

**Food Service Management
Company (FSMC) Request
for Proposal (RFP) Contract
Instructions**

For SY 2025-2026



CHILD NUTRITION

NATIONAL SCHOOL LUNCH PROGRAM

Table of Contents

Contents

Table of Contents.....	2
RFP and the FSMC Contract Development Process	3
Competitive Proposal Procedures.....	4
Tailoring the Template.....	4
RFP/Contract Provisions	5
Terms of Contract.....	5
Material Changes/ Price Adjustments.....	5
Scope and Purpose	5
Publishing the RFP.....	5
Computation of Time.....	6
Pre-Proposal Conference Guidance.....	6
Attendance.....	6
Scheduling.....	6
Purpose of Pre-Proposal Meeting:.....	7
Addenda	7
Receiving and Evaluating Proposals	7
FSMC Score Card	8
Scoring Criteria	8
OVERALL RESPONSIBILITY OF THE EVALUATION COMMITTEE.....	10
Accountability and Public Record.....	10
Conflict of Interest.....	10
Contact with Others / Nondisclosure.....	10
FSMC Proposal Score Card Form A.....	11
FSMC Vendor Committee Scoring Summary Form B.....	12
Standards of Conduct and Certification for Procurement	13
Procurement Standards of Conduct Certification Statement.....	15

RFP and the FSMC Contract Development Process

PLEASE READ THIS DOCUMENT THOROUGHLY

All Food Service Management Company (FSMC) contracts must be competitively procured. The Request for Proposal (RFP) template and Contract (hereafter, template) will be used by a School Food Authority (SFA) initiating a new contract with an FSMC. The contract will provide meal services for the National School Lunch Program (NSLP), School Breakfast Program (SBP), Special Milk Program (SMP), Fresh Fruit and Vegetable Program (FFVP), Summer Food Service Program (SFSP), Seamless Summer Option (SSO), Child and Adult Care Food Program (CACFP), and Child and Adult Care Food At-Risk Supper/Snack Programs. SFAs must use the template without variation, additions, or deletions. Using the template ensures requirements of federal and state regulations and statutes are met.

Carefully review the template, including the procedure for submission outlined on the following pages. If you have questions, please contact your assigned ESC representative to assist. The Texas Department of Agriculture (TDA) has a mailbox set up for FSMC questions at FSMC@TexasAgriculture.gov.

Competitive Proposal Procedures

The following procurement procedures must be implemented to ensure compliance with federal and state regulations and statutes. The requirements apply to all new FSMC contracts. A SFA failing to complete the required procurement procedures will be prohibited from utilizing nonprofit food service funds to pay for the FSMC contract.

1. TDA will open the FSMC contract process to SFAs in October 2024 for contracts beginning July 1st of the following school year. The SFA submits documentation to TDA via the Smartsheet link on SquareMeals/FSMC page. TDA encourages the SFA to begin the process as soon as possible and not wait until the deadline.
2. All staff that participate in a new contract development must understand the roles and responsibilities of the SFA and the vendor when utilizing an FSMC contract. For further information, please read USDA FSMC guidance for SFAs–May 2016, Chapter 1, pages 12-21.
3. Before contracting with an FSMC, the SFA should review its current food service operation, including:
 - a. Financial Analysis – profit/loss over the last five years.
 - b. Costs – labor, food and the value of a qualified child nutrition director.
 - c. Operational considerations – facilities, equipment, and food service staff; and
 - d. Other factors, such as the impact on the community and internal/external stakeholders.

The SFA should understand that, even when contracting with an FSMC, there are responsibilities that the SFA may not delegate. The SFA must have a district employee designated as the [contract manager](#) who will be responsible for the oversight of the FSMC contract. It is the SFA’s responsibility to comply with federal regulations and they cannot be abdicated to an FSMC. The FSMC contract is another layer of regulations the SFA must follow.

4. The SFA **must not** allow the FSMC or their affiliated companies or contractors to participate in preparing the FSMC RFP. Any FSMC participation would prohibit the FSMC from being selected for award. 2 CFR §200.319(b).
5. The SFA must use the RFP and template provided by TDA. Changes in the content of the RFP template **are not** permitted. The SFA must contact TDA if adjustments are necessary.
6. The SFA must provide a completed copy of the RFP/Contract to TDA for approval **before publication**. The submission period opens October 2024 and closes December 6, 2024. Any RFP/Contract submitted after the deadline will be reviewed on a case-by-case basis.

