**Wisconsin Department of Public Instruction**

**Sample Solicitation Template For Developing Competitive Solicitations,**

**Procurement Policies and Procedures**

**Sample Template for the Procurement of Milk and Dairy Products**

Sample template can only be used with

**Informal Procurement Method**

(Awarded contract is estimated to be less than $250,000)

Department of Public Instruction’s (DPI) does not review or judge the fairness, advisability, efficiency, or fiscal implications of the contract or any amendments.  DPI is not a party to any contractual relationship between the School Food Authority (SFA) and a distributor, vendor, or any other contracted organization.  DPI is not obligated, liable or responsible for any action or inaction taken by the SFA and a distributor, vendor, or any other contracted organization.  You should have the SFA’s lawyer review the solicitation document, awarded contract, and amendment or addendums before signing.

Furthermore, DPI does not endorse nor does it guarantee the use of information and/or language contained in this template. This template is meant to be utilized as a starting point to help SFAs develop an understanding of what goes into a solicitation document for procurement of a vendor or distributor to provide milk. This template is intended to be used for educational purposes only and is not intended to be a final product for soliciting pricing for milk and dairy products from vendors or distributors. SFAs will still need to develop their own solicitation that is representative of their own unique purchasing requirements. Information in this template has been gathered from multiple sources and is not the sole product of DPI. This information may be used to assist SFAs in the development of procurement documents and solicitations.

Additionally, SFAs should use this document as an instructive tool to develop internal procurement processes and procedures to help design and solicit bids for evaluation and awarding of a contract. This document is not meant to supplement a SFA’s legal and/or procurement department’s policies and procedures. SFAs should read each section carefully and thoroughly. SFAs should always seek and obtain professional guidance and consultation from a legal practitioner before sending out a solicitation, or entering into any type of contract.

**Every SFA must develop and have written policies and procedures that:**

* promote free and open competition;
* document the SFA’s rationale of the evaluation and selection process;
* document the SFA’s selection procedures for each procurement method; and
* document the SFA’s process of awarding the contract was both responsive and responsible.

**Note on the informal procurement method (Awarded contract is estimated to be less than $250,000):**

* **Sealed bid requirement is optional**: Instructions must clearly state **if** all bids must stay closed (unopened) until a specified date in the future at which time bids will be opened.
* **Bids can be written or verbal.**
* **Public notice is optional**: Solicitation **do not** need to be formally advertised in a newspaper.
* **Public opening is optional**: Bids **do not** need to be publically opened; bidder name and bid amount **may** be read aloud

**SCHOOL DISTRICT**

**Address and phone number**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** (*insert school district name*) **is inviting distributors to submit bids in response to this solicitation**

**The estimated value of the awarded contract will be $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

This solicitation is requesting milk bids from qualified milk distributors with the intent to award a contract to procure milk in accordance with applicable state and federal laws governing federally-funded Child Nutrition programs for \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*insert school name*), herein after referred to as the “school district”. The school district is requesting bids for “**milk and dairy products”** for the \_\_\_\_\_\_\_\_\_\_ school year.

A responsible distributor that submits a responsive bid which meets the requirements, specifications, and terms and conditions of this solicitation document and who has the lowest total extended costs according to criteria listed herein will be awarded the contract. If mutually agreed upon by the distributor and the school district, the awarded contract may be renewed annually up to 4-one year terms. The awarded contract is contingent on school board approval and availability of funding. The school district reserves the right to cancel all or part of this solicitation, resulting awarded contract, and conduct a new procurement if it is determined to be in the best interest of the school district.

Administration of the School Meal Programs: The school meals programs are administered at the federal level by the Food and Nutrition Service (FNS) of the U.S. Department of Agriculture (USDA). At the state level, the programs are administered by the Department of Public Instruction (DPI).

Statutory and Regulatory Authority: Statutory authority for the Child Nutrition Programs (CNP) includes the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966. The statutory citations are, respectively, 42 United States Code 1751 et seq. and 42 United States Code 1771 et seq.

