



NEW HAVEN PUBLIC SCHOOLS

P: (475) 220-1610

To: New Haven Board of Education Finance and Operations Committee
From: Thomas Lamb, Chief Operating Officer
Gail Sharry, Executive Director
Michael Gormany, City Budget Director
Date: Friday, June 8, 2023
Re: Fiscal year 2023-24, Award of Contract for NHPS Food Service for Direct Commodity Purchase

Executive Summary: Approval is requested for an award of contract(s) under RFP# 2023-03-1535 for the purchase of Direct Commodity Purchase for fiscal year 2023-24 for NHPS Food Service. NHPS Food Service use these items to meet the meal components for The USDA National School Lunch Program, Breakfast Program, After School Snack Program, At Risk Supper Program and At Risk Snack Program, as well as the SFSP Summer Program for Breakfast, Lunch And Suppers.

Table with 7 columns: Vendor Number, Vendor Name, Vendor Address, City, State, Zip, Award Amount not to Exceed, Minority or Women Owned Small Business?, Renewal or Award of Contract/Agreement. Row 1: Out of the Shell, LLC d.b.a Yangs 5th Taste, 9658 Remer Street, S.El Monte, CA, 91733, \$65,000, Award

Contract or Agreement #: TBD

Funding Source & Account #: 25215200-55587

Key Questions: (Please have someone ready to discuss the details of each question during the Finance & Operations meeting or this proposal might not be advanced for consideration by the full Board of Education):

- 1. What specific service will the contractor provide:
a. The vendor(s) will provide a commodity product that is utilizing USDA Commodity Food Program. NHPS-Food Service utilizes this program to receive USDA pricing on food product directly from the vendor. With this program, quantities are limited.
2. How was the contractor selected? Quotes? RFP? Sealed Bid or Sole Source? Please describe the selection process including other sources considered and the rationale for selecting this method of selection:
a. The vendor was selected via the City of New Haven's procurement portal, Bonfire, through a request for proposal (RFP) process, based on the award criteria set forth in the solicitation and procurement procedures set by the New Haven Board of Education, City of New Haven, and the USDA.
3. If this is a renewal with a current vendor, has the vendor's performance been satisfactory under the existing contract or agreement?
a. This is not applicable as this is a new award.



4. If this Contract/Agreement is a Renewal has cost increased? If yes, by how much?
 - a. This is not applicable as this is a new award.

5. If this Contractor is New has cost for service increased from previous years? If yes, by how much?
 - a. Vendor(s) are evaluated throughout the school year based on product sensory (food evaluation) delivery expectations, customers service, and other criteria set at the beginning of the school year.
 - b. Food cost has increased from an overall pricing standpoint, especially due to the pandemic.
 - c. The contractor(s) have been used in prior years with no issues.

6. Is this a service existing staff could provide? Why or why not?
 - a. Staff could not perform these services as this is an RFP for food products.

Below is the last 5 years of expenditures for this vendor.

Out of the shell/ Yangs	
School Year	Total Cost
2022-2023**	\$ 42,599.13
2021-2022	\$ 57,803.98
2020-2021*	\$ -
2019-2020*	\$ 30,946.95
2018-2019	\$ 42,644.32

*Covid Year

**Current YTD



City of New Haven

Bureau of Purchases

200 Orange Street, Room 301

New Haven, CT 06510

Tel: 203-946-8201 Fax: 203-946-8206

Honorable Justin Elicker
Mayor

Shawn J. Garris
Acting Purchasing Agent

The City of New Haven ("City") is accepting sealed
Request for Proposals (RFP) for the following:

Request for Proposals

Project Summary

RFP Title: Direct Commodity Purchases

RFP #: 2023-03-1535

Projection Description: NHPS Food Service purchase of Direct Commodities through the Federal Government (DOD) and State of Connecticut program. The City of New Haven Board of Education Food Service (BOE) is soliciting Request for Proposals (RFP) for Commercial and Commodity food items shipped directly from manufacturers for the 2023 summer year and 2023-4 School Year.

Department: NHPS -Food Service

RFP/Advertise Date: March 14, 2023

Intent to Respond Due Date: April 10, 2023

RFP Due Date: April 11, 2023 11:00 AM

Pre-Proposal Meeting Date: N/A

Meeting Time:

Pre-Proposal Meeting Location: N/A

Contract Term: 1 year 2 Renewals Option(s) (at the sole discretion of the CONH)

Insurance Requirements: Refer to Rider **410** (This Rider is attached)

Local Preference: YES NO

Pricing Sheet: Respondent Supplied

Responses must be submitted in the form and manner specified in this request.