Tailoring the Template

The SFA should carefully read the template to ensure all blanks provided have been accurately completed to meet the needs of their Child Nutrition Program(s).

The SFA must prepare the 21-day cycle menus using their advisory board. The SFA must include all menus by campus level (Exhibit M) and for each program that will operate for the school year 2025-2026. If submitting menus for middle and high school, they must indicate there are multiple serving lines with options. The SFA is responsible for ensuring the 21-day menu follows USDA meal pattern requirements. The contract approval process is to ensure the SFA is in compliance with federal procurement regulations.

Exhibit G: Price Proposal Form – Before publication, the SFA must complete the “SFA’s Estimated Annual Meals and Meal Equivalents at all sites” column only. This is to supply totals for each meal type the SFA is requesting a price.

The FSMC will submit proposals based on the projected revenue and meal participation data provided by the SFA. The FSMC must use the SFA's 21-day cycle menu with no substitutions being permitted. In addition, menus cannot be developed by the FSMC. If this occurs, the FSMC shall be precluded from consideration of award of the contract.

RFP/Contract Provisions

Terms of Contract

Per federal regulations, the terms of the contract between the SFA and the FSMC are for one year. The contract may be renewed for up to four additional one-year periods (up to a maximum contract term of five years).

Material Changes/ Price Adjustments

Contract amendments that modify the scope or change the value of a contract in excess of the Simplified Acquisition Threshold (\$50,000) may result in a material change. Material changes to the RFP, contract, or renewals are not permitted. Examples of material change per the Administrative Reviews may include but are not limited to:

- adding schools in addition to those specified in the original contract;
- removing schools specified in the original contract without supplementing;
- changing the school schedule from a five-day to a four-day week;
- change in staffing from the base year contract;
- assumption clauses;
- side contracts; and/or
- A change of guarantee from the base year contract.

For further information about material change, read USDA FSMC Guidance for SFAs- May 2016, page 60.

Price increase/decrease provisions shall be based on the Consumer Price Index (CPI) for All Urban Consumers, Food Away From Home.

Scope and Purpose

The RFP must identify which federally reimbursable meal program(s) or nonprofit food service activities the FSMC will be involved in, e.g., NSLP; SBP; SMP; FFVP; SFSP; SSO; CACFP; At-Risk Afterschool Program; non-program foods and meals, such as a la carte sales during and/or between meal service periods; after hours snacks; and other food service operations, as required (i.e., catering services, if applicable). If the RFP does not clearly project the scope and identify the products and services requested, the bid prices and the products and services provided by the FSMC may not be reasonable or responsive to the SFA's needs. SFAs need to plan and project for five years to identify all programs to be operated, and products and services needed to avoid unnecessary costs or rebid. Since material changes to the RFP and contract are not permitted, the RFP must encompass all anticipated products and services in the solicitation scope and/or provisions. For example, if an SFA foresees adding additional programs to their operations during the school year, the solicitation must include this information. Likewise, if the SFA anticipates opening a new school, the anticipated date of this operation and projected enrollment must be included. If schools are consolidated and closed due to projected decreases in enrollment, it must be included in the RFP.

Publishing the RFP

When the SFA completes the information in the template specific to its needs, the document becomes an RFP once approved by TDA.

All Texas school districts that wish to contract with an FSMC must publicize their RFP to ensure maximum competition. The advertisement shall be posted for a period of no less than 14 calendar days utilizing one or more of the following options:

Option 1: a publication of general circulation covering the area served by the school district. This includes electronic media publications or a combination of both print and electronic. Where there is limited circulation, advertisements should also be run in the largest metro area near the districts.

Option 2: SFAs may elect to advertise their solicitation in the Texas Comptroller-managed [Electronic State Business Daily](#) (ESBD) in order to satisfy notification requirements. If the SFA elects to post the bid to the ESBD, a note should be included in the posting that states that only bids from [TDA-approved FSMCs](#) will be considered. Helpful links:

- [Help Getting Started](#)
- [Membership forms](#)
- [Membership Benefits](#)

Regardless of the notice location/medium used by the SFA, notices of the RFP must also be sent to all registered FSMCs that TDA has approved. The current TDA-approved FSMC Vendor list can be found [here](#).

All RFPs must be approved by TDA before advertising to ensure compliance with federal regulations. Postings should be in place for at least 21 calendar days before the pre-bid conference to allow enough time for distribution of the RFP and responses by prospective FSMCs, in accordance with USDA procurement guidance. The SFA must maintain documentation of advertisement and submit to TDA with the evaluation and award documents.

