

**Instructions Regarding the
Invitation for Bid and Contract Process
For the School Nutrition Programs
Vended Meal Services**

PLEASE READ THIS DOCUMENT THOROUGHLY

All vended meal service contracts involving expenditures over \$250,000 must be competitively bid. The prototype *Invitation for Bid and Contract* is for use by a school food authority (SFA) initiating a new contract with a vendor to provide meal services for the School Nutrition Programs. The document, provided by the Illinois State Board of Education Nutrition Department (ISBE), will assist the SFA in obtaining competitive bids and awarding the contract to the responsible bidder whose bid is responsive and lowest in price. The document clearly defines the costs and responsibilities of the vendor and the SFA.

The prototype specifies the meal fee structure as a maximum flat fee per meal. The maximum flat fee per meal includes the allowable direct costs for the preparation and delivery of the reimbursable meals including food, labor, and other expenses.

The meal services vendor must submit bids based on the meal participation data provided by the SFA on Exhibit A, *Site Data*. After evaluating the criteria established in the solicitation/ contract on a pass/fail basis to determine whether or not a bidder is responsive, and the bid is responsive, the SFA must evaluate the bids on the total estimated contract cost based on the projected annual number of reimbursable meals listed on the *Bid Summary*.

While the prototype ensures requirements of federal and state regulations and statutes are met, the document should not be considered all-inclusive. **The SFA should carefully read each contract item in the prototype to ensure both the SFA's needs and local procurement requirements are being met and all blanks provided in the prototype have been accurately completed.** In addition, the language for several required sections at the beginning and end of the document is not included in the prototype. Those particular sections require the specific attention of the SFA and/or the SFA's legal counsel.

School food authorities receiving federal reimbursement must follow the required federal and state procurement procedures explained in this document. To ensure regulatory compliance and continued funding, **all SFAs must submit the *Invitation for Bid and Contract* documents to ISBE for review prior to beginning the bid solicitation process.** If the documents submitted are deemed in compliance with federal and state regulations and statutes, ISBE will provide written notification to the SFA authorizing the SFA to begin the bid solicitation process. Throughout the entire bid solicitation and contract process, the SFA should keep in mind the **bid solicitation and resulting contract must be the same document.**

Carefully review the competitive sealed bidding procedures, including the required three-step document submission procedure outlined on the following pages. If you have questions regarding the bid solicitation and contract process, please contact our office at 217-782-2491 or 800-545-7892 (in Illinois), or via email at nutritionprocurement@isbe.net.

Competitive Sealed Bidding Procedures

The following procurement and three-step document submission procedures must be implemented to ensure compliance with federal and state regulations and statutes. These requirements apply to all new vended meals contracts over \$250,000. The SFA should also seek the advice of their legal counsel regarding local regulations and policies. An SFA failing to follow and complete the required procedures may be prohibited from utilizing nonprofit food service account funds to pay for the meal services contract.

1. **Submission #1—allow at least 30 days for ISBE to complete the initial document review and additional time for the contract to be finalized to ensure compliance and the SFA to receive written notification that the SFA may proceed with the bid solicitation.**

All *Invitation for Bid and Contract* documents must be submitted to ISBE for review to determine regulatory compliance **prior to beginning the bid solicitation process**. The *Invitation for Bid and Contract Submission Form* that must accompany the solicitation/contract documents is located on pages 10 and 11 of this document. Please allow at least 30 days for completion of the initial review. When the documents submitted are deemed in compliance with federal and state regulations and statutes, ISBE will provide written notification to the SFA authorizing the SFA to begin the bid solicitation process.

2. After receiving written notification authorizing the SFA to proceed with the bid solicitation, the SFA must solicit bids from an adequate number of known suppliers using only those documents already determined in compliance by ISBE. SFAs must directly provide (i.e., mail or deliver) the *Invitation for Bid and Contract* documents to a minimum of five (5) prospective bidders.
3. The proposed procurement must be publicly advertised in at least one public notice at least ten days before the bid opening date in a newspaper of general circulation in the area of the school/district as required by the School Code of Illinois (105 ILCS 5/10–20.21). However, per USDA guidance, it is recommended this timeframe be much longer to allow bidders adequate time to respond. Therefore, ISBE recommends at least one public notice a minimum of 28 days before the bid opening date in order to ensure the competitive bid process is not restrictive.
4. Throughout the bid solicitation process, **all addenda/amendments, including all questions and answers, must be submitted to ISBE for review** and the SFA must receive notice the document(s) is/are in compliance prior to distributing addenda/amendments to all prospective bidders that received the original solicitation.

