



SECTION 9: Procurement, Meal Preparation, and Contracting

Child Care Centers participating in CACFP who plan to purchase meals or services from outside sources must follow procurement procedures.

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Procurement of Goods and Services

Sponsors participating in the Child and Adult Care Food Program (CACFP) who plan to purchase meals or services from outside sources must follow proper procedures in purchasing these services.

All procurement of food, supplies, goods, and other services with program funds must comply with procurement standards in 7 CFR 226.22, 2 CFR 200.317-326, and Food and Nutrition Services (FNS) Instruction 796-2, Rev. 4. These standards ensure that such materials and services are obtained for the program efficiently and economically and in compliance with applicable laws and executive orders.

Important Terms

- **Bid** means an offer to perform for a fixed price, in accordance with the specifications and conditions set forth in an invitation for bids.
- **Food Service Management Company (FSMC)** Under the CACFP, an FSMC means an organization other than a public or private nonprofit school, with which a sponsor may contract for preparing and, unless otherwise provided for, delivering meals, with or without milk for use in the program (7 CFR 226.2).
- **Procurement** means the process of obtaining goods and/or services in accordance with applicable rules and regulations.
- **School Food Authority (SFA)** means the governing body which is responsible for the administration of one or more schools, and has legal authority to operate the National School Lunch Program (NSLP) or School Breakfast Program (SBP) therein or be otherwise approved by FNS to operate the program.
- **Vendor** means a merchandiser of complete meals, meal components, or raw materials.

Methods of Procurement

- **Micro-purchases** are those purchases that do not exceed \$10,000 per transaction. These purchases can be awarded without soliciting competitive quotations if the price is considered reasonable based on research, experience, purchase history, or other information and sponsor maintains related documentation on file. The sponsor should also equitably distribute purchases among qualified suppliers rather than buying all supplies from one source.
- **Small purchases** are those between \$10,000 and \$250,000 per transaction. These purchases can be made using informal methods, such as price or rate quotations for securing products or services. The methods used must ensure

free and open competition. The sponsor must contact at least **three** reputable companies to obtain price quotations on the meals they plan to serve. This information must be documented.

- **Large purchases or Competitive Sealed Bids:** When purchases are estimated to exceed the small purchase threshold of \$250,000, a sponsor must conduct a price analysis and follow a formal competitive sealed bid process. Bids are publicly solicited from **two or more** responsible bidders and a bid opening evaluation must be completed by the Department of Health and Senior Services, Community Food and Nutrition Assistance (DHSS-CFNA). Competitive sealed bid procedures include preparing the invitation for bid, publicly announcing not less than 14 days before bids are opened, notifying the DHSS-CFNA of the time and place at least 14 days before bid opening, publicly opening all bids, and submitting selected bid to the DHSS- CFNA prior to accepting the bid.

Meal Preparation and Contracting for Food Services

The best method of meal preparation will depend upon factors such as the type of menu desired, the availability of food service equipment, space and personnel, and the budget of the organization.

Meal Preparation Methods

- **On Site:** On Site preparation, commonly called “self-prep”, is the most commonly used food service method. The meals are prepared at the same physical location where they are served. This is the most economical method when the center has a kitchen, sufficient food preparation equipment, and available staff. The sponsor will follow the basic recordkeeping requirements of the Child and Adult Care Food Program (CACFP).

All or part of the food may be prepared on site and the remainder purchased by the sponsor from an outside source, such as a school, hospital, commercial vendor, or farmers market. The Food and Nutrition Service (FNS) Instruction 796-2, Rev. 4 provides guidance for funding food grown by and used in the child care center’s meals. This option offers education opportunities and may decrease food costs.

- **Central Kitchens:** Meals are prepared in a kitchen at one of the sponsor’s physical locations or sites by the sponsor’s employees and delivered to another one or more of the sponsor’s sites. The sponsor will follow the basic recordkeeping requirements of the CACFP plus daily meal delivery tickets, where applicable. Contact the Department of Health and Senior Services-Community Food and Nutrition Assistance (DHSS-CFNA) for specific requirements for your circumstances.
- **Vended:** Meals are purchased from a School, a Food Service Management Company (FSMC), or a Commercial vendor. This includes a FSMC that operates within a school.
 - **Purchasing from a School:** Meals may be purchased from a public or private nonprofit school that participates in the National School Lunch Program (NSLP) or the School Breakfast Program (SBP), either in bulk or as individual packaged units. An independent center that receives meals from a school must enter into a written agreement with that school or district. An example of this type of agreement is when a school provides meals to a Head Start center.