The SFA may provide, as an additional bidding option, a uniform and secure electronic interactive system for the submittal of bids. If desired, this information must be added to the RFP template where indicated.

Computation of Time

In computing the period of days, the first day is excluded and the last day is included. In addition, if the last day of any period is a Saturday, Sunday, or legal holiday, the period must be extended to include the next day that is not a Saturday, Sunday or legal holiday.

Pre-Proposal Conference Guidance

A pre-proposal conference is not mandatory. The SFA may be required by local procurement policies or may choose to conduct a pre-proposal conference. If this is the first procurement for meal services by the SFA, conducting a pre-proposal conference may be beneficial to both the SFA and the prospective FSMC. The general guidance below should be considered when planning a pre-proposal conference.

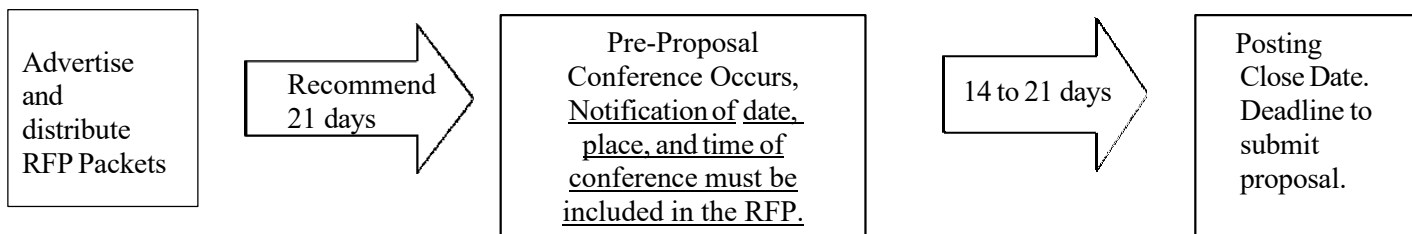
Attendance

SFA should determine whether attendance at its pre-proposal conference is mandatory or optional. If mandatory, the SFA may utilize electronic or remote meeting methods to conduct the meeting to encourage participation. If the SFA indicates attendance is mandatory, this cannot change once the RFP is posted.

Scheduling

It is recommended that the pre-proposal conference be scheduled at least 21 calendar days after the start of public advertising and distribution of the proposal packets. This allows 7 full days after the advertisement stops for the FSMC to prepare for the pre-proposal conference. The announcement of the pre-proposal conference should be included in both the proposal packet and the public advertisement.

In addition, the posting close date should be scheduled at least 14 to 21 days after the pre-proposal conference to allow the SFA sufficient time to reply to questions that may result from the conference and for offerors to subsequently prepare their proposal. A minimum 35 calendar day solicitation period is required.



Purpose of Pre-Proposal Meeting:

- Provide information and clarification regarding contract specifications that will assist in preparing proposals;
- Answer questions;
- Conduct a facility tour; and
- Discover ambiguities, errors, or omissions in the RFP that may later be clarified.

If the SFA elects to not host a pre-proposal conference, the SFA should ensure there are other means in the RFP for a potential FSMC to see the campus kitchens and ask questions so all potential vendors will have the same understanding and access as the incumbent vendor. Without a means to ensure all potential vendors have the same information, it may result in an unfair advantage and the incumbent vendor could be prohibited from being awarded the contract. Alternatives to a pre-proposal conference could be virtual meetings, Q&As and pictures with descriptions. During the final review, the SFA should be able to present the information provided to all vendors to ensure full and open competition.

Addenda

It should be stated at the opening of the conference that information shared should not be considered official until provided in writing to all prospective vendors that have received the RFP. Oral explanations or instructions given before the award of the contract shall not be binding. Any information given to a prospective offeror shall be furnished to all prospective offerors that received the original solicitation/contract and shall be made available to TDA as part of the final approval documentation.

A pre-proposal meeting may bring to light ambiguities, errors, or omissions in the RFP, which may later be corrected via issuance of a written addendum to the RFP. The meeting should not be held, however, as a substitute for formally addressing a deficient or ambiguous specification or to disseminate performance requirements in addition to those contained in the solicitation.

The SFA must document the meeting, provide a sign-in sheet for all in attendance, and include a summary of all information shared, questions asked, and SFA-provided answers. 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 bid/proposal as additional supporting documentation of receipt of all requirements for consideration as a responsible and responsive offeror.

