agriculture Form 1 Contract Review (FSMC) August 25, 2022

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? | <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? What is the amount received to date? \$ NOTE: This includes crediting for the value of donated foods, including brown boxes, Department of Defense (DOD) Foods, and processed and products. If yes, please file a copy of the documentation with this form for verification. | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. How often does the CE receive credit for the value of USDA Foods? Check all that apply <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? Check all that apply <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. What is the SFA's current entitlement balance? \$ | <input type="checkbox"/> | <input type="checkbox"/> |

Contract Management

- ◆ Section IV – USDA Foods con't.
 - Use of donated commodities.
 - Copies of invoices/reports.
- ◆ Section V – Inventory.
 - Organized method.
 - Meeting health and safety rules.
- ◆ Section VI – Meal Count System.
 - Using Point of Service system
 - Back-up system.
 - Maintain and provide accurate records.

Texas Department of Agriculture Form | Contract Review | FSMC
August 16, 2022

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? ☐ Yes ☐ No

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? ☐ Yes ☐ No

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? ☐ Yes ☐ No

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? ☐ Yes ☐ No

26. Are meals counted after the last food or menu item is served/selected to ensure that only reimbursable meals are claimed? ☐ Yes ☐ No

27. Does the FSMC have a backup system to ensure that all counting and claiming data is maintained? ☐ Yes ☐ No

Describe the system:

28. Does the FSMC maintain records to support all claims reports? ☐ Yes ☐ No

29. Does the FSMC complete the Daily Record/Accrual form for the CE to validate or provide the data the CE needs to complete the Daily Record/Accrual form? ☐ Yes ☐ No

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? ☐ Yes ☐ No

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

Contract Management

Section VII – Financial, Accounting.

- Daily income reflective of revenue
- Review of allowable costs.
- Process to determine accurate invoices.

Section VIII – Financial, Procurement.

- Procure foods in compliance with Buy American provision.
- Sufficient documentation to determine proper procurement practices.

Texas Department of Agriculture Form | Contract Review | FSMC August 15, 2012

| VII. Financial, Accounting | | Yes | No |
|---|--|--------------------------|--------------------------|
| 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? <small>FOR EXAMPLE: Is there documentation that TDA approval was requested and given for all capital expenditures (single items over \$5,000)?</small> | | <input type="checkbox"/> | <input type="checkbox"/> |
| Attach the most recent FSMC invoice. | | | |
| CE Comments – Provide a rationale for all responses in Part VII: | | | |
| <div style="border: 1px solid black; height: 40px;"></div> | | | |
| VIII. Financial, Procurement | | Yes | No |
| 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: | | | |
| <div style="border: 1px solid black; height: 40px;"></div> | | | |
| IX. Facilities | | Yes | No |
| 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"/> |

Contract Management

Section IX – Facilities.

- Health inspections conducted.
consistent with contract clauses.

Section X – Local Wellness Policy.

- Compliant with Local Wellness Policy.

Section XI – Staffing.

- Approved staffing plan.
 - Director, full and part-time staff.
- Required training plan.
- Meeting professional standards.

Texas Department of Agriculture Form | Contract Review | FSMC
August 26, 2022

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 299.39)? ☐ ☐

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? ☐ ☐

Contract Management

- ◆ Section XII – Record Retention.
 - System to transfer records for long-term storage.
 - Provide all documentation to meet compliance.
- ◆ Section XIII – General Terms of the Contract
 - Compliant with Terms.
- ◆ Section XIV – Results of Review.
- ◆ Section XV – Corrective Action.
- ◆ Section XVI – Attestation and Signatures.

Texas Department of Agriculture Form | Contract Review | FSMC
August 26, 2022

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

| 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? | <input type="checkbox"/> | <input type="checkbox"/> |
| 56. Was an additional contract or addendum to the TDA contract signed? <small>Note: additional contracts and addendums are not allowed. Please submit a copy of the additional contract or addendum to TDA.</small> | <input type="checkbox"/> | <input type="checkbox"/> |

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? | <input type="checkbox"/> | <input type="checkbox"/> |

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? <small>Date the follow-up review was completed:</small> | <input type="checkbox"/> | <input type="checkbox"/> |

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.

| | |
|--|--|
| <i>Signature of CE Reviewer</i> <i>Printed Name of CE Reviewer</i> <i>Title of CE Reviewer</i> | <i>Signature of FSMC Site Manager</i> <i>Printed Name of FSMC Site Manager</i> <i>Title of FSMC Site Manager</i> |
|--|--|

Contract Management

- ◆ Section XVI – Results of Review.
 - Corrective action needed.
 - Follow-up review required.
- ◆ Section XV – Corrective Action.
 - Another review needed in 45 days?
 - Date of new review
- ◆ Section XVI – Signatures.
 - Verify review and obtain signatures.

