



Unit 4: Operating the Meal Service for the Summer Food Service Program

2024

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Introduction

In order to successfully operate the Program, sponsors must understand the key operational features of their approved meal service, including the types of meals to be served, times of service, whether the site's food service will be self-prepared or vended and if non-congregate meal service will be used to provide meals to children. Several factors such as the cost of food, the number of meals required, the type of meal service, the number and type of sites, the location of sites, community dietary preferences, and the facilities available at each site will influence how a sponsor distributes meals.

For term and acronym definitions in this unit, see *Introduction to the Summer Food Service Program Administration Guide* and *Appendix 1*, respectively.

Meal Service Requirements

7 CFR 225.6(e), 225.11(c)(4), 225.11(e), and 225.16

Sponsors may claim reimbursement only for the types of meals which are approved under their agreement. Sponsors must comply with SFSP regulations when serving meals at each of their sites.

Serve Appropriate Number and Types of Meals

7 CFR 225.16(b)(1)(i) and 225.16(b)(3)

Sponsors may conduct one or two meal services a day at open, restricted open, and closed enrolled sites. Sponsors may serve any combination of meals except lunch and supper. Here are the types of meals that may be served on the same day:

- Breakfast only;
- Lunch only;
- Snack only;
- Supper only;
- Two snacks;
- Breakfast and snack;
- Lunch and snack;
- Supper and snack;
- Breakfast and lunch; or
- Breakfast and supper.

With State agency approval, sponsors of camps or migrant sites may serve up to three meals each day. The allowable meal combinations are:

- Breakfast, lunch, and supper;
- Breakfast, lunch, and snack;

- Lunch, supper, and snack; or
- Any combination of meal or snacks that is less than the maximum allowable number.

Meal services can be operated by different sponsors at the same site. However, the maximum number of meals allowed at a site must not be exceeded. For example, if a sponsor is approved to serve only lunch at an open site, a different sponsor may be approved to serve breakfast or snack at the same site. The maximum of two meals allowed at this site is met but not exceeded. See SFSP 05-2017, *Summer Food Service Program Questions and Answers- Revised*, December 1, 2023, <https://www.fns.usda.gov/sfsp/program-qas>.

Non-Congregate Meal Service in Rural Areas

7 CFR 225.6(h)(3) and 225.6(h)(4)

The maximum number of meals that may be offered at a non-congregate site and a congregate site is the same. The sponsor may offer up to two meals or one meal and one snack, per child, per day, in any approved combination except lunch and supper. Sponsors approved to offer rural non-congregate meal service have additional meal service options, including home delivery, multi-day meal issuance, parent or guardian meal pick-up, and bulk meals.

Sponsors approved to provide both congregate and non-congregate meal service at the same site must have a system in place to prevent meal service overlap and to reasonably ensure that a child does not receive more than the maximum allowance of meals per day. For sites that operate both congregate and non-congregate service, it is not considered a meal service overlap if, for instance, the site provides a congregate breakfast and then provides a non-congregate lunch intended to be consumed at a later time offsite as the children are leaving the site, unless either of those meals is served at another site that is in close proximity.

Comply with Meal Times Requirements

7 CFR 225.16(b)(5)(iii) and 225.16(c)

Sponsors must serve meals and snacks for each site on time, within the meal time periods approved by the State agency. The State agency must approve any planned or permanent changes in meal service time.

Sponsors must comply with the following meal service time requirements:

- Except for non-congregate meal service, breakfast meals must be served at or close to the beginning of a child's day. A three-component meal served after a lunch or supper meal is not eligible for reimbursement as a breakfast meal.
- Meal services must start at least one hour after the end of the previous meal or snack at all sites except residential camps and non-congregate meal service sites.
- If congregate meals are not prepared on site, meal deliveries must arrive before the approved meal service time
- If a congregate meal site does not have adequate storage to hold hot or cold meals at the temperatures required by State or local health regulations, meals must be delivered within one hour of the start of the meal service.

Meals Served Outside the Approved Meal Service Time

7 CFR 225.11(d) and 225.16(c)(4)

Generally, meals served outside of the approved meal service times are not eligible for reimbursement.

However, State agencies may approve sponsors to claim meals served outside of an approved meal service time:

- When an unanticipated event outside of the sponsor's control occurs, such as a late meal delivery that delays the start of a meal service, inclement weather that leads to the meal service ending early, or traffic that causes the late arrival of children using public transportation. The State agency may request documentation to support approval of meals claimed when an unanticipated event occurs.

- When accommodating a reasonable modification for a disability that is supported by a written medical statement that is signed by a State licensed health care professional. See SFSP 10-2017, *Modifications to Accommodate Disabilities in the Child and Adult Care Food Program and Summer Food Service Program*, June 22, 2017, <https://www.fns.usda.gov/cn/modifications-accommodate-disabilities-cacfp-and-sfsp>.

If the State agency determines that any site, except for a residential camp or non-congregate meal site, violates meal service time requirements, the sponsor must take corrective action. If corrective action is not taken within a reasonable time period and if more than 20 percent of the sites are in violation, the State agency must restrict the sponsor's sites to only offering one meal service per day. If this action results in children not receiving Program meals, the State agency must make a reasonable effort to locate another source of meal service.

Serve the Same Meal to All Children

This means all children receive a meal meeting the meal pattern requirements. It does not mean that all meals must be identical in every component. However, it is possible that a child with a disability that restricts the child's diet might not receive the same meal as other children. Sponsors must make reasonable modifications to the meal or meal service to accommodate children with disabilities that restrict their diet, including the provision of special meals at no extra charge.

Ensure that Children Consume Congregate Meals On Site

7 CFR 225.6 (i)(15), 225.11(c)(4)(viii), and 225.16(h)

Meals served at a congregate meal site must be consumed on site in order to be eligible for reimbursement unless the sponsor has notified the State agency, in advance, of a field trip or has received approval to allow off-site consumption of a meal. However, sponsors have the option to permit children to take one item off-site for consumption later, as outlined in *Meal Service Options for Congregate Sites* in this unit.