The school district must comply with the requirements "passed down" to it from Congress, Office of Management and Budget (OMB), USDA, and the DPI, regulatory authority found, including but not limited to the following, Code of Federal Regulations (CFR):

* 7 CFR Part 210 National School Lunch Program (NSLP)
* 7 CFR Part 215 Special Milk Program for Children (SMP)
* 7 CFR Part 220 School Breakfast Program (SBP); when applicable
* 7 CFR Part 225 Summer Food Service Program (SFSP); when applicable
* 7 CFR Part 226 Child and Adult Care Food Program (CACFP); when applicable
* 7 CFR Part 245 Determining eligibility for free and reduced price meals and free milk in schools
* 7 CFR Part 250 Food Distribution Program
* 7 CFR Part 3016 and/or Part 3019; when applicable
* 7 CFR Part 3052 Audit Requirements
* USDA and DPI program regulations guidance and instructions
* State law, regulations, and policies that are not in conflict with federal requirements
* Local law, regulations, and policies that are not in conflict with federal requirements

The school district is a local agency that administers the school meal programs; as a result the school district being a local governing body has the legal authority, when applicable, to operate the school meals programs listed above in one or more schools.

In addition to the above federal programs; the school district also participates in the Wisconsin School Day Milk Program (s. 115.343, Wis. Stats.). Any school participating in this program is encouraged to consider bids from local milk suppliers to purchase Wisconsin-produced milk. "Wisconsin-produced" means that all or part of the raw milk used by the milk processor was produced in Wisconsin. Any distributor able to supply school district with Wisconsin-produced milk is highly encouraged to submit a bid in response to this solicitation.

If bidder has any questions regarding the requirements, specifications, and terms and conditions in this solicitation, bidder must contact \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*insert contact person name, email, and phone number*).

**Submission of bids:** All bids must be received by \_\_:\_\_\_ PM on \_\_\_\_\_\_\_\_\_\_\_\_\_\_date. Send the paper copy to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*insert mailing address*) or electronic copy to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*insert email address*). It is the bidder’s responsibility to insure bid has been received by the school district by the appropriate date and time.

AWARDING OF THE CONTRACT WILL BE ON \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*insert date*); this award will be contingent on receiving a paper or electronic copy of the bid.

Taste Testing: Bidders may need to provide cartons and chugs of the following flavors if requested by the school district:

|  |
| --- |
| **MILK PRODUCTS**Skim = Fat Free (FF) and 1% = Low FatHigh Fructose Corn Syrup (HFCS) |
| 1% white FF skimFF Chocolate (HFCS)FF Strawberry (HFCS) | If available; FF Chocolate with Sucrose (no HFCS)FF Strawberry with Sucrose (no HFCS)FF Strawberry with Sucrose (no HFCS) |
| Deliver to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*insert address*). Attention: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*insert contact person*) on or before \_\_\_\_\_\_\_\_\_\_\_\_\_ (*insert date*). |
| All milk products bid must be acceptable by students for bid to be considered responsive.  |

School district intends to purchase the following items as describe through the distributor that is awarded the contract:

Purchase Units: 1/2 pint cartons or1/2 pint plastic and pint plastic bottles

Requirements: All milk must meet federal, state, and local specifications

All flavored milk must be equal to that sold retail

 No more than 22 gm of total sugar per 8 oz in flavored milks

 Include prices for sucrose formulated milk if available

 Milk must be Grade A, pasteurized, and homogenized

 Milk solids (not fat) no less than 8.25 percent

 Vitamin A minimum 2000 I.U. per quart

 Vitamin D minimum 400 I.U. per quart

All dairy products must be produced and sold in compliance with all federal and state health laws and regulations.

Packaging: Easy to open, leak proof containers, gable or flat top type

 Each container to be code dated or dated at time of packaging

 Code date not to be less than eight (8) days from the date of delivery

 Cases and cartons must be clean and free of unpleasant odors

 Case size: 13” x 13” x 11”

 Packaging according to good commercial practices

Attachments:Bidder must complete (sign) and return attachments A-D with bid.