The New Haven Board of Education Food and Nutrition Department is soliciting Request for Proposals (RFP) for Commercial and Commodity food items shipped directly from manufacturers for the 2023 summer year and 2023-24 School Year. There are approximately 224 service days in the program and New Haven Food Service Food and Nutrition program serves approximately 20-21,000 meals per day.

In soliciting request for proposals, it is the City's intent to establish a vendor or vendors with the primary objective to improve services, expedite deliveries, streamline paperwork, reduce administrative costs and contain food costs. To achieve these goals it will also be necessary to maintain continuity of supply for its food service needs as changing brands could potentially introduce unnecessary hardships on our student customers thereby jeopardizing the integrity of our programs. Therefore, the successful responder must be both capable and willing to purchase the brands as specified and from a third-party producer if requested by the City. The City will reserve the right to utilize secondary suppliers if the City determines that doing so would be in the City's best interest.

The City of New Haven reserves the right to award this request for proposal to a prime vendor or multiple vendors or any variation deemed to be in the best interest of the City.

CONTRACT PERIOD

This is a one-year contract. The contract will begin July 1, 2023 and will continue through June 30, 2024. At the sole discretion of the New Haven Public Schools, Food and Nutrition Department, any award under this request for proposal can renewed for two (2) additional one-year periods.

- I. 1st Option to renew period July 1, 2024 to June 30, 2025
- II. 2ND Option to renew period July 1, 2025 to June 30, 2026

UNIT PRICING:

The New Haven Public Schools recognizes the effects COVID has had on food pricing and supply chain shortages. All pricing for items shall be firm fixed price for the duration of the contract unless there is a materially dramatic and reasonable unanticipated change in the market.

Such request for proposal shall contain costs for each product contained in bid specifications and a maximum percentage markup to cover freight of products and include a fee that covers their warehousing, financing, delivery, sales costs, fuel, and any charges for NHPS

The New Haven Board of Education, Food and Nutrition Department may entertain a request for a price change (increase or decrease) upon a written request submitted together with details of reasoning and accompanied by supporting documentation to substantiate the request. If the New Haven Board of Education, Food and Nutrition Department agrees to a price change.

If the parties cannot agree on the amount of the change that is in dispute, the price may then be negotiated with the New Haven Board of Education, Food and Nutrition Department with input from the Purchasing Agent. Respondents will be monitored and evaluated to the level of satisfaction during their performance and quality.

Vendors should submit Commercial Pricing and Commodity pricing for this RFP

QUANTITIES:

All quantities are estimated and the BOE reserves the right to award separate items to different vendors. Total quantities and cases per delivery are estimated amounts only. The District reserves the right to increase or decrease quantities as need dictates.

MINIMUM ORDERING

There will be no minimum orders required. The selected vendor(s) shall have products available. The ordering schedule shall be mutually agreed by the vendor(s) and Food Service Executive Director.

PRODUCT AVAILABILITY

Proposer must agree that there will be no cancellation of products to be delivered without an equal and acceptable replacement of product(s). Should a manufacturer or processor discontinue a product that is regularly ordered by a City/BOE, such notification must be communicated, in writing, to the City/BOE in advance of such discontinuation. During the notice period, the Contractor agrees to work with the City/BOE to identify and implement alternative options that maintain and or reduce costs associated with any replacement product. In addition, samples for testing any suggested alternative may be required by the City/BOE to ascertain suggested alternative product quality and acceptability before final approval for use.

SUBSTITUTIONS

During the term of the contract, the proposer shall not make any substitutions, unless the proposer has successfully contacted the Executive Director of Food Service and has received approval for substituting the contract product for another product. If a substitution is to be made due to the contractor or manufacturer(s) error or shortage, the City/BOE shall not have to pay an increase or any adverse delivery charge(s) for the substitution.

ADDITIONAL CATALOG OFFERINGS

The New Haven Board of Education Food and Nutrition Department is also encouraging respondents to offer products that are within the USDA guidelines for Food and Nutrition programs. A separate excel sheet has been provided to accommodate vendors in offering items that may of be interest to The New Haven Board of Education Food and Nutrition Department. Vendors should fill out all aspects of the excel sheet. The New Haven Board of Education Food and Nutrition Department is under no obligation to order any of the additional items listed The Responder shall submit a child nutrition label product specification sheet, Product Formulations Statement, Nutrition Facts, ingredient lists, sample, and/or other pertinent product information as deemed by the Nutrition Services for approval prior to further shipment at the request of the Executive Director or designee.