Failure to meet the congregate requirement in sites approved for congregate meal service will result in the disallowance of meals and may lead to a determination of serious deficiency of the sponsor's operation. In extenuating circumstances, sponsors may allow meals to be consumed off-site as long as the meals consumed off-site are not claimed for reimbursement.

Ensure that All Children Receive a Meal

7 CFR 225.15(b)

All children in attendance at a congregate meal site must be offered a complete meal before any child is served a second meal or before any adult is served a meal. Sponsors should plan ahead to ensure every eligible child receives a meal. Sponsors should communicate regularly with their sites about anticipated attendance and meal order adjustments. Sponsors must train site supervisors on how and when to adjust meal orders for the next day. If enough food is not available, sponsors should be aware of locations of other open sites where children may access the Program.

Adhere to Local Health and Sanitation Regulations

Sponsors must comply with all applicable State and local laws and regulations to maintain proper sanitation and health standards at their sites. Information may be found in SFSP 07-2015, *Health and Safety Inspection Requirements*, December 10, 2014, <https://www.fns.usda.gov/cn/health-and-safety-inspection-requirements>.

Make Arrangements for Inclement Weather

If meals are served outdoors, make adequate arrangements for food service during inclement weather, such as rain or extreme heat. This could include an alternate indoor site, a shady spot for hot days, or, if necessary, discontinuation of meal service. For more information, see *Pre-operational Requirements* in Unit 3: Administering the SFSP.

Follow the Meal Pattern Requirements

7 CFR 225.16(d)

It is important for the success of the SFSP to serve nutritious meals that meet meal pattern requirements and that are appetizing to children. Careful menu planning is necessary to meet this goal.

The meal pattern requirements ensure children receive well-balanced, nutritious meals that provide the kinds and amounts of food necessary to meet the nutrient and energy needs of children.

Breakfast

- A reimbursable breakfast must contain three components:
 - Fluid milk (unflavored or flavored; whole, reduced-fat, low-fat, or fat-free milk);
 - Vegetables and/or fruits,; and
 - Grains/Breads.
 - Meats and meat alternates may also be served as an optional item

Lunch or Supper

- A reimbursable lunch or supper must contain four components:
 - Fluid milk (unflavored or flavored; whole, reduced-fat, low-fat, or fat-free milk);
 - Two or more kinds of vegetables and/or fruits, (or a combination of both);
 - Grains/Breads; and
 - Meats and meat alternates.

Snack

- A reimbursable snack must contain two of the four listed components:
 - Fluid milk (unflavored or flavored; whole, reduced-fat, low-fat, or fat-free);
 - Vegetables and/or fruits*;
 - Grains/Breads;
 - Meats and meat alternates.

*Juice may not be served when milk is served as the only other component of a snack.

For more information on meal pattern requirements, including minimum serving amounts, see the Meal Pattern Tables in Appendix 1. Information on how foods credit towards the meal patterns is included in the *Summer Meals Nutrition Guide*, <https://www.fns.usda.gov/sfsp/nutrition-guide>.

Meal Pattern Flexibilities

The SFSP meal patterns are designed for children ages 6 through 12 years old. Sponsors may serve larger portions based on the greater food needs of older children. The State agency may approve sponsors to serve infants and serve food in smaller quantities to children under 6.

Infant Meals

7 CFR 225.16(f)(2)

Infants, 0 through 11 months old, develop at different rates and have unique dietary needs. Sponsors must have the capability to serve appropriate meals to infants. Therefore, sponsors must receive approval to serve infants from their State agency. When serving infants, sponsors must follow the CACFP infant meal pattern requirements, as described in 7 CFR 226.20(b). State agencies may assist sponsors in making sure that their meals comply with the infant meal pattern and that the food served is of a texture and consistency appropriate for the development of the infant.

Meals for Children Under 6 Years Old

7 CFR 225.16(f)(2)

Sponsors must be able to demonstrate to the State agency their capability to ensure that variations in portion size are age-appropriate. When serving meals to children under 6 years old, sponsors must follow the CACFP meal pattern requirements, as described in 7 CFR 226.20(c).

Children under the age of four are at a high risk of choking while eating. Sponsors serving meals to young children should prepare food in certain ways, such as cutting food into small pieces and cooking hard food, like carrots, until it is soft enough to pierce with a fork, to help reduce a child's risk of choking. For

additional tips, see Team Nutrition’s *Reducing the Risk of Choking in Young Children at Mealtimes*, <https://www.fns.usda.gov/tn/reducing-risk-choking-young-children-mealtimes>.

Additional Foods

7 CFR 225.16(d) and 225.16(f)(8)

To improve the nutrition of participating children, additional foods may be served with each meal. As a reminder, all the meal pattern serving sizes are minimums and there is no maximum limit on any of the meal components in the SFSP meal patterns.

Meals Provided by School Food Authorities

7 CFR 225.16(f)(1)

Only SFAs may substitute the NSLP or SBP meal pattern requirements for the SFSP meal pattern requirements. State agency approval is not required for this substitution.

Grain Substitutions

7 CFR 225.16(f)(3)

Through June 30, 2024, sponsors in American Samoa, Puerto Rico, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands may substitute a serving of starchy vegetable, such as ufi, tanniers, yams, plantains, or sweet potatoes, to meet the grains requirement. This option is intended to accommodate cultural food preferences and address product availability and cost concerns in these outlying areas.

As a result of the *Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans* final rule, effective July 1, 2024, sponsors in American Samoa, Guam, Hawaii, Puerto Rico, and the U.S. Virgin Islands, and for any sponsors that serve primarily American Indian or Alaska Native children, any vegetable, including vegetables such as breadfruit, prairie turnips, plantains, sweet potatoes, and yams, may be served to meet the grains requirement.

Milk Supply Shortages

Temporary Unavailability of Milk

7 CFR 225.16(f)(6)

State agencies may allow sponsors experiencing milk supply shortages to serve meals during an emergency period with an alternate form of fluid milk or without fluid milk. Because this is an existing regulatory flexibility, a waiver is not required for State agencies to exercise this authority.

Continuing Unavailability of Milk

7 CFR 225.16(f)(7)

When a sponsor is unable to obtain a supply of milk of a continuing basis, State agencies may approve the service of meals without fluid milk, as long as an equivalent amount of canned, whole dry or nonfat milk is used to meet the milk requirements.