**Unused milk that will expire is to be collected by the supplier BEFORE ALL VACATION PERIODS (winter, spring and summer breaks) state law permitting. Credit for all returned milk is to be noted on daily delivery slips and monthly bill**.

Non-discrimination Statement:This explains what to do if you believe you have been treated unfairly. In accordance with federal law and USDA policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. To file a complaint of discrimination, write to *USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington DC 20250-9410* or call 202-720- 5964 (voice and TDD). USDA is an equal opportunity provider and employer.

The USDA prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual’s income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department.  (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint\_filing\_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at USDA, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339, or (800) 845-6136 (Spanish).

For any other information dealing with Supplemental Nutrition Assistance Program (SNAP) issues, persons should either contact the USDA SNAP Hotline Number at (800) 221-5689, which is also in Spanish or call the State Information/Hotline Numbers (click the link for a listing of hotline numbers by State); found online at http://www.fns.usda.gov/snap/contact\_info/hotlines.htm.

USDA is an equal opportunity provider and employer.**DISTRIBUTOR’S STATEMENT OF NO BID**

Due to the limited number of distributors for milk in our area, we are encouraged to seek out and request a STATEMENT OF NO BID in order to maintain compliance with federal and state procurement requirements whenever there is limited or no competitive bidding. If your company does not intend to submit a bid, your submission of the STATEMENT OF NO BID will help us meet the justification requirements for a sole source contract award. All distributors are highly encouraged to submit bids whenever possible.

If returning a STATEMENT OF NO BID please mail it to the following address:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (***insert school district name***)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*insert attention to…*)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*insert address*)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*insert phone number*)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*insert email address*)

Date: \_\_\_\_\_\_\_\_\_

We, the undersigned, have declined to participate in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s (*insert school district name*) invitation for distributors to submit bids in response to this solicitation for milk pricings for the following reasons:

\_\_\_\_\_\_ We do not offer this product

\_\_\_\_\_\_ Unable to meet specifications; please specify: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_ Unable to meet procurement requirement; please specify: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_ Unable to deliver to your location (area)

\_\_\_\_\_\_ Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_ Solicitation was too restrictive; please explain: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

If possible, how could our school district improve its procurement process to encourage more distributors, similar to your company, to respond to solicitations like this one?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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**PLEASE MARK “STATEMENT OF NO BID from Milk Distributors” ON THE OUTSIDE OF THE ENVELOPE.**

 COMPANY NAME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 PREPARED BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 SIGNATURE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 TELEPHONE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 EMAIL: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Request for Milk Bids from Milk Distributors Terms:**

* **Method of Award**: Bids that are submitted timely and are not subject to disqualification will be reviewed in accordance with the evaluation criteria set forth in this solicitation. In addition, the school district may conduct a pre-award audit. A contract will be awarded to a responsive and responsible bidder with the lowest Total Extended Costs.
* **Conformity**: All bid items must conform with federal, state, and local laws or regulations in effect at the time of purchase.
* **Quantity**: The quantities listed are estimates.
* **Quality**: All items furnished will meet or exceed specification as listed. Any sub-standard merchandise will be returned at the distributor’s expense.
* **Deviations**: If a product deviates from the written specification, a complete description of the replacement item should be in writing with an explanation.
* **Price/Price Changes**: Quote net price of each item in **units** requested including delivery. Electronic price change notification must be sent to school district. A **state or federal escalator/de-escalation formula** must be submitted with your bid.
* **Shipping**: All delivery and transportation charges for items specified must be Free on Board (F.O.B.) destination.
* **Payment**: Unless otherwise stated, payment will be made within 45 days of satisfactory receipt of order and/or invoice, or sooner. School district **will not pay** service charges or **surcharges**. School district is exempt from state and federal taxes.
* **Hazard Analysis and Critical Control Points (HACCP)**: A copy of your company’s formal HACCP plan must be submitted with the bid.
* **Information and Interpretation**: If any bidder is in doubt as to the true meaning and intent of any part of the specification please direct questions to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*insert contact person*).
* Reservation of Rights**:** The school district expressly reserves the following rights:
1. To reject all bids;
2. To reject any part of the bid not meeting the specifications set forth herein;
3. To waive any irregularities and technicali­ties and at its sole discretion, request a clarification, or other information to evaluate any or all bids.
4. To re-award the solicitation to another bidder in the event the bidder to whom a bid is awarded defaults in executing the formal agreement; and
5. In the best interests of the school district, to accept or reject any and all portions thereof, select the next most responsive bid, or if necessary issue a new solicitation or take other action as the school district deems appropriate.