Addenda/amendments should not be issued within a recommended minimum of seven (7) working days of the time and date set for the bid opening. Otherwise, the time and date set for the bid opening may be delayed to allow issuing an addendum/amendment.

5. Following the recommended 28-day solicitation period, sealed bids are accepted by the school food authority. On the announced bid opening date, the bids must be publicly opened and read aloud. All bids and supporting documents become the property of the SFA.

In addition to the *Bid Summary*, all bidders must submit signed copies of the following:

- *Bid-Rigging Certification*
- *Certificate of Independent Bid Determination*
- *Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions*

If the estimated contract cost is over \$100,000, bidders must also submit signed copies of the following:

- *Certificate Regarding Lobbying* form
- *Disclosure of Lobbying Activities* form (if applicable)

6. All bids must be evaluated solely by SFA employees based on the criteria established in the bid solicitation using the *Bid Criteria Analysis Sheet* located on page 8 of this document or a similar form. Until such time as a contract is awarded, no bidder, prospective or otherwise, may be provided access to any supporting documents received by the SFA.

7. Submission #2—allow at least 15 days for ISBE to review the documents and for the SFA to receive written notification that the SFA may proceed with the contract award.

Following the bid opening and prior to the contract award, the following documents must be submitted to ISBE for review, accompanied by the *Pre-Contract Award Summary Sheet* located on page 13. The contract may not be awarded “pending ISBE’s compliance notification”.

- Newspaper advertisement with date of publication
- List of bidders that received the solicitation/contract documents and all addenda issued—include date mailed/delivered
- If a pre-bid conference was held—list of bidders in attendance
- *Bid Summary* form for each bid received
- Correspondence from bidders opting not to bid (or phone call documentation)
- Completed *Bid Criteria Analysis Sheet* summarizing all bids received

8. After receiving notification from ISBE stating that the SFA may proceed with the contract award, the contract is awarded to the responsible bidder whose bid, conforming to all material terms and conditions of the *Invitation for Bid and Contract*, is lowest in price. The contract must be awarded to the responsible bidder submitting the lowest bid responsive to the terms of the *Invitation for Bid and Contract*. Keep in mind, any and all bids may be rejected when there are sound documented reasons to do so.

9. Submission #3

Upon completion of the contract award, the SFA must provide copies of the following documents to ISBE, accompanied by an original signed copy of the *Post-Contract Award Summary Sheet*, located on pages 14 and 15.

- Executed copy of the contract—Signed *Bid Summary* form
- Signed copy of the *Bid-Rigging Certification* form
- Signed copy of the *Certificate of Independent Bid Determination* form
- If the contract is \$25,000 or more—Signed copy of the *Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions*
- If the contract is over \$100,000—Signed copy of the *Certificate Regarding Lobbying*
- If the contract is over \$100,000 and any funds other than Federal appropriated funds have been used for lobbying—Signed copy of the *Disclosure of Lobbying Activities*

The bid solicitation and resulting contract (including all addenda) must be the same document(s) previously determined in compliance by ISBE. Revisions cannot be made to the executed *Invitation for Bid and Contract* without first submitting proposed revisions to ISBE for review and receiving written notification that the proposed revisions are allowable within the regulatory guidelines. Furthermore, additional documents and/or agreements, including those developed by the contractor, cannot become part of the executed contract.

Solicitation/Contract Provisions

Invitation for Bid and Contract documents, including specifications and attachments, must clearly define the items or services needed for bidders to respond to the invitation properly. The SFA must not place unreasonable requirements on bidders in order to qualify to do business, thereby restricting competition [7 CFR 3016.36(c)(1)(i)].

All vended meal service contracts involving expenditures in excess of \$250,000 must contain contractual provisions or conditions that will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms and provide for such sanctions and penalties as may be appropriate.