The State agency may approve the use of nonfat dry milk in meals served to children participating in activities which make the service of fluid milk impracticable, and in locations that are unable to obtain fluid milk. In these instances, nonfat dry milk must be reconstituted at normal dilution and under sanitary conditions consistent with State and local health regulations. Whole, dry milk may not be used in these circumstances.

Meal Modifications

7 CFR 225.16(f)(4)

Reasonable Modifications for Children with Disabilities

Sponsors are required to make reasonable modifications to the meals and snacks served, or to the meal service, to accommodate children with disabilities. These modifications are made on a case-by-case basis. Under the Americans with Disabilities Act Amendments Act of 2008, most physical and mental impairments constitute a disability. The primary goal for sponsors should be ensuring equal opportunity to participate and benefit from the SFSP. Persons with a disability may not be denied the opportunity to participate in a Program if they meet the criteria to participate. The general guideline in making accommodations for children with disabilities is to ensure children with disabilities are able to participate in and receive meal benefits from programs that are available to children without disabilities.

If the meal modification does not meet the meal pattern requirements, it must be supported by a medical statement that is signed by a State licensed physician or a health care professional who is authorized to write medical prescriptions under State law. A signed medical statement is required to justify that the modified meal is reimbursable.

The medical statement should include a description of the child's impairment that is sufficient to allow the sponsor to understand how it restricts the child's diet. It should also include a description of what the sponsor must do in order to accommodate the disability. This may include what foods should be served and recommendations for alternative foods, or other information, as needed.

Sponsors may always choose to accommodate a disability without a medical statement if the modifications can be made within the meal pattern. Modified meals that meet the meal pattern and are not supported by a medical statement are reimbursable.

While sponsors are required to make reasonable modifications for children with disabilities, they are not expected to make modifications that are so expensive or difficult that they would fundamentally alter their Program.

Sponsors concerned that a requested modification would fundamentally alter the nature of the Program should contact their State agency for assistance. The emphasis should be on working with parents or guardians to develop an alternative approach that will be effective for the child. For more information, see SFSP 10-2017, *Modifications to Accommodate Disabilities in the Child and Adult Care Food Program and Summer Food Service Program*, June 22, 2017, <https://www.fns.usda.gov/cn/modifications-accommodate-disabilities-cacfp-and-sfsp>.

Sponsors must take appropriate steps to ensure that communication with people with disabilities is equally as effective as communication with people without disabilities. Sponsors must also provide auxiliary aids and services when needed to communicate effectively with people who have communication disabilities. See *ADA Requirements: Effective Communication*, <http://www.ada.gov/effective-comm.htm> for additional information.

SFAs that operate SFSP may need to follow additional requirements. Due to their larger size, schools must have in place certain administrative functions that are not required for smaller operations. For additional guidance specific to schools, including procedural safeguards required to ensure parents and children are aware of the procedure for requesting meal modifications and the process for resolving disputes, refer to SP 59-2016, *Policy Memorandum on Modifications to Accommodate Disabilities in the School Meal Programs*, September 27, 2016, <https://www.fns.usda.gov/cn/modifications-accommodate-disabilities-school-meal-programs>.

Modifications for Dietary and Cultural Preferences

Meal or meal service modifications, such as food or beverage substitutions, may be made at the sponsor's discretion for children with dietary and cultural preferences that are not considered a disability. Any modification that does not meet the meal pattern requirements is not reimbursable unless supported by a

medical statement that is signed by a State licensed physician or a health care professional who is authorized to write medical prescriptions under State law.

While sponsors are not required to accommodate dietary and cultural preferences, such as vegetarian diets, sponsors are highly encouraged to do so within the existing meal patterns. The SFSP meal pattern allow for a variety of foods items within the required meal components and are flexible and adaptable enough to accommodate dietary preferences.

Non-Dairy Milk Substitutes

7 CFR 210.10(d)(3) and 210.10(m)(2)

Schools participating in SFSP and following the NSLP meal patterns may offer non-dairy milk substitutes to children who cannot consume fluid milk due to a medical or special dietary need that does not rise to the level of a disability. Schools must receive a written request from a recognized medical authority, parent, or guardian that identifies the child's medical or dietary need for a milk substitute.

In order for the meal to be reimbursable, non-dairy beverages served in lieu of fluid milk must be nutritionally equivalent to milk and provide specific levels of calcium, protein, vitamins A and D, magnesium, phosphorus, potassium, riboflavin, and vitamin B-12. However, non-dairy beverages that are not nutritionally equivalent to cow's milk may be part of a reimbursable meal if the substitution is due to a disability and it is supported by a medical statement.

Schools that choose not to offer milk substitutions for children with special dietary needs must communicate this decision to all students.

Meal Service Options for Congregate Sites

Depending on whether sponsors are serving meals as a non-congregate or congregate site, there are a variety of options that sponsors may select from when setting up meal services.

Taking Food Items Off-Site

7 CFR 225.6 (i)(15) and 225.16(h)

Sponsors of congregate meal service sites may allow a child to take one fruit, vegetable, or grain item off-site for later consumption without prior State agency approval as long as all applicable State and local health, safety, and sanitation standards are met. Sponsors should only allow an item to be taken off-site if the site has enough staff to monitor the practice and ensure no food safety or Program integrity issues arise.

The State agency may prohibit an individual sponsor from using this option if the State agency determines that the sponsor's ability to provide adequate oversight is in question. The State agency's decision to prohibit a sponsor from utilizing this option is not an appealable action.

Field Trips During Meal Service Times at Congregate Sites

Sponsors must notify the State agency of all field trips that affect the time or location of the meal service, although formal approval of the alternative meal service is not a Federal requirement. SFSP Memorandum, *Field Trips in the Summer Food Service Program (SFSP)*, February 3, 2003, <https://www.fns.usda.gov/sfsp-020303>.

Sponsors must also notify the State agency of any additions, cancellations, or other changes to scheduled field trips. It may be useful for sponsors to provide a calendar of scheduled trips as part of the Program application. Sponsors of vended sites should notify the food service vendor in advance of any field trips affecting the meal service.