Bidder has the right to withdraw its bid if school district changes the type of award as described herein.

**Contract Award Dates:** The awarded contract(s) will be in effect from \_\_\_\_\_\_\_\_\_\_ (*insert contract start date*) through \_\_\_\_\_\_\_\_\_\_ (*insert contract end date*).

Awards/Rejection letters will be mailed by \_\_\_\_\_\_\_\_\_\_\_ (*insert date*) or sooner.

**Bid Submitted by:**

 Company Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Prepared by\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Billing Address\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Phone Number\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Fax Number\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
| --- |
| **SCHOOL - MILK \_\_\_\_\_\_\_\_\_\_\_\_\_\_ SCHOOL YEAR BID FORM** |
| **Item Description** | **Unit Size** | **Annual** **Elementary School (estimated)** | **Annual** **Middle School****(estimated)** | **Annual** **High School****(estimated)** | **Total****Annual** **(estimated)** | **Prices** | **Extended Price**(Total Annual X Price) |
| **CARTONS** |
| Fat Free (skim) | half pint |  |  |  |  |  $  |  $  |
| 1% white | half pint |  |  |  |  |  $  |  $  |
| FF Chocolate (skim w/HFCS) | half pint |  |  |  |  |  $  |  $  |
| FF Chocolate (skim w/sucrose)  | half pint |  |  |  |  |  $  |  $  |
| FF Strawberry (skim w/HFCS) | half pint |  |  |  |  |  $  |  $  |
| FF Strawberry (skim w/sucrose)  | half pint |  |  |  |  |  $  |  $  |
|  |  |  |  |  |   |  |   |   |
| **CHUGS** |  |  |  | **CHUGS** |
| 1% white plastic | half pint |   |   |  |  |  $  |  $  |
| FF chocolate plastic (skim w/HFCS) | half pint |   |   |  |  |  $  |  $  |
| FF chocolate plastic (skim /sucrose) | half pint |   |   |  |  |  $  |  $  |
| **Notes:** Skim = Fat Free (FF) and 1% = Low Fat High-fructose corn syrup (HFCS) is a fructose-glucose liquid sweetener alternative to sucrose |
|  |  |  |  |
|  |  | Total Extended Cost: | $ |

#

# ATTACHMENT A: INDEPENDENT PRICE DETERMINATION CERTIFICATE

Both the School Food Authority (SFA) and the Distributor shall execute this Independent Price Determination Certificate.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name of Distributor Name of School Food Authority

By submission of this bid, the Distributor certifies, and in the case of a joint bid, each party thereto certifies as to its own organization, that in connection with this procurement:

The prices in this bid have been arrived at independently, without consultation, communication, or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other Distributor or with any competitor.

Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed to the Distributor and will not knowingly be disclosed by the Distributor prior to opening in the case of an advertised procurement or prior to award in the case of a negotiated procurement, directly or indirectly to any other Distributor for the purpose of restricting competition.

No attempt has been made or will be made by the Distributor to induce any person or firm to submit or not submit a bid for the purpose of restricting competition.