The *Invitation for Bid and Contract* document must not contain provisions that:

1. Allow for alternate bids that deviate from or modify the provisions of the bid solicitation.
2. Award the contract based solely on the contractor financial guarantee.
3. Do not clearly define the responsibilities of the school food authority and the meal services vendor.
4. Require a bid bond greater than 5 percent of the total estimated contract cost.
5. Require a performance bond greater than 20 percent of the total estimated contract cost.
6. Fail to meet federal procurement procedures.
7. Fail to meet the United States Department of Agriculture (USDA) regulations as stated in 7 CFR Parts 210, 215, and 220.
8. Fail to clearly define the bidder responsibility and bid responsiveness criteria to evaluate the bids.
9. Allow for the purchase or lease of equipment without detailed specifications of each piece of equipment and terms for the specified lease or purchase.
10. Do not clearly state the types of meal services, number of meals or participation levels, student and adult milk and meal charges, and number of serving days.
11. Do not allow for the current market value of USDA Foods to be credited to the nonprofit school food service program.
12. Prevent the determination of the total estimated contract cost.
13. Restrict competition or prevent companies from bidding on the services.
14. Permit all receipts and expenses to accrue to the meal services vendor.
15. Permit cost-plus-a-percentage of cost or cost-plus-a percentage of income.
16. Allow for goods, services, or monies to be utilized other than in the nonprofit school food service program.

Federal regulations allow contracts between SFAs and meal service vendors to be effective no longer than one year with the option to renew yearly but not to exceed four additional years.

Pre-Bid Conference Guidance

School food authorities may be required by local procurement policies or may choose to conduct a pre-bid conference, also referred to as a pre-bid meeting. If this is the first procurement for meal services by the school food authority, conducting a pre-bid conference may be very beneficial to both the SFA and the prospective bidders. Following is general guidance that should be considered when planning a pre-bid conference.

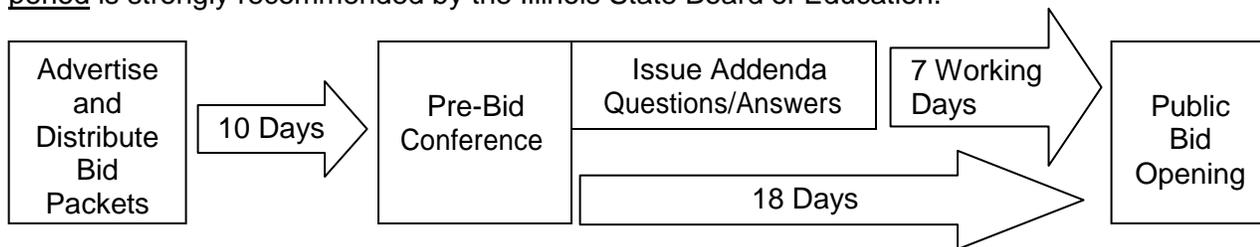
Attendance

Attendance at the conference by prospective bidders is strongly recommended but not required for submittal of a bid.

Scheduling

It is recommended that the conference be scheduled at least ten days after the public advertisement and distribution of the bid packets to provide sufficient notice to all prospective bidders. Announcement of the pre-bid conference should be included in both the bid packet and the public advertisement.

In addition, the conference should be scheduled at least 18 days prior to the public bid opening date to allow the SFA sufficient time to issue written addenda/amendments that may result from the conference and for bidders to subsequently prepare their bids. Hence, a minimum 28-day solicitation period is strongly recommended by the Illinois State Board of Education.



Purpose

- Provide information and clarification regarding contract specifications that will assist in the preparation of bids
- Answer questions (take detailed notes; then provide answers in writing—see *Addenda/Amendments/Questions and Answers* below)
- State that clarifications, exceptions, and/or alternate bids will result in disqualification
- Conduct a facility tour
- Discover ambiguities, errors, or omissions in the Invitation for Bid (IFB) that may later be corrected through written addenda or amendments to the IFB

The conference should NOT be held as a substitute for formally amending a deficient or ambiguous specification or to disseminate performance requirements in addition to those contained in the solicitation.

Addenda/Amendments

It should be stated at the opening of the pre-bid conference that information provided should not be considered official until provided in writing to all prospective bidders that have received the IFB. Oral explanations or instructions given before the award of the contract shall not be binding. Any information given to a prospective bidder shall be furnished to all prospective bidders that received the original solicitation/contract as an addendum or amendment to the solicitation/contract.

Bidder Responsibility and Bid Responsiveness Criteria

In the *Invitation for Bid and Contract*, the SFA must specify the pass/fail criteria to determine whether the bidder is responsible and the bid is responsive and includes all relevant factors. Prior to determining the low bid, SFAs may consider such matters as contractor integrity, past performance, financial and technical resources, and accessibility to other necessary resources.

Bid criteria must be evaluated on a pass/fail basis. It is the SFA's responsibility to establish the minimum standards a bidder must meet for each criterion. In addition, the SFA must identify the means by which bidders can demonstrate compliance with those standards. The criteria should be designed by the SFA to meet the SFA's specific needs but must not restrict competition.