Sponsors serving meals off-site must ensure the safety and quality of the meals. Sponsors must have adequate storage equipment to transport them.

Serving Meals Family Style

Family style meal service allows children to serve themselves from communal platters of food. It introduces children to new foods, new tastes, and new menus, while helping them develop a positive attitude toward nutritious foods and good eating habits. Even when a complete family style meal service is not possible or practical, it may be useful to offer part of the meal in a family style manner, particularly when smaller children are being served or when a new food item is being introduced.

Camp and closed enrolled congregate sites offer the best setting for family style meals, provided that supervising adults are available to assist children during the meal and staff and children are together for an extended period of time to provide in a relaxed, stable environment conducive for teaching good eating habits. Family style meal service cannot be used at other types of sites.

Family style meal service practices in SFSP are in line with CACFP guidance. If meals at camps or closed enrolled sites are served family style, sponsors must ensure that:

- A sufficient amount of food is placed on each table to provide the required portions of each of the meal components, as outlined in 7 CFR 225.16(d), for all children at the table and to accommodate Program adults supervising the meal service, if they eat with the children.
- Children must initially be offered the full required portion of each meal component.
- If a child does not initially accept the full required portion of a meal component, supervising adults should encourage the child to accept each meal component. For example, if a child initially refuses a meal component or initially does not take the full required portion of a meal component, the supervising adult should offer the meal component to the child again.

For more information on family style service see SFSP 06-2017, *Meal Service Requirements in the Summer Meal Programs, with Questions and Answers – Revised*, December 5, 2016,

<https://www.fns.usda.gov/cn/meal-service-requirements-summer-meal-programs-questions-and-answers-revised>.

Non-Congregate Meal Service Options

Multi-Day Meal Issuance

7 CFR 225.16(i)(1)

Multi-day meal issuance refers to non-congregate meal service where multiple days' worth of meals are provided at one time, whether unitized as individual meals or comprised of bulk items. Unitized means that meals must be individually portioned, packaged, delivered, and served as a unit. The milk or juice may be packaged and provided separately but must be served with the meal unit. Other variations of unitized meals can be approved by the State agency.

Approved sponsors may distribute up to the allowable number of reimbursable meals that would be provided over a 10-calendar day period. For example, if a site is providing 5 days' worth of breakfast and lunch every Monday, a multi-day meal distribution would include five breakfasts and five lunches. However, the children who receive these meals would not be able to obtain meals from any other site during those 5 days. The children would be eligible to receive Saturday and Sunday meals from any other site.

Sponsors must have written procedures to ensure that the proper number of meals are distributed to each eligible child. The State agency may establish a shorter calendar day period for individual sponsors on a case-by-case basis, if there are concerns regarding a sponsor's ability to ensure Program integrity, food safety, and meal quality.

Bulk Meal Components

7 CFR 225.16(i)(3)

Bulk meal components refer to food items that are provided in a larger quantity than required for a single meal service, such as a gallon of milk or a full-size box of cereal. Approved sponsors of self-prep sites may provide bulk meal components that meet the minimum amounts of each meal component for each meal service type they are approved to serve, not to exceed the number of meals that could be provided over a 5-calendar day period. Vended sites cannot distribute bulk meal components.

The State agency may establish a shorter calendar day period on a case-by-case basis. The State agency may approve individual sponsors to provide up to 10 days' worth of bulk meals, also on a case-by-case basis, in appropriate circumstances, such as sites in extremely remote areas where more frequent distribution is impracticable.

A State agency may place limits on the food items or types of food items provided as part of bulk food distribution. The State agency may also prohibit sponsors from providing bulk meal components, on a case-by-case basis, if the State agency determines that the sponsor does not have the capability to ensure Program integrity or protect the health and safety of children.

Home preparation steps for bulk foods should be kept to a minimum. However, sponsors may offer food items that would require more than chilling, heating, or warming in circumstances where it is justified and approved by the State agency and FNSRO.

State agencies must determine whether a sponsor's proposed distribution of bulk meal components meets State and local health, safety, and sanitation standards. The sponsor must ensure that:

- Required food items for each reimbursable meal served meet the meal pattern requirements at 7 CFR 225.16(d).
- All food items that contribute to a reimbursable meal are clearly identifiable.
- Menus are provided and clearly indicate the food items and portion sizes for each reimbursable meal.
- Food preparation, such as heating or warming, is minimal.
- The maximum number of reimbursable meals provided to a child does not exceed the number of meals approved by the State agency.

Parent or Guardian Meal Pick-up

7 CFR 225.16(i)(2)

Approved sponsors may distribute meals to parents or guardians to take home to their children. Sponsors choosing this option must have documented procedures in place to ensure that meals are only distributed to parents or guardians of eligible children and that duplicate meals are not distributed to any child. The

State agency may require attendance rosters or sign-in sheets or approve other methods that would ensure that these requirements are met. The State agency may prohibit a sponsor from distributing meals to parents or guardians if it is determined that the sponsor cannot adequately ensure compliance.

Options for Congregate and Non-Congregate Meal Service

Offer Versus Serve

7 CFR 225.16(f)(1)(ii)

OVS is an approach to menu planning and meal service that allows participants to decline some of the food offered in a reimbursable breakfast, lunch, or supper. OVS is not allowed at snack.

OVS reduces food waste and costs while maintaining the nutritional integrity of the SFSP meal that is served. Children who are offered food choices are more likely to eat the foods they enjoy rather than throw the food away. Only SFA sponsors that have used OVS in NSLP are eligible to use OVS at SFSP sites, following the guidelines in 7 CFR 225.16(f)(1)(ii), 210.10(e), and 220.8(e).

When implementing OVS, a child must be able to decline or accept any component offered. SFAs may use OVS in both congregate and non-congregate meal service, but they must ensure program integrity when using this flexibility. For example, SFAs providing non-congregate meal service can use OVS at meal pick-up sites by providing a buffet style selection. SFAs providing non-congregate meal service may also use OVS through online ordering systems where children may choose their meals prior to meal pick-up or delivery.

Meal Counts

7 CFR 225.6(e), 225.7(e)(6), 225.15(b), and 225.16

It is critical that site personnel and monitors understand the importance of accurate point of service meal counts. Only complete meals and snacks served to eligible children may be claimed for reimbursement.

