



INVITATION FOR BID AND VENDOR CONTRACT PACKET

(When vended meal purchases will be more than \$100,000)



STATE OF NEW YORK DEPARTMENT OF HEALTH

Riverview Center

150 Broadway

Albany, New York 12204-2719

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Commissioner

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DOH-CACFP: Number 110 (05/06)
Supersedes *Number 5 (3/95) and Number 6 (3/95)*

TO: CACFP Participating Institutions¹

FROM: Jeanne Culver, State Director
Child and Adult Care Food Program

SUBJECT: Purchasing meals from a food service vendor

I. Purpose and Scope

This Child and Adult Care Food Program (CACFP) memorandum outlines the procurement procedures participating institutions must follow when purchasing meals from an outside source. Institutions that enter into a contract to purchase meals from a food service vendor are responsible for ensuring that all food service operations conform to federal, state and local laws, and to the terms and conditions set forth in the contract.

CACFP has developed a simplified contract for sponsors to use when purchasing prepared meals from a food service management company or caterer, also known as a vendor. All contracts can be extended on a yearly basis for up to 4 years, for a total contract of 5 years.

II. Procedures for Public Organizations

1. Public entities include public schools, hospitals, colleges, government, etc. They are not required to use CACFP's standard Vendor Contract. They should follow their own agency's procurement rules and use their own contracts. Approval by CACFP is not required.
 - The public institution is still responsible for managing and monitoring the contract to ensure compliance with CACFP meal requirements. All documents including the contract, price quotes or bids, daily delivery invoices, and monthly invoices must be kept on file by the organization for review by CACFP, when requested.

The remainder of this memo does not pertain to public entities.

¹Institution is defined as an individual center or a sponsor of centers.

III. Procedures for Private Non-profit and For-profit Organizations

The majority of CACFP participating institutions are private organizations, non-profit and for-profit. All private non-profit and for-profit institutions are required to use CACFP's standard Vendor Contract. When the Vendor Contract expires at the end of one year or when the contract has been extended four times, a new contract is required. Contracts and extensions are available at www.health.ny.gov/nutrition, by calling 1-800-942-3858, ext. 27262 or by faxing the CACFP order form to 518-402-7252.

- **When vended meal purchases will be \$100,000 or less** private non-profit and for-profit institutions should obtain informal price quotes from at least three vendors to compare costs. After identifying the lowest price quote, the institution and the vendor sign the completed contract. Institutions are not required to submit these contracts to CACFP.
- The institution is still responsible for managing and monitoring the contract to ensure compliance with CACFP meal requirements. All documents including the contract, price quotes, daily delivery invoices, and monthly invoices must be kept on file by the organization for review by CACFP, when requested.

The remainder of this memo pertains to only private non-profit and for profit institutions with annual vended meal purchases over \$100,000.

- **When vended meal purchases will be more than \$100,000** private non-profit and for-profit institutions are required to follow the formal bid process below:
 - Advertise the bid in the newspaper
 - Send the Invitation for Bid to interested parties
 - Open the bids as required
 - Submit the bids and contract to CACFP prior to notifying the vendors or signing the contract.

Materials needed to follow this bid process are available from CACFP by ordering the "Bid Packet" (which includes the invitation for bid and instructions) by calling 1-800-942-3858, ext. 27262, by faxing the CACFP order form to 518-402-7252 or at www.health.ny.gov/nutrition.

The only exception to the formal bid process is for the institution that plans to contract with a school. They are required to obtain informal price quotes and follow the procedure above for contracts under \$100,000.



INVITATION FOR BID AND VENDOR CONTRACT to Provide Meals and/or Snacks

This page is to be completed by the organization purchasing meals

1. The purpose of this Invitation for Bid (IFB) is to select a food service vendor who will provide and deliver complete, safe and nutritious meals as defined by the Child and Adult Care Food Program (CACFP), to child, teen or adult day care centers under the administration of the following organization:

2. The successful bidder will enter into the contract attached. By submitting a bid, the bidder agrees to all the terms and conditions in the contract, including the cycle menu. In the event of any conflict or inconsistency between this IFB and the contract, the contract shall govern.
3. Sealed bids must be delivered no later than _____ am/pm on ____/____/____ (date) to the organization listed above at the following address:
Address _____