Following are two forms. The *Bidder Responsibility and Bid Responsiveness Criteria* form, also found in the prototype *Invitation for Bid and Contract*, may be used to outline the criteria and minimum standards established by the SFA and the evidence required for submission by bidders to demonstrate compliance. The *Bid Criteria Analysis Sheet*, or a similar form, must be used to evaluate each bidder based on the evidence provided to demonstrate compliance in meeting the minimum standards for each criterion established by the SFA. The *Bid Criteria Analysis Sheet* is one of the documents that must be submitted to ISBE along with the *Pre-Contract Award Summary Sheet* following the bid opening and prior to the contract award.

Bid Criteria Analysis Sheet

| Bidder Responsibility And Bid Responsiveness Criteria | Bidder 1: | | Bidder 2: | | Bidder 3: | | Bidder 4: | |
|----------------------------------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | <i>Pass</i> | <i>Fail</i> | <i>Pass</i> | <i>Fail</i> | <i>Pass</i> | <i>Fail</i> | <i>Pass</i> | <i>Fail</i> |
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| Total Estimated Contract Cost | | | | | | | | |

Company recommended for bid award: _____

This form is for use by the school food authority and should not be included with the *Invitation for Bid and Contract* documents. This completed form, or a similar form, must be submitted to ISBE along with the *Pre-Contract Award Summary Sheet* and other required documentation outlined on the *Pre-Contract Award Summary Sheet* following the bid opening and prior to the contract award. Duplicate this page as necessary.

Bid Document Submission Information

Refer to pages 2 and 3 of this document regarding the detailed document submission procedures. The documents required for each step should be sent to ISBE as instructed below.

Submission #1—*Invitation for Bid and Contract Submission Form*—mail or fax

Submission #2—*Pre-Contract Award Summary Sheet*—mail or fax

Submission #3—*Post-Contract Award Summary Sheet*— **must mail original summary sheet.**
(Faxed or electronic copies of the *Post-Contract Award Summary Sheet* will not be accepted.)

While the original summary sheet must be submitted with the Authorized Representative's original signature, all other required documents should be copies. The original documents must be retained in the SFA's files.

Please submit documents only once. For example, do not fax and mail. Our office needs only one set of documents for each submission.

Mail: Nutrition Procurement Department
Illinois State Board of Education
100 North First Street W270
Springfield, IL 62777-0001

Fax: 217-524-6124

Email: nutritionprocurement@isbe.net

Questions: Call 800 545-7892 (in Illinois) or 217-782-2491

**Food Service Management Company/Vendor
Invitation for Bid and Contract Submission Form**

Prior to beginning the bid solicitation process, submit this completed form along with all *Invitation for Bid and Contract* documents to the Illinois State Board of Education Nutrition Department (ISBE) per instructions. When the documents submitted are deemed in compliance with federal and state regulations and statutes, ISBE will provide written notification to the school food authority authorizing the school food authority to begin the bid solicitation process. **Allow a minimum of 30 days for ISBE to complete the initial review of the documents.**

A. School Food Authority (SFA) Information

Agreement Number (RCDT Code) _____

School Food Authority Name _____

Address, City, Zip Code _____

Authorized Representative (as listed on sponsor application) _____

Phone Number _____ Ext. _____ Email _____

Contract Contact Person (for purposes of this proposed contract) _____

Phone Number _____ Ext. _____ Email _____

B. Current Contract(s)

Food Service Management Company (FSMC)/Vendor Name _____

Contract Type (circle one) FSMC Vendor FSMC- Vended None

Expiration Date (including renewal options) _____

If the SFA has more than one contractor, please use additional paper.

C. General Information

School food service personnel are employed by (circle one): SFA Contractor Both

Does the SFA offer summer school? Yes _____ No _____

School-Based Child Nutrition Programs currently offered by the SFA include (Check all that apply):