Receiving and Evaluating Proposals

All questions and answers submitted in response to the RFP must be maintained on file by the SFA and provided to TDA for review as part of the evaluation process of a final award. If the SFA is considering disqualifying a vendor, the documentation must be submitted to TDA for review.

The terms of the RFP must not be altered by the offeror. Proposal documents and graphic presentation documents provided by an offeror cannot be considered by the SFA when evaluating and shall not be included in the final contract. Only the forms, certifications, and documents requested in the RFP will comprise the subsequent contract. If any portion of the FSMC proposal is overly responsive, that portion must not be included in the evaluation and scoring and must render the entire FSMC proposal ineligible for the contract award.

After evaluating the proposals using the criteria established in the RFP, the SFA will score each proposal to determine which is the most advantageous to the SFA’s school nutrition program, price and other factors considered, with price as

the primary factor.

Once the SFA has scored the proposals, it must submit all proposals, evaluations, scoring sheets, and the advertisement to TDA for review and approval. TDA will not approve an award without having a copy of each proposal submitted in response to the solicitation. The SFA may not convey notice of an award to the selected FSMC prior to receiving written approval by TDA. Any contracts awarded without TDA's prior written approval are considered null and void. SFAs will receive approval of the FSMC contract by May 9, 2025.

FSMC Score Card

Each Evaluation Committee member MUST read these instructions in full.

The SFA must select 3, but no more than 5, people to evaluate proposals received. There must be a Committee Member Head that will work with each member to provide information and due dates. The Committee Head may also be part of the evaluation committee and submit an evaluation. Each evaluation committee member will review the FSMC Proposals independently and complete a scorecard (Form A) for each vendor considered. A proposal may not be compared to or scored against another proposal, except as to determine pricing competitiveness, as applicable. Each proposal shall be scored exclusively based on the criteria outlined in the RFP. Each committee evaluator must document the justification (specific reason) when the scoring is less than the maximum points. The justification must be objective and **provide detailed descriptions of why the vendor did not receive maximum points based on the vendor's proposal. Examples of unacceptable justifications: subjective preferences, consideration of vendor services not requested in the RFP, and geographic preference for the vendor selected. TDA will review the score cards to ensure compliance.**

Scoring Criteria

Scoring for price/cost, years of experience, and guarantee are objective and must be scored uniformly by evaluators. There must be a *minimum* of five criteria selected for evaluation.

Price/cost must be based on the formula provided. **For all objective criteria (e.g., pricing), scores must be the same for each committee member.** = *The lowest FSMC proposed total cost / the Vendor total proposed cost * maximum points available for pricing (must be 25 pts. or greater).* Reference bid response Exhibit G for calculation.

Guarantee – If included in the RFP, the maximum score for the guarantee is 5 points. No points may be granted for proposals offering a guarantee less than or more than the amount requested in the RFP. **This score should be the same for all committee members.** If a guarantee is not requested in the RFP, the guarantee criteria may not be included in the scoring evaluation. In this case, an alternate scoring criterion such as nutrition education, investments in operation, utilization of USDA Foods entitlement, and financial capability, or other criteria may be evaluated by the SFA.

Experience – Based on the years of experience working with child nutrition programs. The SFA should verify the number of years of experience the FSMC reports in the proposal. The scoring criteria is outlined in the RFP documents. **The score should be the same for all committee members.**

Service Capability Plan – This criterion is based on the scope and purpose, staffing, meal participation, student enrollment or any area of the approved RFP for publishing that the SFA is requesting services. If each FSMC offers the same level of service that is requested, they must receive the same score.

Financial Conditions/Stability, Business Plan – Review each FSMC's most recent independent financial or single audit to determine the score for Financial Conditions/Stability. Documentation must be provided as to the scoring of each FSMC.

Accounting and Reporting Systems – Review each FSMC's accounting and reporting systems in their proposal. If they meet the needs that are requested in the approved RFP for publishing, they should receive the same score. If the SFA has a record of their current vendor having errors in invoicing, billing, or providing credits properly to SFAs, they may

not receive the maximum points.

Promotion of the CNP/Student Engagement – Rate the FSMC based on the specific plan proposed to include a variety of factors such as student engagement, nutrition education signage in the cafeteria, nutrition education activities, promotions of the month, culinary exhibitions, participation in Farm to School activities, the dollar value the FSMC plans to spend on locally grown agricultural products per year, the planned level of participation in wellness activities, participation and responsiveness to the advisory committee, and student feedback.