4. Bids received prior to the time of opening will be kept unopened in a secure location.
5. Sealed bids will be opened publicly at the exact time and date indicated above. Any bid received after the exact time specified for receipt will not be considered. Bidders and the public will be able to witness the opening of any and all bids to be considered.
6. The contract will be awarded to the lowest bidder whose bid includes all of the material requirements of the IFB and who possesses the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance and financial and technical resources.
7. The contract will be awarded upon approval by the organization and NYS CACFP.
8. Bidders or their authorized representatives are expected to fully inform themselves about the conditions, requirements and specifications before submitting bids; failure to do so will be at the bidder's own risk.
9. The organization's history of meals served:

| Year | # Centers | # Breakfast | # Lunch/Supper | # Snacks |
|-------|-----------|-------------|----------------|----------|
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |

Any questions regarding this bid should be directed to:

Sponsor representative's name: _____

Telephone number _____

To bid on this contract the vendor must complete questions #2, 4, 5 & 6 on page 3 and sign page 4.

Instructions

All procurement transactions must be conducted in a manner that encourages open and free competition. Procurement procedures cannot restrict or eliminate competition. Examples of restrictive practices are placing unreasonable requirements on potential bidders in order to disqualify them or unnecessary experience and bonding requirements.

All potential bidders must receive the same information regarding bids. If the sponsor answers any questions orally or in writing to one bidder, that information must also be sent to all other potential bidders.

Sponsors must ensure that there are no conflicts of interest, real or apparent that may arise due to prior or future associations, financial or other interests, between employees or board members involved in the award and/or administration and the firm selected for an award. Sponsors must also ensure that its officers, employees or agents do not take any action that may influence the bid.

Preparing the Invitation for Bid (IFB)

- Step 1) Complete page 1 and #1 on page 3. If you will not be using the sample menus on page 6, attach the menu that you are requesting that the vendor bid on. Make sure that the menu meets the CACFP meal pattern requirements on page 5. Do not sign page 4.
- Step 2) Identify vendors who may be interested in bidding. All efforts must be taken to obtain a minimum of three bids. Identify potential vendors by contacting non-profit organizations like local schools, hospitals or other sponsors and for profit businesses found in the phone book under caterers or restaurants.
- Step 3) Prepare and submit a bid advertisement to the newspaper. The ad must appear in the paper at least 14 days (30 days is recommended) before the bid opening. It must include: the name, address and phone number of the organization, how to obtain the IFB, a brief and general description of the contract, the deadline for receipt of bids, and the date, time and place of the public bid opening. The following is an example of an advertisement:

Sealed bids will be received at the *name of organization* office at *address* until noon on *date* for meal catering service at *name one center address or state the geographic serving area*. Specifications for _____ number breakfasts, _____ lunches and _____ snacks may only be obtained by contacting *name of contact person* at the *name of organization*, *state business hours and telephone number*. All work will be conducted in strict accordance with bid specifications. Bids will be opened and read on *date and time*.

- Step 4) Send the Invitation for Bid to the interested parties you have identified in Step 2.

Sealed Bid and Bid Selection

- Step 5) Sealed bids that have been delivered no later than the exact time and date indicated on the IFB must be opened publicly at the time and place stated. If there are bidders present, read each bid aloud. Remind the bidders that your organization cannot agree to accept any bid or sign any contract until CACFP approval is received.
- Step 6) Review the bids and select the lowest bidder. If you determine that the lowest bidder did not meet the contract requirements, select the next lowest bidder.