PRODUCT SUBSTITUTION/MANUFACTURER'S BRAND CHANGE/PRODUCT REFORMULATION:

The Responder(s) shall state the brand name and product number on the RFP. The successful Responder may not make substitutions, brand changes, or reformulations of products without the written authorization by the Food Service Department. If during the course of the contract there is a manufacturer's brand change or reformulation of the product, the Responder shall not automatically substitute the product. The Responder shall submit a child nutrition label product specification sheet, Product Formulations Statement, Nutrition Facts, ingredient lists, sample, and/or other pertinent product information as deemed by the Nutrition Services for approval prior to further shipment.

QUALITY GUIDE:

The successful responder must ensure that the condition, quality, and quantity of products sold to the BOE complies with the product specification. Failure of the supplier to provide products meeting the standards will result in the return of the product, for full refund and possible termination of any existing contracts with the supplier.

DELIVERY:

Time and manner of delivery are essential factors in proper performance under the contract. Delivery will be directly to Central Kitchen. Delivery day and time shall be established by mutual agreement between the provider service vendor and the executive director or designee.

Deliveries for Central Kitchen must be made inside the facility at the mutually agreed area. Delivery should be made inside the building through the loading docks – the actual final placement will be left to both parties mutually agreed upon. Delivery day and times (drop off times- Between 7:00am and 1:00pm). Certain items may require daily delivery.

If the material is not received within the time specified for delivery, it will be received at the discretion of the District. Should it be necessary to refuse delivery of any material contained in the RFP/Bid document, the Vendor shall be responsible for all associated costs.

AWARD CRITERIA:

Proposals that are submitted timely and are not subject to disqualification will be reviewed in accordance with the evaluation criteria set forth below in this solicitation. In addition, the New Haven Board of Education, Food and Nutrition Department may conduct a pre-award audit. The District intends to award to the responsible Proposer whose proposal is most advantageous to the District’s program(s) with price and other factors considered.

Criteria	Maximum Points
Pricing	30 Points
Method of Approach and Implementation	30 Points
Service and Capabilities (Quality Assurance)	20 Points
Responder’s Experience, Expertise, & Reliability	20 Points

The following information, in addition to the requirements, terms and conditions identified throughout this document, will be considered as part of the selection process, **and are not listed in order of relative importance.**

A. Cost/Value

- a. All pricing for items shall be firm fixed price
- b. The City reserves the right to visit the vendor to audit the awarded vendor’s books with a reasonable notice. Vendor must respond to the audit request within requested deadline.
- c. The successful respondent will be expected to supply all items as specified on the attached market basket.

B. Method of Approach and Implementation

- a. Food and Packaging (Appearance, Quality, Taste and Acceptance)
- b. Utilization of USDA Foods
- c. Geographic preference – use locally grown or raised foods to maximum extent possible (Responder must submit certification of percentage of locally grown or raised foods to be supplied. SFA reserves the right to audit the

C. Service and Capability

Quality Assurance Programs and ability to provide breadth and depth of contract list items (i.e., licenses, IPM, HACCP, audits, controls, recalls, product availability, fill rates, requested brands, etc.) **(Submit with response: Label Supplement #1)**

- a. **All food products are to be processed and manufactured in the United States: (Buy American)** (Section 104(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1998 (Public Law 105-336) added a new provision, Section 12(n) of the NSLA (42 USC 1760(n)) Domestic products must be proposed and supplied. Non-domestic products may be proposed and supplied only when domestic products are unavailable.
- b. Ability to partner with and provide data with MWBE. The NHPS Food Service is actively involved in a program of diverse purchasing. A portion of this program is dedicated to enlisting the participation of City contractors to partner with "Minority and Women Owned Businesses" (MWBE's) to provide a growing percentage of the value of the contract without additional cost to the City. The

Program will work to create an environment which supports this effort and actively acknowledges and values diversity. An MWBE is a business which is at least fifty-one percent (51%) owned and operated by a woman or a minority. We invite you to be creative in your plan. Your MWBE plan may provide detail, including naming the MWBE's with which you intend to partner, a description of how you will partner with these organizations, the work or product which the MWBE's will supply, and the dollar value of participation (if available) which you anticipate reporting to the City.

