

VENDOR CONTRACT PACKET

(When vended meal purchases will be \$100,000 or less)



STATE OF NEW YORK DEPARTMENT OF HEALTH

Riverview Center

150 Broadway

Albany, New York 12204-2719

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

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.nyhealth.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.nyhealth.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.



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 3, 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 4 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 5) 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>
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Organization – Use the sample menus on page 4 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	6-18	Adult
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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
Vegetables/Fruits ²	1/4 cup	1/2 cup	1/2 cup	1/2 cup
Grains/Bread ^{3,4} Bread <i>or</i> Biscuit, Roll, Muffin <i>or</i> Cooked Cereal <i>or</i> Dry Cereal Flakes or Rounds Puffed Cereal Granola	1/2 slice 1/2 serving 1/4 cup 1/2 cup 3/4 cup 1/8 cup	1/2 slice 1/2 serving 1/4 cup 1/2 cup 3/4 cup 1/8 cup	1 slice 1 serving 1/2 cup 1 cup 1 1/4 cup 1/4 cup	2 slices 2 servings 1 cup 2 cups 2 1/2 cups 1/2 cup

SNACK

Select 2 different components of the 5 listed.

Milk – Fat-free or Low-fat (1%)	1/2 cup	1/2 cup	1 cup	1 cup
Vegetables	1/2 cup	1/2 cup	3/4 cup	1/2 cup
Fruits	1/2 cup	1/2 cup	3/4 cup	1/2 cup
Grains/Bread (see list above and below)	1/2 serving	1/2 serving	1 serving	1 serving
Meat/Meat Alternate (see list below) Lean Meat, Poultry, Fish <i>or</i> Peanut Butter, Soy Nut Butter or other Nut or Seed Butter <i>or</i> Peanuts, Nuts or Seeds <i>or</i> Yogurt	1/2 oz. 1 Tbsp. 1/2 oz. 2 oz.	1/2 oz. 1 Tbsp. 1/2 oz. 2 oz.	1 oz. 2 Tbsp. 1 oz. 4 oz.	1 oz. 2 Tbsp. 1 oz. 4 oz.

LUNCH OR SUPPER

All 5 components must be served

Milk – Fat-free or Low-fat (1%)	1/2 cup	3/4 cup	1 cup	1 cup
Vegetables	1/8 cup	1/4 cup	1/2 cup	1/2 cup
Fruits ⁵	1/8 cup	1/4 cup	1/4 cup	1/2 cup
Grains/Bread (see list above) Bread <i>or</i> Cooked Pasta, Noodles or Grains <i>or</i> 6" Tortilla	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 2 tortillas
Meat/Meat Alternate Lean Meat, Poultry, Fish <i>or</i> Tofu <i>or</i> Cheese <i>or</i> Yogurt <i>or</i> Cottage Cheese <i>or</i> Cooked Dry Beans, Peas or Lentils <i>or</i> Egg <i>or</i> Peanut Butter, Soy Nut Butter, other Nut or Seed Butter <i>or</i> Peanuts, Nuts or Seeds	1 oz. 2 oz. 1 oz. 4 oz. 2 oz. 1/4 cup 1/2 2 Tbsp. 1/2 oz.=50%	1 1/2 oz. 3 oz. 1 1/2 oz. 6 oz. 3 oz. 3/8 cup 3/4 3 Tbsp. 3/4 oz.=50%	2 oz. 4 oz. 2 oz. 8 oz. 4 oz. 1/2 cup 1 4 Tbsp. 1 oz.=50%	2 oz. 4 oz. 2 oz. 8 oz. 4 oz. 1/2 cup 1 large 4 Tbsp. 1 oz.=50%

¹Whole milk is required for children up to 2 years of age. Unflavored milk is required for children younger than 6 years old. If served, flavored milk must be fat-free for six year olds and older.

²No more than one serving of 100% juice may be served per day.

³At breakfast, meat/meat alternate may be served in place of the entire grain component up to 3 times per week. When serving meat/meat alternate, use the quantities listed for snack.

⁴At least one serving of whole-grain rich Grains/Bread must be served and recorded on the menu every day.

⁵At lunch or supper, one vegetable and one fruit or two different vegetables may be served.

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% or fat-free milk	1% or fat-free milk	1% or fat-free milk	1% or fat-free milk	1% or fat-free milk
Vegetables/Fruits	Diced apple	Blueberries	Peaches	Raspberries	Roasted sweet potato hash
Grains/Bread	Oatmeal	Whole-wheat bagel	Waffles	Wheat Chex®	
Meat/Meat Alternate		Egg omelet			Scrambled egg

SNACK *Select 2 different components of the 5 listed*

Components	Monday	Tuesday	Wednesday	Thursday	Friday
Milk					
Vegetables		Broccoli/cauliflower florets		Cucumber slices	Celery sticks
Fruits	Strawberries				
Grains/Bread			Pretzel rods	Whole-grain crackers	
Meat/Meat Alternate	Vanilla yogurt	Cottage cheese ranch dip	Cheddar cheese cubes		Tuna salad

LUNCH/SUPPER *All 5 components must be served*

Components	Monday	Tuesday	Wednesday	Thursday	Friday
Milk	1% or fat-free milk	1% or fat-free milk	1% or fat-free milk	1% or fat-free milk	1% or fat-free milk
Vegetables	Green beans	Garden salad	Mashed potatoes	Butternut squash	Sautéed carrots
Fruits	Plum	Cantaloupe	Cherries	Fresh pear slices	Watermelon
Grains/Bread	Whole-wheat bread	Brown rice	Whole-wheat roll	Barley casserole	Whole-corn tortilla
Meat/Meat Alternate	Hot turkey sandwich	Cod fillet	Chicken breast	Roast beef	Tofu bean chili

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