Personnel Management/Staffing Considerations – Rate how well the vendor responded to the requirements in the job descriptions provided. If there were requirements for additional education, bilingual skills, or certifications (e.g., R.D. and SNS), outlined in the RFP, they must be considered in the evaluation scores. A vendor cannot receive the maximum points if they do not meet ALL the conditions outlined. If all vendors met the standards requested, all may receive the maximum points.

Other criteria may be assessed if outlined in the RFP such as taste testing presentation, utilization of USDA Foods entitlement, vendor presentations, references, and history with like school systems. If used, please designate in the “other” section, and identify how these areas will be evaluated by the committee.

The committee is to complete both the FSMC Proposal Score Card (Form A), and the FSMC Scoring Summary (Form B) and submit them to TDA. The SFA retains all documents related to the award of the bid and must be maintained for the entire length of the contract.

The SFA must provide detailed, legible justifications for scores. Inadequate justification, as determined by TDA will result in the return of the documents to the SFA.

OVERALL RESPONSIBILITY OF THE EVALUATION COMMITTEE

Statute, rules, and policy require an evaluation process that is fair and equitable with all proposals. The following bullets outline the process to assure the integrity of the evaluation process:

1. Members of the evaluation committee must be district employees selected based on their ability to provide an objective, impartial evaluation of the proposals.
2. Members of the evaluation committee with actual or potential conflicts of interest are required to declare and describe the situation in writing. If a conflict of interest occurs, the evaluation committee member's participation will be excluded.
3. Members of the evaluation committee complete both the FSM Proposal Score Card (Form A) and the FSMC Scoring Summary (Form B) and submit them to TDA.
4. The Committee Head gathers the documents, signs Form B and the Standards of Conduct and Certification for Procurement and the Procurement Standards of Conduct Certification Statement documents and submits them to TDA.

Accountability and Public Record

Evaluation committee members are accountable for everything said and written regarding the RFP, each proposal, and the evaluation process. Proposal evaluations are part of the RFP and contract files and are subject to public records.

To preserve the integrity of the public contracting process, evaluation committee members are responsible for following these instructions to avoid consequences ranging from excluding an evaluation committee member's score from the selection process to canceling the RFP and resoliciting.

Vendors may request to review RFP evaluations according to the SFA protest procedures.

Conflict of Interest

Each evaluation committee member must sign the attestation at the bottom of the scoring sheets (Form A and Form B), which declares any "actual" and "potential" conflict.

After reviewing the list of vendors, if there exists or may exist a conflict of interest, including any circumstances that could be perceived by others as a conflict of interest, contact the SFA's Committee Member Head and legal counsel immediately in writing to discuss the actual or potential conflict to determine next steps. A substitute evaluator may need to be utilized.

Contact with Others / Nondisclosure

Evaluation committee members should not have any contact with potential vendors during any part of the evaluation process. If a proposer contacts you about the RFP, contact TDA immediately at FSMC@texasagriculture.gov.

Evaluation committee members SHALL NOT:

- Discuss any aspect or opinion of vendors, proposals or proposal ranking, or share information from proposals outside any evaluation committee meeting.
- Discuss the scores in any way with vendors or accept anything from vendors. This includes gifts and meals. These actions may constitute grounds for rejection of the respective proposal and disqualification of the vendor
- Evaluate proposals based on criteria other than those contained in the RFP or based on information not included in the proposals.
- Evaluate proposals as a group.
- Use personal knowledge about a vendor that was not included in the vendor's proposal.

FSMC Proposal Score Card Form A
 (One form required per vendor and per committee member)

 School Food Authority (SFA)

 SFA Employee

 Vendor/Offeror Name

Criteria	Possible Points	Points Granted	Justification for Scoring *
Cost – The FSMC with the lowest price receives the maximum points. The other vendors receive points equal to the lowest FSMC’s proposed total cost / the vendor total proposed cost * maximum points value 25 (or maximum points) - Do not round. - 25 points or more			
Years of Experience in working with Child Nutrition Programs – Maximum of 10 points 10+ years = 10 points 5 years = 5 points 9 years = 9 points 4 years = 4 points 8 years = 8 points 3 years = 3 points 7 years = 7 points 2 years = 2 points 6 years = 6 points 1 year = 1 point			
Guarantee in RFP Included in Proposal. (No points for increased guarantee or not meeting guarantee) Maximum of 5 points			
Determined by SFA			
Determined by SFA			
Determined by SFA			
Determined by SFA			
Determined by SFA			
Determined by SFA			
Determined by SFA			
Determined by SFA			
Total Points	100		

*Scorecards must include detailed justifications.