Submission of IFB to CACFP for Review

At least fifteen days before the contract is scheduled to go into effect, send CACFP the following:

- a) the advertisement used to publicize the procurement
- b) a copy of all submitted bids, indicating the selected vendor. If the selected vendor is not the lowest bidder, send an explanation for choosing the next lowest bidder
- c) a list of all the vendors who were sent the IFB and contract
- d) the names of individuals evaluating the bids
- e) health department permit of selected vendor
- f) four-week cycle menu from the selected vendor
- g) one daily delivery invoice from selected vendor
- h) any other information necessary to explain or justify any procurement practices or the selection process



INVITATION FOR BID and VENDOR CONTRACT to Provide Meals and/or Snacks

1. This is a Contract between _____ (referred to as the Organization) and the food service management company or caterer _____ (referred to as the Vendor) to provide meals and/or snacks to the following centers:

| Name of Center | Address of Center | Number of Breakfasts per day | Number of Lunches/Suppers per day | Number of Snacks per day |
|----------------|-------------------|------------------------------|-----------------------------------|--------------------------|
| | | | | |
| | | | | |
| | | | | |

Attach additional sheets if necessary

The Organization may add or delete centers to this Contract or change any center's delivery address with 30 days written notice to the Vendor.

2. This Contract is in effect from ____/____/____ to ____/____/____ and may be terminated by mutual consent or by either party for reasons of cause with at least 30 days notice.
3. The Vendor will provide meals and snacks that meet or exceed the CACFP Meal Pattern requirements described on page 5, as well as policy memos issued by NYS CACFP and USDA, the Food Buying Guide for Child Nutrition Programs and the manual *Crediting Foods in CACFP*. These materials are available from the Organization and CACFP for reference in food preparation and service.
4. The price per meal, based on the menus on page 6 or attached by the Organization, including food, labor, paper products and delivery is:
- Breakfast \$ _____ each
- Lunch/Supper \$ _____ each
- Snack \$ _____ each
- Total Bid** \$ _____
5. The Organization is required to pay the Vendor within:
- ☐ 30 days of billing ☐ 60 days of billing ☐ other _____
6. The number of meals indicated above is only an estimate and not a purchase commitment. The Organization may increase or decrease the number of meals by calling the Vendor (choose one):
- ☐ before _____ am/pm the preceding day ☐ 48 hours in advance
- ☐ before _____ am/pm on the day of service ☐ other: _____
- The Vendor will deliver each meal either: ☐ individually packaged (unitized) OR ☐ food in bulk
- at the following times: Breakfast _____ am Lunch/Supper _____ pm Snack _____ pm
7. When an emergency situation exists which might prevent the Vendor from delivering a meal component as specified on the approved menu or the entire meal, the Vendor shall notify the Organization immediately so substitutions can be agreed upon or the Organization can make alternative arrangements.

8. Meals provided will be tasty and appetizing and prepared in a manner that conserves the nutritive quality of foods at all stages of food preparation, delivery and service. Preparation and delivery shall meet all state and local health and sanitation requirements.
9. The Vendor has a state or local health department permit for any facility in which meals are prepared. The Vendor will maintain this health certification for the duration of the Contract. The Organization has the right to inspect the Vendor's meal preparation facilities and delivery vehicles.
10. The Organization is not required to pay for meals that:
 - a. do not meet CACFP requirements
 - b. are spoiled or unwholesome at the time of delivery
 - c. have not been prepared or held according to state or local health codes
 - d. are delivered later than the specified meal times without permission from the Organization OR
 - e. have been changed without agreement by the Organization
11. In the case of handicapped CACFP participants as defined in 7 CFR 15b, the Vendor will work with the Organization to meet the needs of special diets at no additional cost. In the case of non-handicapped CACFP participants, the Vendor will make an effort to accommodate physician's orders, to the extent practicable, at no additional cost.
12. The Vendor will provide to the Organization:
 - a. daily delivery invoices (see samples on page 7) which indicate the actual food items delivered and the quantity of each item:
 - for unitized meals, the invoice will include the portion size of each food item, the number of meals, the date of delivery and a signature line for center staff
 - for food delivered in bulk, the invoice will include the number of pans or containers, the number and size of servings per pan or container and the size or weight of cans, boxes, etc.
 - b. a monthly bill which includes the total number of meals delivered and the unit price per meal
 - c. monthly menus
13. The Vendor will maintain full and accurate records including daily production records, recipes, CN labels for commercially prepared foods, receipts for meal costs, and billing statements which will be available to the Organization and any state or federal official at any reasonable time and place, for three years after the end of the fiscal year to which they pertain (or longer if an audit is in progress).
14. Prior to the end of the Contract the Organization purchasing meals may offer to extend the Contract. If so, the Organization and Vendor must sign a one-year Extension of Vendor Contract every year. The Contract may be extended four times.