Meal counts are required for each day and each meal service in which meals and snacks are served. Therefore, meals and snacks must be counted at the actual point of service, as they are served, to ensure that an accurate meal count is obtained and reported. Counting meals and snacks at the point of service also allows site personnel to ensure that only complete meals and snacks are served. While meal counts are required for each day and each meal service, use of a weekly consolidated meal count form is not a Federal requirement.

Each site supervisor is responsible for maintaining accurate point of service meal counts. Sponsor's must monitor that each site is keeping meal counts for each meal service. State agencies must review meal counts and records as part of the. For sample meal count forms and instructions, see Appendix 2.

Adjustments to Established Approved Level of Meals (Site Caps)

State agencies must set limits on the number of meals each approved site may serve to children. These limits are known as the 'site cap.' All SFSP sites are required to have a site cap that establishes the approved level of meals that may be served.

It may be difficult for a State agency working with a sponsor to accurately assess a site's capability and need, as a site may attract more children than originally anticipated. The maximum approved level of meals must be adjusted upward or downward based upon the information collected at site reviews by the sponsor or State agency.

Sponsors may seek an upward adjustment of the approved level by requesting a site review or providing the State agency with evidence that attendance exceeds the site's approved levels. Downward adjustments are required by the State agency if a site is not meeting their established maximum approved level of meals; these may also be requested by the sponsor.

Adjustments may be requested at any point prior to submitting the claim for the impacted reimbursement period; however, retroactive adjustments after the submission of a claim are not allowed. Claims submitted for reimbursement must also accurately reflect the number of children who received meals during the meal service period. For example, a site with a maximum approved level of 30 children may have received 30

vended meals, but only served 20 meals to 20 children. The meal count and claim for reimbursement must reflect 20 meals, not 30.

Any site cap adjustments must be documented by the State agency in its files, and sponsors must be provided with written confirmation of the new approved level of meals.

Sponsors must notify FSMCs of any site cap adjustments for a vended site impacted within the time frames stated in the contract for adjusting meal orders. Sponsors must inform the FSMC that the approved level for meal service is the maximum number of meals that may be served at a site and not a standing order. The sponsor may make adjustments to accurately reflect the number of children participating, if it does not exceed the approved site cap. If additional meals over the approved level are needed, sponsors must request an upward adjustment from the State agency prior to the submission of a claim for the reimbursement period.

For more information, refer to SFSP 09- 2023, *Approved Levels for Vended Sites in the Summer Food Service Program*, May 31, 2023, <https://www.fns.usda.gov/sfsp/approved-levels-meals-vended-sites>.

Leftover Meals or Components

7 CFR 225.15(b)

All sponsors must plan and prepare or order meals with the goal of serving one meal per child for each meal service being offered. Sponsors must ensure that entire meals and meal components are not frequently left over or are not frequently left unusable.

Increasing Consumption

The best way to ensure that children consume the food they take involves good sponsor planning. Here are some best practices to help sponsors increase consumption and reduce food waste:

- Serve food in a way that is appropriate for the age of the child so that it can be easily consumed. For example, if fruit is cut into smaller pieces, it is easier for young children to eat.
- Get children involved when planning menus and continually seek feedback about the foods being served.

- Make adjustments to menu items that have low acceptability or consider holding taste tests to make new menu items more enticing to try.
- Make staff at congregate sites aware of foods that may be difficult to eat, such as unpeeled oranges, and should provide assistance when necessary.
- Set meal service times that give children plenty of time to eat their entire meal.
- Offer foods that are pre-prepared and do not require cooking and chopping at non-congregate sites. This will help ensure children can consume the foods provided whether parents or guardians are present or if households do not have access to kitchen appliances, cooking tools or potable water.
- Consider how to package meals for distribution and serving at non-congregate meal sites. For example, when serving pre-made salads, package dressings separately from salad greens and provide instructions on how to dress the salad at home. This may be of particular importance when using certain options like distributing multiple days' worth of meals.

Second Helpings

At congregate meal service sites, a limited number of second meals served as a unit may be claimed for reimbursement. However, the total number of second meals a sponsor can claim must not exceed 2 percent of the number of first meals served to children for each meal type during the claiming period. This option is provided in recognition of the fluctuation in participation during summer operations which makes forecasting difficult.

All claims for second meals must be disallowed at a congregate site if the State agency determines that the congregate meal site failed to plan and prepare or order meals with the objective of providing only one meal per child at each meal service. Second meals must be served only after all participating children have been served a meal.

Second meals cannot be claimed at non-congregate meal service sites. The State agency must disallow claims if it determines sponsors served second meals as part of a non-congregate meal service.

Share Tables

Sponsors may designate a “share table” or stations where children may return whole items that they choose not to eat. Unopened or unused whole food items left on the share table are then available to other children who may want additional helpings. This practice may be facilitated by serving meal components that can be easily “recycled.” For example, if an orange is served as part of a meal, a child may return the orange to the share table.

Sponsors must ensure that the use of share tables is in compliance with State and local health and safety codes. Sponsors should check food safety and storage requirements with the appropriate State and local health departments. When all Federal, State and local food safety requirements are met, complete meals and nonperishable components that remain on a share table may be appropriately stored and documented for later service. For more information, see SFSP 15-2016, *The Use of Share Tables in Child Nutrition Programs*, June 22, 2016, <https://www.fns.usda.gov/cn/use-share-tables-child-nutrition-programs>.

Transfer of Meals to Busier Sites

If allowed by State and local health and safety codes, extra meals can be transferred from a site with extra meals to a site with a shortage. It is important to note, though, that meals above the receiving site’s approved site cap are not reimbursable. The safety of the leftover meals must be maintained. Meals or components that are transported or “shared” must be kept in compliance with all State and local health and safety standards.

Donating Meals to Charity

When it is not possible to reuse or store leftover food, FNS encourages sponsor to consider donating food to non-profit organizations working to address food insecurity in the community. Sponsors may also choose to send leftover meals or food home with children. Although donated meals, including non-reimbursable meals or meal components sent home with children, may not be claimed for reimbursement, food donation avoids unnecessary waste and can save expensive disposal and storage costs.