Each person signing this bid on behalf of the Distributor certifies that:

He or she is the person in the Distributor’s organization responsible within the organization for the decision as to the prices being bid herein and has not participated, and will not participate, in any action contrary to 1.a through 1.c above; or

He or she is not the person in other Distributor’s organization responsible within the organization for the decision as to the prices being bid herein, but that he or she has been authorized in writing to act as agent for the persons responsible for such decision in certifying that such persons have not participated and will not participate in any action contrary to 1.a through 1.c above, and as their agent does hereby certify; and he or she has not participated, and will not participate, in any action contrary to 1.a through 1.c above.

**To the best of my knowledge, this Distributor, its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any government agency and have not in the last three years been convicted of or found liable for any act prohibited by state or federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding on any public contract.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Distributor’s Title Date

Authorized Representative

**In accepting this bid, the SFA certifies that no representative of the SFA has taken any action that may have jeopardized the independence of the bid referred above.**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of School Food Authority’s Title Date

Authorized Representative

***NOTE: Accepting a Distributor’s bid does not constitute award of the contract.***

# ATTACHMENT B: SUSPENSION AND DEBARMENT CERTIFICATION

UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion

**Lower-Tier Transaction**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, Title 7 CFR Part 3017, §3017.510, Participants responsibilities. The regulations were published as Part IV of the January 30, 1989, *Federal Register* (pages 4722-4733). Copies of the regulations may be obtained by contacting the USDA agency with which this transaction originated.

**(Before completing certification, read instructions on next page.)**

The prospective lower-tier participant certifies, by submission of this bid, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

Where the prospective lower-tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this bid.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Distributor Name PR/Award Number or Project Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name(s) and Titles of Authorized Representative(s)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signatures Date

INSTRUCTIONS FOR SUSPENSION DEBARMENT CERTIFICATION

1. By signing and submitting this form, the prospective lower-tier participant is providing the certification set out on the previous page in accordance with these instructions.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower-tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower-tier participant shall provide immediate written notice to the person to whom this bid is submitted if at any time the prospective lower-tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction, debarred, suspended, ineligible, lower-tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded,* as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this bid is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower-tier participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower-tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower-tier participant further agrees by submitting this form that he or she will include this clause titled *Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion – Lower-Tier Covered Transactions,* without modification, in all lower-tier covered transactions and in all solicitations for lower-tier covered transactions.
7. A participant in a covered transaction may rely on a certification of a prospective participant in a lower-tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principles. Each participant may, but is not required to, check the Non-procurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant are not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower-tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

# ATTACHMENT C: LOBBYING CERTIFICATION

Applicable to Grants, Subgrants, Cooperative Agreements, and Contracts exceeding $100,000 in federal funds

Submission of this certification is a prerequisite for making or entering into this transaction and is imposed by Section 1352, Title 31, U.S. Code. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No federal appropriated funds have been paid or will be paid by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of U.S. Congress, an officer or employee of U.S. Congress, or an employee of a member of U.S. Congress in connection with awarding of a federal contract, the making of a federal grant, the making of a federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a federal contract, grant, loan, or cooperative agreement.
2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence and officer or employee of any agency, a member of U.S. Congress, an officer or employee of the undersigned shall complete and submit Standard Form LLL, *Disclosure Form to Report Lobbying*, in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all covered subawards exceeding $100,000 in federal funds at all appropriate tiers and that all subrecipients shall certify and disclose accordingly.

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Distributor Name/Address of Organization

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Distributor Name/Title of Submitting Official

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature Date

# ATTACHMENT F: DISCLOSURE OF LOBBYING ACTIVITIES

STANDARD FORM –LLL APPROVED BY OMB

COMPLETE THIS FORM TO DISCLOSE LOBBYING ACTIVITIES PURSUANT

TO 31 U.S.C. 1352

(SEE NEXT PAGE FOR PUBLIC DISCLOSURE)

|  |  |  |
| --- | --- | --- |
| 1. Type of Federal Action

□ A. Contract□ B. Grant□ C. Cooperative Agreement□ D. Loan□ E. Loan Guarantee□ F. Loan Insurance | 1. Status of Federal Action