| | |
|---|---|
| <p>Certification by authorized representative of the Organization purchasing meals: By signing this agreement the Organization agrees to pay the Vendor for all meals and snacks provided under the terms of this Contract.</p> <p>Signature _____</p> <p>Print Name _____</p> <p>Title _____</p> <p>Date ____/____/____</p> | <p>Certification by Vendor representative: By signing this agreement the Vendor agrees to provide the Organization with meals and snacks that meet CACFP requirements under the terms of this Contract.</p> <p>Signature _____</p> <p>Print Name _____</p> <p>Title _____</p> <p>Date ____/____/____</p> |
|---|---|

Organization – Use the sample menus on page 6 or develop and attach your own menu.

Vendor – Attach a copy of health department permit, four-week cycle menu and daily delivery invoice.

MEAL PATTERN REQUIREMENTS

| | | | | |
|-------|-----|-----|------|-------|
| Ages: | 1-2 | 3-5 | 6-12 | Adult |
|-------|-----|-----|------|-------|

BREAKFAST

All 3 components must be served

| | | | | |
|--|--|--|--|--|
| Milk – Fat-free ¹ or Low-fat (1%) | 1/2 cup | 3/4 cup | 1 cup | 1 cup ³ |
| Vegetable/Fruit ² | 1/4 cup | 1/2 cup | 1/2 cup | 1/2 cup |
| Grains/Breads Bread <i>or</i> Cornbread, Biscuit, Roll, Muffin <i>or</i> Dry Cereal <i>or</i> Cooked Cereal | 1/2 slice 1/2 serving 1/4 cup 1/4 cup | 1/2 slice 1/2 serving 1/3 cup 1/4 cup | 1 slice 1 serving 3/4 cup 1/2 cup | 2 slices 2 servings 1-1/2 cup 1 cup |

SNACK

Select 2 of 4 components. Water must be served with snack if no beverage is provided.

| | | | | |
|--|--|--|--------------------------------------|--|
| Milk – Fat-free ¹ or Low-fat (1%) | 1/2 cup | 1/2 cup | 1 cup | 1 cup ³ |
| Vegetable/Fruit ² | 1/2 cup | 1/2 cup | 3/4 cup | 1/2 cup |
| Grains/Breads (see lists above and below) | 1/2 serving | 1/2 serving | 1 serving | 1 serving |
| Meat/Meat Alternate (see list below) Lean Meat, Poultry or Fish <i>or</i> Peanut Butter <i>or</i> Peanuts, Nuts or Seeds <i>or</i> Fat-free or Low-fat Yogurt | 1/2 oz. 1 Tbsp. 1/2 oz. 1/4 cup | 1/2 oz. 1 Tbsp. 1/2 oz. 1/4 cup | 1 oz. 2 Tbsp. 1 oz. 1/2 cup | 1 oz. 4 Tbsp. 1 oz. = 50% 1/2 cup |

LUNCH OR SUPPER

All 5 components must be served

| | | | | |
|---|--|--|--|--|
| Milk – Fat-free ¹ or Low-fat (1%) | 1/2 cup | 3/4 cup | 1 cup | 1 cup ³ |
| Vegetables/Fruits ² | 1/4 cup total | 1/2 cup total | 3/4 cup total | 1 cup total |
| Grains/Breads (see list above) Bread <i>or</i> Cooked Pasta, Noodles or Grains <i>or</i> 6" Tortilla <i>or</i> Graham Crackers | 1/2 slice 1/4 cup 1/2 tortilla | 1/2 slice 1/4 cup 1/2 tortilla | 1 slice 1/2 cup 1 tortilla | 2 slices 1 cup 6 squares |
| Meat/Meat Alternate Lean Meat, Poultry or Fish <i>or</i> Cottage Cheese <i>or</i> Cheese <i>or</i> Egg <i>or</i> Cooked Dry Beans, Peas or Lentils <i>or</i> Peanut Butter <i>or</i> Peanuts, Nuts or Seeds <i>or</i> Fat-free or Low-fat Yogurt | 1 oz. 1/4 cup 1 oz. 1/2 large 1/4 cup 2 Tbsp. 1/2 oz. = 50% 1/2 cup | 1-1/2 oz. 3/8 cup 1-1/2 oz. 3/4 large 3/8 cup 3 Tbsp. 3/4 oz. = 50% 3/4 cup | 2 oz. 1/2 cup 2 oz. 1 large 1/2 cup 4 Tbsp. 1 oz. = 50% 1 cup | 2 oz. 1/2 cup 2 oz. 1 large 1/2 cup 4 Tbsp. 1 oz. = 50% 1 cup |