Sponsor policies relating to food donations must comply with State and local health and safety codes. If food donations are allowed, sponsors could donate to local food banks, homeless shelters, food pantries, or other types of charitable organizations that have tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986 and serve meals or distribute food to people in need.

More guidance and information is found in:

- SFSP 07-2012, *Guidance on the Food Donation Program in Child Nutrition Programs*, February 3, 2012, <https://www.fns.usda.gov/cn/guidance-food-donation-program-child-nutrition-programs>.
- SFSP 06-2017, *Meal Service Requirements in the Summer Meal Programs, with Questions and Answers*, December 5, 2016, <https://www.fns.usda.gov/cn/meal-service-requirements-summer-meal-programs-questions-and-answers-revised>.
- *Gleaning in SNAP-ED* includes *Let's Glean! United We Serve*
- that describes successful food recovery activities and suggestions for new efforts, at <https://snaped.fns.usda.gov/resources/nutrition-education-materials/gleaning-snap-ed>.

Meals Served to Adults

7 CFR 225.2, 225.9(d)(5), 225.9(f), and 225.15(b)

Sponsors have the option to serve meals to anyone. However, only meals served to children, as defined by SFSP regulations, may be claimed as reimbursable meals. Meals served to adults must be reported differently than those served to children, depending on the classification of the individual's role as a Program or non-Program adult in the site's operations.

Adults Involved in Program Operations

Meals may be served without charge to adults who are involved in Program operations, who work directly with the meal service at the site as volunteers or paid employees. These meals may not be claimed for reimbursement but the food expense may be included as operating costs.

Non-Program Adults

The sponsor must charge a fee for a meal or reimburse the food service account for the cost of a meal served to any adult who is not involved in Program operations, such as a parent who accompanies a child to the site but does not work in any direct way with the meal service at the site. The cost of meals served to adults not involved in Program operations may only be included as part of the sponsor's operating costs if:

- The adult pays the full cost of the meal, including the cost of food and non-food supplies, labor, and the value of commodities; or
- Non-Program funds cover the full cost of the meal and the money received is reported as income to the Program.

If the sponsor chooses to serve the meal at no charge, then the sponsor must use non-Program funds to cover the cost of these meals. The sponsor may include those funds as Program income in order to expend these meal costs from its non-profit food service account.

When a sponsor chooses to serve meals to adults:

- All children, including any person who meets the definition of “children” at 7 CFR 225.2, must be fed first.
- Income from the sale of adult meals and non-Program funds used to pay for adult meals must be documented as income to the Program to offset documented costs. Sites must count and record separately on the daily meal count form:
 - First meals served to children;
 - Second meals served to children;
 - Meals served to Program adults; and
 - Meals served to non-Program adults.
- The calculation of meal costs should be based on the full cost of producing the meal, including the food, supplies, labor, and other costs incurred by the sponsor. Sponsors should also include either the value of the USDA Foods used to prepare the meal or the current year annual entitlement per meal value of USDA Foods.

Food Safety

7 CFR 225.16

Food safety practices—practicing good health and hygiene, checking, and documenting food temperatures, and ensuring proper cleaning and sanitizing—are essential to successful SFSP operations in congregate and non-congregate settings. Implementation of these practices reduces the risk of foodborne illness and ensures that the food children consume is safe. It prevents children and staff from becoming sick, possibly causing the shutdown of meal service operations and bad publicity for the site, sponsor, and Program.

A sponsor may only be reimbursed for meals that:

- Meet the meal pattern requirements;
- Adhere to State and local health, safety, and sanitation requirements;
- Are served during the approved meal service times; and
- Follow other meal service requirements at 7 CFR 225.16.

Sponsors must ensure that in storing, preparing, and serving food, proper sanitation and health standards are met which conform with all applicable State and local laws and regulations. Sponsors must also ensure that adequate facilities are available to store food or hold meals. Within 2 weeks of receiving notification of their approval or, at minimum, prior to the start of Program operations, sponsors must submit to the State agency a copy of their letter advising the health department of their intention to provide meal services during a specific period of time at designated sites.

The Institute of Child Nutrition’s *Food Safety for Summer Meals* resources, under *Summer Food Service Programs*, <https://theicn.org/icn-resources-a-z/food-safety/>, is a source of food safety information.

Off-Site Preparation of Food

When meals are not prepared on site, meal deliveries to a site must arrive within 1 hour of the start of the meal service if the site does not have adequate storage to hold hot or cold foods at the temperatures required by State or local health regulations, as outlined in 7 CFR 225.16(c)(6)(ii).

Non-Congregate Meal Service Considerations

As with meals served in the congregate setting, non-congregate meal service operations must also meet all State and local health, safety, and sanitation standards, and where applicable, have adequate food preparation and holding facilities as outlined in 7 CFR 225.16(b)(5). However, non-congregate sites have additional food safety considerations.

State agencies and sponsors are encouraged to implement safeguards to ensure food safety at non-congregate sites. Food safety is important for all meal service models. Sponsors should ensure food selections and packaging promote food safety; sponsors should also include instructions on at-home storage and preparation.

State agencies must ensure that a site's plan meet the standards prescribed by State or local health authorities. Any additional statewide requirements and operational safeguards should be included as part of the State's plan to use non-congregate meal service, in its MAP.

When providing non-congregate meals, sponsors are encouraged to help parents and guardians identify which foods require refrigeration, cooking, or heating for food safety. Examples of strategies include:

- Labeling foods that require refrigeration or freezing.
- Providing a list of foods that require refrigeration, freezing, and reheating.
- Sorting foods into two different bags prior to distribution—one for refrigerated and frozen foods and another for shelf-stable foods.

In addition, sponsors are encouraged to remind parents and guardians to:

- Wash hands with soap and water for at least 20 seconds before preparing or handling food.
- Wash dishes, utensils, tables, and counter tops with hot, soapy water before and after eating and handling food.
- Refrigerate or freeze meals and refrigerate milk as soon as possible and within 2 hours after pick-up or delivery. Set home refrigerator temperatures to 40 °F or below.