□ A. Bid/Offer/Application□ B. Initial Award□ C. Post award | 1. Report Type

□ A. Initial Filing□ B. Material Change For Material Change Only: Year: \_\_\_\_\_\_\_\_ Quarter: \_\_\_\_\_\_\_ Date of Last Report: \_\_\_\_\_\_\_\_\_\_\_ |
| 1. Name and Address of Reporting Entity:

□Prime □Subawardee Tier\_\_\_\_\_\_\_\_, if known Congressional District, if known: \_\_\_\_\_\_\_\_\_ | 1. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:

Congressional District, if known: \_\_\_\_\_\_\_\_\_ |
| 1. Federal Department/Agency:
 | 1. Federal Program Name/Description:

CFDA Number, if applicable: \_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. Federal Action Number: *(if known*)
 | 1. Award Amount: *(if known*)
 |
| 1. a. Name and Address of Lobbying Entity: *(if individual, last name, first name, MI)*
 | 10. b. Individual Performing Services: *(including address if different from No. 10 a) (Last name, first name, MI)* |
| 1. Amount of Payment: *(check all that apply)*

 $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Actual □ Planned □  | 1. Type of Payment: *(check all that apply)*

 □ A. Retainer □ B. One-Time Fee □ C. Commission □ D. Contingency Fee □ E. Deferred □ F. Other: *(specify)* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. Form of payment: *(check all that apply)*

□ A. Cash Nature\_\_\_\_\_\_\_\_\_\_\_\_□ B. In-kind (specify) Value\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| 1. Brief Description of services performed or to be performed and date(s) of service, including officer(s), employees, or members) contracted for payment indicated in Item 11.

(Attach Continuation Sheets if necessary) |
| 1. Continuation Sheets Attached: Yes □ No □
 |
| 1. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. The disclosure of lobbying activities is a material representation of fact upon which evidence was placed by the above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. The information will be reported to the Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosures shall be subject to a civil penalty of no less than $10,000 and no more than $100,000 for each such failure.
 | Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Print Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Telephone Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| Federal Use Only Authorized for Local Reproduction |

INSTRUCTIONS FOR COMPLETION OF DISCLOSURE OF LOBBYING ACTIVITIES FORM

This disclosure form shall be completed by the reporting entity, whether subawardee or prime federal recipient, at the initiation or receipt of a covered federal action or a material change in a previous filing, pursuant to Title 31 U.S.C. Section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a member of U.S. Congress, an officer or employee of U.S. Congress, or an employee of a member of U.S. Congress in connection with a covered federal action. Use a Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget (OMB) for additional information.

1. Identify the type of covered federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered federal action.
2. Identify the status of the covered federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered action.
4. Enter the full name, address, city, state, and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the first tier. Subawards include, but are not limited to, subcontracts, subgrants, and contract awards under grants.
5. If the organization filing the report in Item 4 checks *Subawardee*, then enter the full name, address, city, state, and zip code of the prime federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if know. For example: Department of Transportation, United States Coast Guard.
7. Enter the federal program name or description for the covered federal action (Item1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate federal identifying number available for the federal action identified in Item 1; e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the federal agency. Include prefixes; e.g., *RFP-DE-90-001.*
9. For a covered federal action where there has been an award or loan commitment by the federal agency, enter the federal amount of the award/loan commitment for the prime entity identified in Item 4 or Item 5.
10. a. Enter the full name, address, city, state, and zip code of the lobbying entity engaged by the reporting entity identified in Item 4 to influence the covered federal action.

b. Enter the full name of the individual performing services, and include full address if different from 10a. Enter last name, first name, and middle initial (MI).

1. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (Item 4) to the lobbying entity (Item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
2. Check the appropriate item. Check all items that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
3. Check the appropriate box. Check all boxes that apply. If other, specify nature.
4. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the dates of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with federal officials. Identify the federal officials or employees contacted or the officers, employees, or members of U.S. Congress that were contacted.
5. Check whether Continuation Sheets are enclosed.
6. The certifying official shall sign and date the form; print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.