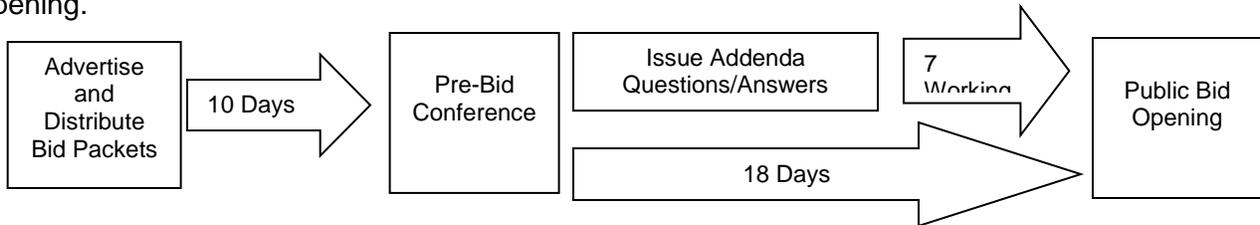
- | | |
|------------------------------------------------------------|------------------------------------------------------|
| <input type="checkbox"/> National School Lunch Program | <input type="checkbox"/> Summer Food Service Program |
| <input type="checkbox"/> School Breakfast Program | <input type="checkbox"/> Seamless Summer Option |
| <input type="checkbox"/> After-School Snack Program | <input type="checkbox"/> Special Milk |
| <input type="checkbox"/> Child and Adult Care Food Program | |
| o After School Supper | |
| o Pre-School Snack | |

D. Other Agreements

List all other district(s)/school(s) for which you provide meals. Use additional paper if necessary.

E. Projected Dates

Allow a recommended minimum of 28 days between the newspaper advertisement and the public bid opening.



- 1) Newspaper Advertisement _____
Date _____
- 2) Pre-Bid Conference (if applicable) _____
Date _____ Location _____
- 3) Public Bid Opening _____
Date _____ Location _____
- 4) Contract Award _____
Date _____

F. Certification Statement

I hereby confirm the *Invitation for Bid and Contract* documents submitted to ISBE been reviewed by the school food authority’s legal counsel as necessary to ensure compliance with all local regulations, statutes, and policies.

*Authorized Representative Signature**Title**Date*

Mail: Nutrition Procurement Department
 Illinois State Board of Education
 100 North First Street W270
 Springfield, IL 62777-0001

Fax: 217-524-6124

Email: nutritionprocurement@isbe.net

Invitation for Bid and Contract Document Checklist
(For School Food Authority Use Only—Do Not Submit With Bid Documents)

- _____ *Invitation for Bid and Contract Submission Form*
- _____ *Invitation for Bid and Contract Main Document*
- _____ Insurance Requirements
- _____ Bidder Responsibility and Bid Responsiveness Criteria
- _____ *Bid Summary* with annual projected units completed
- _____ Certification Forms
 - _____ *Bid-Rigging Certification*
 - _____ *Certificate of Independent Bid Determination*
 - _____ *Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions*
 - _____ *Certificate Regarding Lobbying*
 - _____ *Disclosure of Lobbying Activities*
 - _____ Other Certifications as Required by the SFA
- _____ Exhibit A: School Data (FSMC)/Site Data (Vendor)
 - _____ Exhibit A-1: School/Site Data Form
 - _____ Exhibit A-2: Eligibility Data and Projected Enrollments
 - _____ Exhibit A-3: Meal Service Information and Delivery Schedule
- _____ Exhibit B: Menu Requirements
 - _____ Exhibit B-1: 21-Day Cycle Menu(s)
 - _____ Exhibit B-2: Meal Choices and Additional Daily Offerings
 - _____ Exhibit B-3: A la Carte Price List
- _____ Exhibit C: School Year (SY) 2020-2021 Commodities
 - _____ *Annual Commodity Order* for SY 2020-2021
 - _____ *Diversion to Processor* form for SY 2020-2021
- _____ Exhibit D: School Year 2018-2019 Sponsor Claims for Reimbursement
- _____ Exhibit E: School Year 2019-2020 Sponsor/Site Claims for Reimbursement
 - _____ Sponsor Claims for Reimbursement for all months to date for SY 2019-2020
 - _____ Site Claims for Reimbursement for October 2019 and November 2019
- _____ Exhibit F: Contractor-Owned Equipment

Food Service Management Company Contracts Only

- _____ Exhibit G: Staffing Patterns
- _____ Exhibit H: Local Wellness Policy
- _____ Exhibit I: Collective Bargaining Agreement, if applicable

Pre-Contract Award Summary Sheet

Following the bid opening and prior to the contract award, submit this completed form along with the required documentation listed below. Please allow approximately 15 days for review of these documents and to receive written notification the school food authority may proceed with the contract award. **Do not proceed with the contract award until notification is received.**

A. School Food Authority Information

Agreement Number (RCDT Code) _____

School Food Authority Name _____

Address, City, Zip Code _____

Authorized Representative _____ Phone _____ Ext. _____

Authorized Representative Email _____

Contract Contact Person _____ Phone _____ Ext. _____

Contract Contact Person Email _____

B. Procurement Process

Provide the following information:

1) Date of Newspaper Advertisement _____
Date

2) Pre-Bid Conference (if applicable) _____
Date *Location*

3) Public Bid Opening _____
Date *Location*

4) Projected Contract Award _____
Date

5) Company Recommend for Bid Award _____

C. Required Documentation

Submit copies of the following documents with this completed form.