- Eat perishable food, such as prepared chicken or cooked pasta, early in the week. Eat shelf-stable or frozen meals, including nut butter, canned foods, and frozen foods, later in the week.
- Reheat prepared foods, like cooked chicken and cooked hamburger patties, to an internal temperature of at least 165 °F. Heat frozen foods according to package instructions. Avoid reheating food multiple times by portioning out and reheating only the food that will be consumed at that time.
- Consume leftovers, as well as open containers and packages of refrigerated foods, within 3 to 4 days. After 4 days, leftover food should be discarded. Food that will not be eaten within 3 to 4 days can be frozen, as soon as possible, depending on the type of food and if freezing does not significantly impact food quality. Leftovers can typically be frozen for 3 to 4 months.
- Check for signs of spoilage, such as a bad smell, before drinking milk. Open containers of milk are typically safe for up to 2 weeks after the sell-by date.

Multi Day Meal Issuance

When multiple days of meals are provided at one time, sponsors need to consider several factors such as food safety, food quality, households' storage capabilities, access to kitchen appliances and cooking tools, and availability of the parent or guardian to assist with meal preparation. There are several food safety considerations that sponsors should consider when deciding how many days of meals to provide at a time, including:

- How long foods can safely be stored before eating.
- How long foods can be stored before food quality suffers.
- Participant's access to refrigerator and freezer space for the amounts of food and milk provided, especially for households with multiple children.
- Food storage space and cold and hot holding equipment at the meal distribution site and on meal delivery vehicles.

Sponsors are strongly encouraged to provide parents, guardians, and children with a list of the items they are receiving, and menus showing which foods and how much of each food should be served at each meal. When possible, sponsors should provide this information in multiple languages and use visual aids, such as pictures.

Bulk Meal Components

Self-preparation sponsors approved to operate non-congregate meal service have the option to provide bulk foods that meet the meal pattern requirements for each meal service type with added safeguards to ensure Program integrity and the health and safety of children.

FNS encourages State agencies to place reasonable limits on the number of bulk foods provided or types of foods provided as part of the bulk meal component flexibility, taking into considerations factors like sponsor experience, the needs of the community, and Program integrity. When a sponsor is approved to provide bulk foods, the sponsor must ensure that menus are provided and clearly indicate the food items and portion sizes for each reimbursable meal.

Best practices for sponsors to consider when they provide bulk food items include offering:

- Foods that are pre-prepared and do not require cooking and chopping.
- Fruits and vegetables that are washed, cut, and ready to eat.
- Foods that require few preparation instructions before they are served to children. Providing instructions using pictures and in the primary language spoken at home.
- Foods that do not require pots, pans, large refrigerators, knives, and other items to prepare them.
- Foods that do not require the addition of water, cooking in water, or washing before eating.
- Foods that are pre-washed or pre-cooked. Providing food safety instructions using pictures and in the primary language spoken at home.

Home-Delivered Meals

Home-delivered meals do not need to be shelf-stable. However, the type of meal offered will depend on the resources and capacity of the site. Sponsors must also consider State and local food safety requirements and best practices. Sponsors that can prepare ready-to-eat meals and have the capacity to deliver meals in a way that meets State or local food safety requirements may do so. Children do not have to be present for home delivery as long as the sponsor has obtained the parent or guardian's written consent to deliver meals. If meal delivery processes do not include a requirement for someone to be present, meals should be adequately packaged and stored if fresh or frozen.

Best Practices in Reducing Waste

There are many ways that sponsors can recover and recycle food and products used for summer meals before they go to waste, while also teaching children about the impact it has on the environment and the community.

Food Waste

The best way to tackle food waste is to make sure children consume what they take. This involves good planning by sponsor and site staff, getting children involved in decision-making and educating children on the impacts of food waste. Here are some best practices to consider for minimizing plate waste in the Program:

- Buy only what the site needs. Use production records and the Food Buying Guide to help reduce leftover food.
- Check food acceptability. How do children feel about the foods being served? Consider holding taste tests or create avenues in which children can provide feedback on menu items.
- Give children a choice. Participate in the offer versus serve option, if applicable. Consider offering multiple entrée options or using a produce bar to give children more choices among a variety of fruits and vegetables.
- Create share tables. Encourage children to leave unwanted food on share tables for others to consume.
- Incorporate local foods. Serve local foods in meals to increase acceptability and interest in menu items. Consider starting a garden, feature products on the menu, and use the garden for nutrition education.
- Provide nutrition education. Engage children with nutrition education, cooking demonstrations, or gardening programs to improve intake of nutritious foods. Team Nutrition has free nutrition education resources at *Team Nutrition*, <https://www.fns.usda.gov/team-nutrition>.
- Consider composting. Keep food out of the landfills by composting. For more information about composting check out *Composting*, <https://www.usda.gov/peoples-garden/food-access-food-waste/composting>.

Packaging and Other Waste

Many sponsors rely on the benefits offered by disposable and plastic products, such as plastic bags, food packaging, and containers. Sponsors can look for ways to reduce, reuse and recycle products by considering some of the following best practices to reduce waste:

- Use reusable products. Use reusable trays, cups and cutlery when serving congregate meals instead of disposable products. Use reusable or paper bags when packaging non-congregate meals to-go. Ask participants to bring back the reusable bags for future meal pick-up. Check and follow all State and local food safety requirements for reusable items, including proper cleaning and sanitizing procedures.
- Consider recycling opportunities. Choose recyclable or compostable items versus disposable items.
- Reduce packaging. Consider options with less packaging when making purchasing decisions. For example, consider purchasing bulk condiment containers, which reduces the use of individual plastic serving packets.

Menu Planning Best Practices

It is important for the success of the Program to serve nutritious meals that meet meal pattern requirements and that are appetizing to children. Careful menu planning is necessary to meet this goal.

Serving Local Foods

Serving local foods can improve meal quality and appeal, encourage children and teens to develop healthy eating habits, and educate them about where their food comes from. Summer is a fantastic time of year to add variety to keep meals tasting great. In many regions across the United States, SFSP aligns well with the peak growing season, allowing sponsors to serve products in their freshest state.

There are numerous benefits to “bringing the farm” to SFSP. Sites may see increased participation by improving the quality of meals and keeping children engaged through hands-on activities. Children get fresh, healthy meals and participate in activities at meal sites, staying nourished and engaged while school is out.