This annual agreement must contain the basic provisions of the program requirements, non-competitive bid process. A sponsor may use the **Sponsor Agreement with a School or Affiliated Organization to Furnish Food Service for the CACFP** located on the CACFP website. Federal regulations exempt organizations from having to competitively bid for catered meals when those meals are purchased through schools participating in the NSLP or SBP. Signing an agreement with a school to provide meals does not relieve the independent center of its program responsibilities for monitoring and recordkeeping. Additional recordkeeping is required when a sponsor obtains meals from a school; recordkeeping requirements are listed below.

- **Purchasing from another Department within the Organization:** Organizations who receive meal services obtained through a competitive process by another department of the same organization, such as a university child care center whose meal services are provided by the campus dining hall or campus student union, may also use a non-competitive process to obtain CACFP meals. Such organizations may sign an agreement with the food service caterer contracted by the organization to provide meals for the entire organization. This type of situation is common in large organizations such as hospitals, nursing homes, schools, governmental entities, and universities where food services are centralized. As long as the meals provided to the centralized food service were obtained through a competitive manner within a formal bid process, those same services may be used by the CACFP organization. A sponsor may use the **Sponsor Agreement with a School or Affiliated Organization to Furnish Food Service for the CACFP** located on the CACFP website when obtaining meals in this manner.
- **Purchasing from a Food Service Management Company:** Food service management companies are organizations that prepare and deliver meals. An independent center that purchases meals from an FSMC must enter into a written contract with the company. The bid prototypes and CACFP guidance on meeting procurement standards are located on the CACFP website. Signing a contract with an FSMC does not relieve the center of its program responsibilities for monitoring and recordkeeping. Regulations require that a copy of the contract be submitted to DHSS-CFNA before the beginning of program operations under the contract; and all bids totaling over \$250,000 shall be submitted for state agency approval before the sponsor accepts and signs any contract. In addition, all bids shall be submitted to the state agency for approval before accepting a bid which exceeds the lowest bid. DHSS-CFNA shall respond to any request for approval within ten working days of receipt (7 CFR 226.21).
- **Purchasing from a Commercial Vendor:** Commercial vendors are public organizations, hospitals, college cafeterias, etc., private commercial enterprises, caterers, or individuals that provide non-food items or individual food items but not complete meals. An independent center that purchases from a commercial vendor must enter into a written contract with the vendor following the guidelines for the formal or informal competitive bid process, depending on annual meal expenditures.

Additional recordkeeping is required when a CACFP sponsor obtains meals from a school. The school or school district that provides meals to sponsors under an agreement must provide the following documentation to the CACFP contractor on a weekly or no less than a monthly basis:

- Food costs to substantiate the reimbursement.
- Daily dated menus using a minimum of a two week menu cycle.
- Daily meal delivery tickets to verify the amount of food and/or number of meals provided to the center.
- Production records.

In addition to the records required under the agreement, the commercial vendor must provide the following documentation to the CACFP sponsor on a daily, weekly, or no more than a monthly basis:

- Documentation of paid invoices to verify contractual accountability.
- Meals per labor hour recordkeeping to document staff allocation.

Federal regulations prohibit sponsors from contracting out the management responsibilities of the CACFP, including but not limited to:

- Ordering meals.
- Maintaining program records.
- Submitting claims for meal reimbursement.
- Training and monitoring.
- Determining eligibility for free or reduced-price meals.

The sponsor must monitor the conditions set forth in the food service contract and compliance with CACFP requirements. The DHSS-CFNA will not intervene in contract disputes.

It is the responsibility of the sponsor to monitor the requirements of the agreement for compliance with the CACFP requirements. First occurrence meal disallowances will be taken at the CACFP monitoring reviews in the following instances when:

- There is no or inadequate processed food documentation, such as CN labels.
- There are no production records.
- The production records indicate that the caterer did not provide enough food to meet the minimum portion requirement.