Attestation: Under the penalty of perjury, I attest that no one discussed scoring or evaluation preferences with me that would alter my score in one direction or another. My evaluation was done alone and solely based on my evaluation of the material presented. I have read the evaluation committee responsibilities and affirm I have no conflicts of interest with any vendors who have submitted proposals.

Printed Name of Committee Member _____

Signature of Committee Member _____

Date _____

FSMC Vendor Committee Scoring Summary Form B

Committees should be composed of a minimum of 3 and a maximum of 5 evaluators.

Committee Member	Name of Vendor 1	Name of Vendor 2	Name of Vendor 3	Name of Vendor 4	Name of Vendor 5
Totals					

Record each committee member’s name in the first column. Record each member’s total score for each vendor. Total all responses. The vendor with the highest score is the most responsive and responsible offeror.

Signatures – A signature below affirms the scores provided were independently derived, without influence, bias, or edited, for the purpose of evaluating the proposals submitted for FSMC vendors. Further, by signing below, each evaluation committee member affirms that a conflict of interest does not exist regarding the responsive vendors for this FSMC RFP and contract.

Signed: _____
Committee Member 1

Signed: _____
Committee Member 2

Signed: _____
Committee Member 3

Signed: _____
Committee Member 4

Signed: _____
Committee Member 5

Signed: _____
Committee Member Head

Standards of Conduct and Certification for Procurement

In accordance with 2 CFR Part §200.318, the following standards of conduct must be followed by all officers, employees, or agents of the non-Federal entity herein named, (SFA) that are engaged in the selection, award, and administration of contracts:

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees and agents may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts.

Disciplinary actions shall be applied for violations of the above standards by officers, employees, or agents, up to and including termination from the program.

Officers, employees, and agents shall avoid the acquisition of unnecessary or duplicative items. Consideration shall be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, officers, employees, and agents shall make every effort to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.

Officers, employees, and agents shall make every effort to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

Officers, employees, and agents shall make every effort to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at an overall lower cost.

Officers, employees, and agents shall award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, a record of past performance, and financial and technical resources. (See also 2 CFR §200.214 Suspension and Debarment)

Officers, employees, and agents shall maintain records sufficient to detail the history of procurement. These records will include but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

Officers, employees, and agents shall use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk.

All standards to award contracts outlined in 2 CFR §200.318(h) and 2 CFR §200.214 must be followed.

Officers, employees, and agents of _____ (SFA), shall do the following:

Accept full responsibility, in accordance with good administrative practices and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims.

Make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition, including procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, in accordance with 2 CFR §200.325.

These standards do not relieve the non-Federal entity of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

Attestation:

I understand and will follow the standards of conduct outlined for this procurement.

Committee Member Head

Date

Procurement Standards of Conduct Certification Statement

I, _____ (Authorized Representative) for _____
(SFA) hereby certifies the following:

Officers, employees, and agents shall conduct all procurement transactions in a manner providing full and open competition consistent with the standards of 2 CFR §200.319, (inclusive of written procedures for procurement transactions that:

Ensure clear and accurate description of technical requirements for the material, product, or service to be procured. Identify all requirements which must be fulfilled by offerors and all factors to be used in the evaluation of bids and proposals.

Ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Ensure that potential bidders are not precluded from qualifying during the solicitation period.

Officers, employees, and agents shall conduct all procurement transactions, using the sealed bid or request for proposal as one of the methods of procurement noted in 2 CFR §200.320.

Officers, employees, and agents shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible, in accordance with 2 CFR §200.321.

Officers, employees, and agents shall comply with the procurement of recovered materials, as specified in 2 CFR §200.323.

Officers, employees, and agents shall perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold, including contract modifications, in accordance with 2 CFR §200.324.

Officers, employees, and agents shall ensure that the bonding requirements are followed, in accordance with 2 CFR §200.326.

Officers, employees, and agents shall ensure that all contracts contain the applicable provisions described in Appendix II to Part 200, in accordance with 2 CFR §200.327.

Officers, employees, and agents shall comply with the retention requirements for records, in accordance with 2 CFR §200.334.

Officers, employees, and agents shall provide access to records, in accordance with 2 CFR §200.337.

Officers, employees, and agents shall adhere to the Cost Principles contained in 2 CFR Subpart E §200.400 - §200.476.

Committee Member Head

Date