D. Responder's Experience, Expertise, & Reliability (Submit with response: Label Supplement #2)

- a. Knowledge of USDA, District requirements
- b. Customer Service (responsiveness in communication, proven track record, adept at fixing issues promptly)
- c. Business/Financial Stability Account staff team qualifications, training, and customer service experience with large scale entities
- d. Environmentally Preferable Product (EPP) Efforts
- e.

Specification for Bread Products

Ordering & Delivery Requirements

- All Bread Products must meet the following standards:
 - Must be a minimum of 51 percent whole grain
 - Must meet the USDA National School Lunch and Breakfast Standards
- Substitution
 - There shall be no product substitutions after the awarding of the bid without prior written BOE approval
 - Unauthorized substitutes will not be paid for.

The Buy American Provision

Vendors bidding on this solicitation must abide by the USDA Buy American Provision. This is required by the USDA and State of Connecticut.

The Buy American provision was added to the National School Lunch Act (NSLA) by Section 104(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1998 (Public Law 105-336). Section 12(n) to the NSLA (42 USC 1760(n)), requiring school food authorities (SFAs) to purchase, to the maximum extent practicable, domestic commodity or product.

“Domestic Commodity or Product” are defined as an agricultural commodity that is produced in the United States and a food product that is processed in the United States using substantial agricultural commodities that are produced in the United States.

“Substantial” means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically.

Products from Guam, American Samoa, Virgin Islands, Puerto Rico, and the Northern Mariana Islands are allowed under this provision as territories of the United States.

The Buy American provision (7 CFR Part 210.21(d)) is one of the procurement standards SFAs must comply with when purchasing commercial food products served in the school meals programs.

Procurement Code of conducts

Vendors responding to this solicitation must abide by the USDA Procurement Code of conduct. Please see the attached NHPS policy

PAYMENTS AND INVOICING

Net terms for invoice payment are normally between 30-60 day depending on the payment schedule for the City/BOE.

The City, through E-Invoicing, **may** accommodate ACH payment options to vendors. Vendors must provide all banking information necessary at the time of award.

Electronic Invoicing

The City of New Haven processes invoices using the information provided on the Purchase Order. The Purchase Order is a legally binding agreement between 3rd party vendors and the City of New Haven.

Please visit the following link for full details;

https://www.newhavenct.gov/gov/depts/purchasing_division/e_invoicing_policy.htm

If vendors are not able to meet the requirements of E-Invoicing, Invoices shall be submitted, as provided for herein, with the Contract Number, Work Order Number and location(s) of the school(s) where work was performed clearly identified. Should an invoice not contain the required information as described below, it will be returned unpaid to the Contractor.

Minimum invoice information includes:

1. Complete description of the work performed.
2. Clear summary of labor hours and costs, with extensions.
3. Clear summary of materials used, and costs, with extensions
4. Grand total.
5. In addition, the following must be attached to the invoice:
 - Service Ticket signed on-site by NHBOE representative displaying hours on site (arrival and departure times).
 - All material delivery receipts.
 - Completed Work Order.

The preferable method for submitting invoices is email on a weekly or Bi-Weekly basis. Invoice can also be mailed or delivered as well. The contact for invoicing:

Email:

Gail Sharry – Executive Director; GAIL.CAIRNS.SHARRY@new-haven.k12.ct.us

Michael Gormany – Budget Director; mgormany@newhavenct.gov

Jennifer Punzo – Bureau Manager, jennifer.punzo@new-haven.k12.ct.us

Melanie Gibson – Account Clerk; Melanie.Gibson@new-haven.k12.ct.us

Mail.

NHPS Central Kitchen
75 Barnes Avenue
New Haven CT, 06513
ATTN: Melanie Gibson

A monthly statement (In Excel Format is Preferable to reconcile in a timely manner) of New Haven Public Schools – Food Service should also be emailed to:

Gail Sharry – Executive Director; GAIL.CAIRNS.SHARRY@new-haven.k12.ct.us

Michael Gormany – Budget Director; mgormany@newhavenct.gov

Jennifer Punzo – Bureau Manager, jennifer.punzo@new-haven.k12.ct.us

Melanie Gibson – Account Clerk; Melanie.Gibson@new-haven.k12.ct.us

New Haven Public Schools Food Service Department

Policy Name: Written Code of Conduct

Regulations: [2 CFR Part 200.318](#), formerly 7 CFR Part 3016.36(b)(3) and [*New Haven Public Schools*]'s local purchasing requirements.