¹Whole milk is required for 1-year-olds. Unflavored milk is required for children younger than 6 years old and recommended for children six and older.

²No more than one serving of juice may be served per day.

³Fluid milk must be served one time per day at meal or snack. At Breakfast or Lunch, if milk is not served, yogurt must be served. At Supper, neither milk nor yogurt is required. Unflavored fat-free or low-fat (1%) milk is recommended.

Adult refers to an adult day care center participant who is 60 years of age or older or a chronically impaired disabled person 18 years of age and older.

Contact CACFP at 1-800-942-3858 for infant meal requirements.

Sample Menus

Breakfast *All 3 components must be served*

| Components | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------------|---------------|---------------------------|------------------------|-------------------|----------------------------|
| Milk | 1% milk | 1% milk | 1% milk | 1% milk | 1% milk |
| Vegetable/Fruit | banana | sliced apple | sliced cantaloupe | fresh blueberries | Mandarin oranges |
| Grains/Bread | Cheerios | hot oatmeal with cinnamon | 100% whole wheat toast | Wheat Chex cereal | whole grain English muffin |

Lunch/Supper *All 5 components must be served*

| Components | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------------|--------------------------------|---|---------------------------|----------------------|--------------------|
| Milk | 1% milk | 1% milk | 1% milk | 1% milk | 1% milk |
| Vegetable/Fruit | baked potato wedges | pineapple in natural juice | fruit cups in light syrup | kiwi fruit | fresh apple |
| Vegetable/Fruit | red pepper strips | broccoli | tossed salad | steamed kale | baked sweet potato |
| Grains/Bread | whole wheat buns | brown rice | egg noodles | whole wheat couscous | dinner roll |
| Meats | 93% lean ground turkey burgers | boneless chicken (stir fried with broccoli) | oven-baked breaded fish | stewed chicken | lean baked ham |

Snack *Select 2 of 4 components. Water must be served with snack if no beverage is provided.*

| Components | Monday | Tuesday | Wednesday | Thursday | Friday |
|------------------------|------------------------|----------------------|------------------------|-----------------------------|-----------------------|
| Milk | | | 1% milk | | |
| Vegetable/Fruit | fresh peach | orange | | | |
| Grains/Bread | | whole grain crackers | whole grain cereal bar | whole wheat pita | baked tortilla shells |
| Meats | low-fat vanilla yogurt | | | reduced-fat shredded cheese | bean dip |

Whole milk is required for 1-year-olds. Unflavored milk is required for children younger than 6 years old and recommended for children six and older.

SAMPLE DAILY DELIVERY INVOICES

ACCEPTABLE

DELIVERY OF UNITIZED MEALS

ABC Catering

Best Practice Day Care Center
1234 Kid's Place
New York, NY 10000

March 1, 2006

74 pre-plated lunches

each containing:

1 sandwich of

1½ oz sliced turkey on

2 slices of whole wheat bread w/mayo

½ cup fresh carrot sticks

1 small orange

½ pint of 1% milk

DELIVERY OF BULK MEALS

ABC Catering

Best Practice Day Care Center
1234 Kid's Place
New York, NY 10000

March 1, 2006

Meals delivered: 25

1 pan lasagna

25 - 4 oz servings

1 pan green beans

25 - ½ cup servings

fruit cocktail in juice

1 #10 can

1% milk

1 gallon + 1 quart

NOT ACCEPTABLE

ABC Catering

Non-compliant Day Care Center
1234 Kids Place
Upstate, NY 10000

March 1, 2006

44 breakfast

44 snack

44 lunch