- 1) Newspaper advertisement with date of publication
- 2) List of bidders that received the solicitation/contract documents and all addenda issued—include date mailed/delivered
- 3) If a pre-bid conference was held—list of bidders in attendance
- 4) *Bid Summary* form for each bid received
- 5) Correspondence from bidders opting not to bid (or phone call documentation)
- 6) Completed *Bid Criteria Analysis Sheet* summarizing all bids received

Mail: Nutrition Procurement Department
Illinois State Board of Education
100 North First Street W270
Springfield, IL 62777-0001

Fax: 217-524-6124

Email: nutritionprocurement@isbe.net

Post-Contract Award Summary Sheet

Upon completion of the contract award, please submit this completed form along with the required documentation listed below. An original signed and dated copy of this form must be submitted.

A. School Food Authority Information

Agreement Number (RCDT Code) _____

School Food Authority Name _____

Address, City, Zip Code _____

Authorized Representative _____ Phone _____ Ext. _____

Authorized Representative Email _____

Contract Contact Person _____ Phone _____ Ext. _____

Contract Contact Person Email _____

B. Contract Award

Provide the requested information for the following:

- 1) Contract Award Date _____
- 2) Company Awarded the Contract _____
- 3) Total Estimated Contract Cost _____

C. Required Documentation

Submit copies of the following documents with this completed form. Retain originals in SFA file.

- 1) Executed copy of the contract—Signed *Bid Summary* only
- 2) Signed copy of the *Bid-Rigging Certification*
- 3) Signed copy of the *Certificate of Independent Bid Determination*
- 4) If the contract is \$25,000 or more—Signed copy of the *Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions*
- 5) If the contract is over \$100,000—Signed copy of the *Certificate Regarding Lobbying*
- 6) If the contract is over \$100,000 and any funds other than Federal appropriated funds have been used for lobbying—Signed copy of the *Disclosure of Lobbying Activities*

Certification

Under the provisions of the United States Department of Agriculture, Food and Nutrition Service, I certify as a sponsor in the Child Nutrition Programs the executed *Invitation for Bid and Contract* is the same *Invitation for Bid and Contract* previously submitted to ISBE and determined in compliance with all applicable regulations and statutes on _____ (bid documents initial compliance letter date).

I understand revisions cannot be made to the executed *Invitation for Bid and Contract* without first submitting proposed revisions to the Illinois State Board of Education for review and receiving written notification the proposed revisions are allowable within the regulatory guidelines. Furthermore, I understand additional documents and/or agreements, including those developed by the contractor, cannot become part of the executed contract.

I understand the nonprofit school food service program account cannot be used to pay for unallowable contract costs. As authorized representative for the school food authority noted above, I will ensure operation of the nonprofit school food service program, including use of nonprofit school food service program account funds, is in compliance with the rules and regulations of the Illinois State Board of Education and the United States Department of Agriculture regarding Child Nutrition Programs.

I understand the *Invitation for Bid and Contract* and all related documents are subject to review by the Illinois State Board of Education and the United States Department of Agriculture at any time. I understand all contract information provided to the Illinois State Board of Education is being given in connection with the receipt of federal funds and deliberate misrepresentation may subject me to prosecution under applicable state and federal criminal statutes. Further, I understand such misrepresentation could result in the loss of federal and state funding received by the school food authority for school-based Child Nutrition Programs.

_____ *Authorized Representative Signature* _____ *Title* _____ *Date*

Public Act 095–0241—Third Party Contracting Certification Statement (if applicable)

I hereby certify that _____ school board complied with all requirements regarding third party contracting as outlined in Public Act 095–0241 as applicable.
School Food Authority

_____ *Authorized Representative Signature* _____ *Title* _____ *Date*

Maintain a copy of this form for your records.

Mail original signed and dated form along with copies of all required documentation to:

**Nutrition Procurement Department
Illinois State Board of Education
100 North First Street W270
Springfield, IL 62777-0001**