

NEW

HB 4813



School Nutrition Programs
Back to School Conference

- Amends the Illinois School Code to allow for Requests for Proposals (RFPs) when soliciting contracts for goods, services or management in the operation of a school's food service. Limits the exemption from the contract bidding requirements for contracts for goods, services, or management in the operation of a school's food service only if a good faith effort is made by the school district to give preference to
 - (1) contracts that procure food that promotes the health and well-being of students in compliance with United States Department of Agriculture nutrition standards;
 - (2) contracts that give a preference to State or regional suppliers that source local food products;
 - (3) contracts that give a preference to food suppliers that utilize producers that adopt hormone and pest practices recommended by the United States Department of Agriculture;
 - (4) contracts that give a preference to food suppliers that value animal welfare; and
 - (5) contracts that increase opportunities for businesses owned and operated by minorities, women, or persons with disabilities. Requires food supplier data to be submitted to the school district at the time of the bid and updated annually thereafter during the term of the contract.

Requires the contractor to submit the updated food supplier data. Provides that food supplier data shall include the name and address of each supplier, distributor, processor, and producer involved in the provision of the products that the bidder is to supply.



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HB 4813: Q&A

Q1. Does this mean we no longer have to conduct bids for purchases?

A: No.

This update to the law allows for the use of the IFB procurement method or the RFP procurement method if certain criteria are met. SFAs must continue to solicit bids or proposals in the purchasing of goods, services and/or food service management. There has been no change to the dollar thresholds that determine whether the purchase/contract can utilize the micro purchase, informal or formal procurement method. There has also been no change to the required 3 step process for the procurement of vended meals and/or Food Service Management Company contracts. It does however allow for the SFA to determine if the IFB or RFP would be the best option for their SFA.



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Q2. I have heard that we can just pick who to award the contract to now - is that correct?

A: No.

- SFAs will need to determine which procurement method will be best for their SFA and complete the procurement process. SFAs must ensure that the award of each contract follows their code of conduct, procurement procedures and make determinations in a transparent & ethical manner. While also ensuring that the SFA is a good steward of federal and state funds. It is important that SFAs should utilize their legal department to ensure compliance and in order to respond to any bid protests that may occur.
- Full and open competition must be maintained and the procurement must not restrict or eliminate competition.
- If choosing the IFB method, the SFA will develop their specifications and bidders that are responsible, responsive and can meet their requirements at the lowest price would be awarded the contract.
- If choosing to utilize the RFP method, the SFA will develop a scoring matrix that will be used in the review of submitted proposals and price must be a primary factor in the scoring.



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Q3. Do RFPs make meals healthier for our students?

A:

- SFAs determine what their meal programs look like. The SFA needs to define the content of their meals in their solicitation. All meals served as part of the federal meal programs must at a minimum meet the federal meal pattern requirements. SFAs may have additional requirements or preferences regarding meal content with both an IFB or an RFP.
- Both IFBs and RFPs allow for SFAs to define what they want their meals to look like. For Example, if an SFA wants fresh local fruits and vegetables served 3 days per week, that should be listed in their IFB or RFP solicitation. If an SFA wants unprocessed scratch cooked meals, the SFA should list that in their IFB or RFP solicitation.
- Once the contract is awarded, the SFA are required to manage the contract and ensure their meal program has continued compliance with their contract requirements, regardless of the procurement method used.



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Q4. Are RFPs better for the SFA than IFBs?

A: Neither and RFP or an IFB is "better" than the other. They both have their purpose and **the SFA** needs to consider a variety of factors in order to determine which procurement method would be best for each procurement they conduct. Some of the factors that play into the SFA determining which method is best for each procurement include but are not limited to the SFAs:

- Timeline - how quickly do you need what you are procuring?
- Does the SFA have a clear understanding of the product or service needs or does the SFA want ideas or suggestions?
- Does the SFA possess the technical skills necessary to develop the written evaluation and scoring criteria, complete a review of the responses received in order to evaluate and score the proposals as specified in the solicitation, and negotiate with proposers?
- Do you want a process in which you have requirements that **MUST** be met or do you have a sliding scale for preferences that you would like to have met?
- How much time do you have to manage your contract (after throughout the year)?
- These are just a few of the factors that the SFA should consider when determining which procurement method they should use for each procurement. Keep in mind that the SFA needs to make this decision based on their needs and if the SFA wishes to talk through the options ISBE procurement staff are available to talk through it.



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