



Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

Standard Operating Procedures: Contracting with a Food Service Management Company (FSMC)

New Bids or Re-Bids

School Food Authorities (SFAs) that are considering contracting with an FSMC must follow the procedures below. These procedures apply to the Request for Proposal (RFP), Contract, and renewal contracts.

The requirements are not exhaustive. SFAs and FSMCs should carefully review the [National School Lunch Act](#), the [Child Nutrition Act of 1966](#) and all applicable regulations, and the Indiana RFP Template.

1. Before contracting with an FSMC, an SFA should review its current food service operation, including:
 - Financial Analysis – Profit/loss over the last five years;
 - Costs – Food costs, labor costs, direct costs, and a food service director cost;
 - Operational considerations – Facilities, equipment, and food service staff and;
 - Other factors, such as public relations both internal and external.
2. If an SFA intends to contract with an FSMC for the first time, it must notify the Indiana Department of Education (IDOE) School and Community Nutrition Division (SCN) as soon as possible (contact information is below). Information about procedures and requirements for contracting with a FSMC is located on the IDOE School and Community Nutrition Procurement website.
3. The SFA must use the RFP template provided by IDOE. Changes to the template are **not** permitted without prior approval from IDOE.
4. The SFA must provide a completed copy of the RFP with supporting documentation and the criteria for evaluation to IDOE for approval **before advertising or soliciting proposals**. If the SFA does not allow enough time to complete the required approval process by the end of the current school year, the SFA may have to self-operate its food service program until a contract can be properly procured.
5. Once approved, the SFA shall advertise its RFP ([7 CFR § 3016.36 \(c\) and \(d\)](#)). SFAs are required to advertise the RFP as follow per the Indiana law: (**Indiana Code, IC 5-3-1-2 (e)**) – notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least seven (7) days before the date the bids will be

received. Therefore, the SFA needs to allow at least two (2) weeks **minimum** for advertising of the RFP.

6. The SFA may choose to conduct a pre-proposal conference for all potential bidders. It is recommended this be held at least two weeks after the date of the last advertisement and allow time after the pre-proposal conference to give offerors time to respond. All offerors must be invited to the pre-proposal conference. The SFA must respond in writing to all questions asked and provide a copy to all offerors. If only one FSMC responds to the public advertisement, then the SFA may conduct a walk-through of the facility instead of a pre-proposal conference.
7. If additional information is requested at the pre-proposal conference or if the RFP is amended by questions or requests from the pre-proposal conference, then more time should be provided to allow vendors time to develop a responsive proposal. Consideration should be given to procurement timelines so that SFAs have enough time to make an adequate decision, and the deadlines in place for contracts to be executed for the upcoming year are met. **The SFA may elect at any time to stop the process.**
8. Once the submission date has passed, the SFA will have a pre-selected committee evaluate the proposals using the evaluation method detailed in the RFP. Upon selection of the FSMC, the SFA will complete the IDOE FSMC Contract Agreement and send it to IDOE for approval. **The contract document must be reviewed by IDOE before it is executed between the SFA and FSMC.**
9. The SFA must furnish IDOE SCN with the following documents for approval of the contract by May 31 (for contracts beginning on July 1) or one month before the planned contract start date if different than July 1:
 - A final copy of the Request for Proposal and Contract
 - All attachments related to the contract (including the FSMC bid response and evaluations used to make the selection)
 - Any other documents related to the food service contract

The contract must be approved by IDOE before it is signed by the SFA and the FSMC. The SFA and FSMC may not begin operations under the contract until the contract is approved by IDOE.

NOTE: Please be advised that if the RFP and Contract are altered in any manner without prior approval by IDOE, it may be considered an unapproved contract and may result in the SFA being required to pay the FSMC using funds other than the school nutrition funds.

Proposed FSMC Contracting Timeline at a Glance:

January – March: Prepare the FSMC RFP documents and submit them to IDOE for approval.

April – May: Publish the FSM RFP in the newspaper(s) and other locations for a minimum of 6 weeks. Evaluate submitted proposals and select a vendor. Submit Evaluations and contract proposals to IDOE for approval PRIOR to awarding the contract.

Before May 30th: All FSMC Proposals must be submitted to IDOE for prior approval before signing and implementing the contracts.

Before June 30th: All contracts, amendments and renewals must be received by IDOE.

FSMC Renewals

The SFA must notify IDOE each year of the remaining four years of the contract of the SFA's intent to renew the contract by submitting the following documentation to IDOE for approval by May 31 (for contracts beginning on July 1) or one month before the planned contract start date if different than July 1:

- Letter stating that the SFA has elected to renew the contract with the FSMC for the upcoming school year. Include the original contract date and the renewal number (the contract can be renewed for up to four additional years so please indicate which renewal year this will be).

- Copy of any requested changes from the FSMC for the upcoming school year, letter agreements, or any other documentation related to the contract for food service management that are being updated for the new school year.

- Completed SFA Responsibility Contact List

- Required federal certifications.
 - Suspension Debarment Certification Form
 - Clean Air and Water Certification Form
 - Lobbying Certification Form

- Completed Civil Rights Assurance Form

- A current list of SFA sites serviced by the FSMC.

Contact Information

For questions, please contact, scnprocurement@doe.in.gov.