A Daily Vended Meal Receiving Log and a Vended Meal Communication and Credit Log is available in this manual for sponsors to document the date and time food was received at the center, food temperatures, and any problems with the foods received.

The procedures for the informal and formal bid processes are available on the CACFP website at: <http://health.mo.gov/cacfp> - Food Service Management Contracts. These include:

- Bid Packet for Contracts \$250,000.00 or less
- Bid Packet for Contracts greater than \$250,000.00
- Annual Extension for Contracts greater than \$250,000.00
- Sponsor Agreement with a School or Affiliated Organization



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
 COMMUNITY FOOD AND NUTRITION ASSISTANCE (CFNA)
 CHILD AND ADULT CARE FOOD PROGRAM (CACFP)
PRODUCTION RECORD

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| Date: / / Breakfast <input type="checkbox"/> (3 components; milk, grain and fruit/vegetable, or both) AM Snack <input type="checkbox"/> (2 of 5 components) Lunch <input type="checkbox"/> (5 components) PM Snack <input type="checkbox"/> (2 of 5 components) Supper <input type="checkbox"/> (5 components) | Menu: Meat/Meat Alternate: Vegetable: Fruit: Grain: Other: |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|

| FOOD COMPONENT | AGE GROUP | # OF CHILDREN PER AGE GROUP | SERVING SIZE | AMOUNT NEEDED PER AGE GROUP | TOTAL AMOUNT NEEDED | FOOD BUYING GUIDE PURCHASE UNIT | SERVINGS PER PURCHASE UNIT | # OF PURCHASE UNITS NEEDED | TOTAL AMOUNT USED FOR MEAL SERVICE |
|----------------|-----------|-----------------------------|--------------|-----------------------------|---------------------|---------------------------------|----------------------------|----------------------------|------------------------------------|
| MILK | 1-2 | | | | | | | | |
| | 3-5 | | | | | | | | |
| | 6-18 | | | | | | | | |
| MEAT | 1-2 | | | | | | | | |
| | 3-5 | | | | | | | | |
| | 6-18 | | | | | | | | |
| VEGETABLE | 1-2 | | | | | | | | |
| | 3-5 | | | | | | | | |
| | 6-18 | | | | | | | | |
| FRUIT | 1-2 | | | | | | | | |
| | 3-5 | | | | | | | | |
| | 6-18 | | | | | | | | |
| GRAIN | 1-2 | | | | | | | | |
| | 3-5 | | | | | | | | |
| | 6-18 | | | | | | | | |

Web-based Interactive Food Buying Guide website: <https://foodbuyingguide.fns.usda.gov/>

For use in Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP).

Instructions: Use this log for receiving food or meals delivered from an off site or a central kitchen location. Record the hot and cold food temperatures of at least one meal. **Document meals to credit due to damage, unacceptable temperatures, etc. on the Meal Communication and Credit Log.

| Date | Rec'd Time | Hot Food Name | Temperature rec'd 135 degrees or above | Cold Food Name | Temperature rec'd 41 degrees or less | Rec'd by initials | # of meals ordered | # of meals rec'd | Less # of meals to credit** | # of meals to pay FSMC |
|------|------------|---------------|-------------------------------------------|----------------|-----------------------------------------|-------------------|--------------------|------------------|--------------------------------|---------------------------|
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MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
 COMMUNITY FOOD AND NUTRITION ASSISTANCE (CFNA)
MEAL COMMUNICATION AND CREDIT LOG

For use in Child and Adult Care Food Program (CACFP) and Summer Food Service Program (SFSP).

Instructions: Use this log to document unacceptable food or meals as noted on the Daily Meal Receiving Log. These are meals that require FSMC credit due to damage, unacceptable temperature, or for other contractual reasons.

| Date | Food Product Name | Problem - reason meals not accepted on receiving log | Communication with FSMC Name/Date/Time | FSMC comments | Total # of meals to credit | Contact made by (initials) |
|------|-------------------|------------------------------------------------------|----------------------------------------|---------------|----------------------------|----------------------------|
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