Texas Department of Agriculture Form | Contract Review | FSMC
August 26, 2012

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.

| | |
|--|--|
| <i>Signature of CE Reviewer</i> | <i>Signature of FSMC Site Manager</i> |
| <small>Printed Name of CE Reviewer</small> | <small>Printed Name of FSMC Site Manager</small> |
| <small>Title of CE Reviewer</small> | <small>Title of FSMC Site Manager</small> |

Changes in Proposal Processes

1. Affirmations of no-communication during the RFP period.
2. Only documents in proposal will become part of the contract.
3. Activities suggested beyond RFP requirements may be deemed non-responsive.



Timelines

School Food Authority Timelines:

- December 31 - New Contracts must be submitted to TDA for approval to publish.
- March 1 - Renewals must be submitted to TDA for approval.
- April 17 - New Contract selections must be submitted to TDA for approval to award/execute.
- June 21 - New Contracts and Renewals must be signed/executed and provided to TDA.

TDA Timelines:

- October 15 - Contract Documents available.
- February 15 - New Contracts must be approved to publish.
- May 1 - TDA to approve all FSMC New Contract and Renewal submissions.

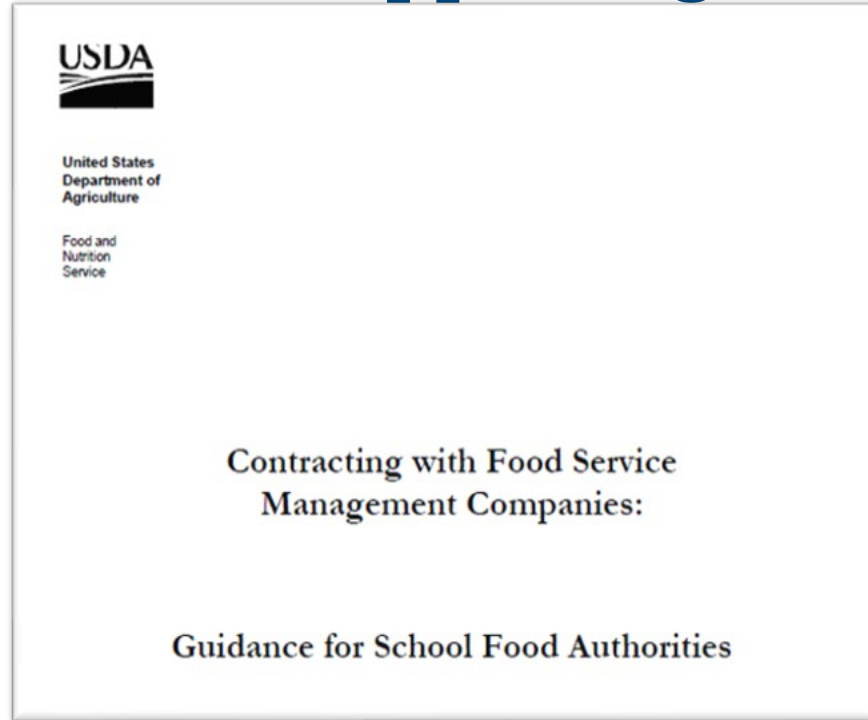
<https://squaremeals.org/Programs/National-School-Lunch-Program/Food-Service-Management-Companies>

Read the instructions and follow the checklists

1. Become very familiar with the FSMC page on squaremeals.org.
2. Read instructions and follow checklists.
3. Read and follow the templates before submission.
4. Attend FSMC webinars.



Presentation Supporting Resource



<https://www.fns.usda.gov/cn/updated-guidance-contracting-food-service-management>

NSLP / FSMC Resources



NATIONAL SCHOOL LUNCH PROGRAM

1. Administrator's Reference Manual, Section 22. Food Service Contracts located at www.squaremeals.org > Programs > National School Lunch Program > NSLP Policy & ARM.
2. USDA Contracting With Food Service Management Companies: Guidance for School Food Authorities.
3. <https://squaremeals.org/Programs/National-School-Lunch-Program/Food-Service-Management-Companies>.

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1. **mail:**
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or
2. **fax:**
(833) 256-1665 or (202) 690-7442; or
3. **email:**
program.intake@usda.gov

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Food and Nutrition Division
National School Lunch Program

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