Procedures: The *New Haven Public Schools* seeks to conduct all procurement procedures:

- in compliance with stated regulations; and
- to prohibit conflicts of interest and actions of employees engaged in the selection, award and administration of contracts.

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal, state, or local award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of the non-federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value.

The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-federal entity. Based on the severity of the infraction, the penalties could include a written reprimand to their personnel file, a suspension with or without pay, or termination.

For questions and concerns regarding procurement solicitations, contract evaluations, and award, contact:

Purchasing Contacts:

[Shaawn Garris, Purchasing agent], [203-946-8207, sgarris@newhavenct.gov]

[Michael Gormany, Mgmt. & Policy Analyst], [203-946-6413, mgormany@newhavenct.gov]

[Gail Sharry, Executive Director], [475-220-1611, gail.cairns.sharry@new-haven.k12.ct.us]



For more information, see the CSDE's [Procurement for School Nutrition Programs](#) Web page or contact the [school nutrition programs](#) staff in the Connecticut State Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, 25 Industrial Park Road, Middletown, CT 06457.

This form is available in PDF at www.sde.ct.gov/sde/lib/sde/pdf/deps/nutrition/nsfp/procureconduct.pdf and Word at www.sde.ct.gov/sde/lib/sde/word_docs/deps/nutrition/nsfp/procureconduct.doc.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the [USDA Program Discrimination Complaint Form](#), (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;*
- (2) fax: (202) 690-7442; or*
- (3) email: program.intake@usda.gov.*

This institution is an equal opportunity provider.

The Connecticut State Department of Education is committed to a policy of equal opportunity/affirmative action for all qualified persons. The Connecticut State Department of Education does not discriminate in any employment practice, education program, or educational activity on the basis of race, color, religious creed, sex, age, national origin, ancestry, marital status, sexual orientation, gender identity or expression, disability (including, but not limited to, intellectual disability, past or present history of mental disorder, physical disability or learning disability), genetic information, or any other basis prohibited by Connecticut state and/or federal nondiscrimination laws. The Connecticut State Department of Education does not unlawfully discriminate in employment and licensing against qualified persons with a prior criminal conviction. Inquiries regarding the Department of Education's nondiscrimination policies should be directed to: Levy Gillespie, Equal Employment Opportunity Director/Americans with Disabilities Act Coordinator, Connecticut State Department of Education, 25 Industrial Park Road, Middletown, CT 06457, 860-807-2071, Levy.Gillespie@ct.gov

Contract Number 2023-03-1535
 Contract Name Direct Commodity Purchase
 Contract Period July 01, 2023 to June 30, 2024
 Contractor Out of the Shell, LLC d.b.a. Yangs 5th Taste
 Award Amount \$65,000.00

Bid Number	Category	Item Specification	Item Description	Description	UOM	Quantity	Commodity Bid Price	Commodity Case Packing Size	Commodity Per Case Price	Commodity Product Code	Commercial Bid Price	Commercial Case Packing Size	Commercial Per Case Price	Commercial Product Code (What Will Appear on Invoice)	Vendor Notes or Comments	Commodity Total Price	Commercial Total Cost	bid
#3-7	Frozen Chicken	BBQ Teriyaki Chicken, Gluten Free,	BBQ Chicken Teriyaki Chicken, 2.4 oz serving provides 2 M/MA, no more than 3.5 grams fat, less than 330 milligrams sodium, no msg, no ISP, no peanuts or peanut oil, Yangs 8-52724-15559-3 or equal	Portion	Portion (2 oz. m/ma)	60000	\$ 0.584	240 servings per case	\$ 140.17	8-52724-15559-3	0.7043	240 servings per case	169.02	8-52724-15559-3	Yangs minimum delivery requirement is 3 full pallets, 35 cases per pallet, delivered to one	\$35,040.0000	\$42,258.0000	Bid
#4-1	Frozen	Chow Mein WG	Chow Mein WG, 2.8oz serving provides 2 Grain, no more than 3 gram fat, less than 506 milligram sodium, no msg, no ISP, no peanuts or peanut oil, Yangs 8-52724-15566-1 or equal	Portion	Portion (2 oz. m/ma)	96000	\$ 0	N/A	\$ 0	N/A	0.483	80 servings per case	38.64	8-52724-00301-6	NOT available as commodity processed, only commercially. Yangs minimum delivery requirement	\$0.0000	\$46,368.0000	Bid