Sponsors can purchase local foods directly from farmers, farmers' markets, Community Supported Agriculture, and school or community gardens. Sponsors can also purchase indirectly through intermediaries, such as distributors, food hubs, and third-party food service operators such as an FSMC.

For comprehensive information on finding, buying, and serving local foods, see:

- SFSP 07-2016, *Local Foods and Related Activities in Summer Meal Programs, with Questions and Answers* November 12, 2015, <https://www.fns.usda.gov/cn/local-foods-and-related-activities-summer-meal-programs-questions-and-answers>.
- *Procuring Local Foods*, <https://www.fns.usda.gov/f2s/procuring-local-foods>.
- *Farm to Summer*, <https://www.fns.usda.gov/f2s/farm-summer>.

Food Buying Guide and Crediting Tip Sheets

The FBG is the essential resource for food yield information for SFSP and all Child Nutrition Programs. The FBG assists sponsors with purchasing the correct amounts of foods and determining the contribution that each food makes toward meal pattern requirements. The FBG is available as an interactive web-based tool, mobile app, and downloadable PDF at *Food Buying Guide for Child Nutrition Programs*, <https://www.fns.usda.gov/tn/food-buying-guide-for-child-nutrition-programs>. Sponsors may also find the *Crediting Tip Sheets in Child Nutrition Programs*, <https://www.fns.usda.gov/tn/crediting-tip-sheets-child-nutrition-programs>, helpful as they provide handy references for sponsors on how to credit SFSP meal components. Each tip sheet provides simple, easy-to-use information for one meal component.

Traditional Indigenous and Other Culturally Relevant Foods

FNS understands the importance of serving traditional Indigenous foods other culturally relevant foods and encourages SFSP sponsors to source locally grown and raised foods. By serving culturally relevant foods, sponsors can ensure children in their communities are familiar with the foods offered and therefore are more likely to eat them. FNS has resources to assist sponsors in determining how traditional Indigenous foods and other culturally relevant foods may contribute toward a reimbursable meal which can be found at

Serving Traditional Indigenous Foods in Child Nutrition Programs, <https://www.fns.usda.gov/cn/serving-traditional-indigenous-foods>.

Gathering Feedback

Feedback is important! Allowing participants to provide feedback through menu tastings and surveys throughout the operational period provides sponsors with valuable insight as to what participants would like to see on the menu, while staying in compliance with meal pattern requirements. Check out Team Nutrition's *Taste-Testing Event Resources*, <https://www.fns.usda.gov/tn/taste-testing-event-resources>. Asking site staff to provide feedback will enhance the feedback collected.

Sponsors should seek feedback from site staff regarding the current menu, food production challenges, ideas to improve food service areas and changes that would increase acceptability among participants.

Turnip the Beet

State agencies can promote the Turnip the Beet Award to encourage sponsors to offer high quality meals to children that are appetizing, appealing and nutritious. The Turnip the Beet Award showcases sponsors who are going above and beyond to ensure that children in their care are receiving high-quality meals that are both nutritious and appetizing. For more information and to access the nomination form visit *Turnip the Beet! High Quality Summer Meals Award Program*, <https://www.fns.usda.gov/sfsp/turnip-the-beet>.

Recipe Resources

Team Nutrition has resources that can provide menu inspiration for sponsors, including:

- *Child Nutrition Recipe Box*, <https://theicn.org/cnrb/state-agency-developed-recipes/>, is a resource of standardized recipes for Child Nutrition Programs
- *Team Nutrition Recipes*, <https://www.fns.usda.gov/tn/team-nutrition-recipes>, includes recipes for breakfast, lunch, supper, and snack time, including multi-cultural recipes.
- *Meal Talk Webinar Series*, <https://www.fns.usda.gov/tn/meal-talk-webinar-series>:

- *Meal Talk: Celebrate Lunch Trays Many Ways.* Learn from schools that are sharing strategies and success stories utilizing standardized recipes that incorporate cultural food preferences and locally grown foods.
- *Meal Talk: Taste-Test Events.* Hear from two schools as they share tools, tips, strategies, success stories and best practices related to taste-test events with elementary and secondary school students.

Nutrition Best Practices and Resources

Summer Food, Summer Moves Resource Kit, <https://www.fns.usda.gov/tn/summer-food-summer-moves>, is a fun, hands-on resource kit designed to get kids and families excited about healthy eating and physical activity during the summer months. The kit is designed for sponsors and focuses on using music, games, art, and movement to motivate children and families to eat more fruits and vegetables, choose water or milk instead of sugary drinks, get enough physical activity every day, and limit screen time.

In an effort to balance the need to provide meals with the need to contribute to the health and well-being of children, FNS strongly encourages sponsors to take steps toward serving nutritious and appealing meals at their SFSP sites. SFSP 06-2016 (version 2), *Promoting Nutrition in Summer Meal Programs, with Best Practices*, May 18, 2016, <https://www.fns.usda.gov/cn/promoting-nutrition-summer-meal-programs-best-practices>, includes resources and strategies to improve the nutritional quality and appeal of SFSP meals.

Meal Preparation Options

Sponsors may choose from several methods of meal preparation when providing meals. They may either prepare and assemble their own meals or obtain meals from an SFA, an FSMC, a commercial for-profit company, or a private non-profit organization. Sponsors should check with their State agency for a list of vendors that they may contract with to prepare their meals.

Meal Preparation by Sponsors

7 CFR 225.2

Many sponsors choose to prepare their own meals, rather than contracting with a food service management company for unitized meals, with or without milk, or for management services. This allows sponsors maximum control over the quality of preparation. Depending on the facilities available at its sites, a sponsor may prepare meals at each site location or at a central kitchen.

Preparing meals at the site requires that each site have adequate kitchen and storage facilities. Sponsors preparing meals at a central kitchen must decide how to distribute the meals from the central kitchen to the sites, and safely deliver and store them until meal service.

Sponsors preparing meals on site or in a central kitchen should refer to the *Summer Meals Nutrition Guide*, <https://www.fns.usda.gov/sfsp/nutrition-guide>, for more information on planning, distributing, storing and serving meals. Sponsors preparing or assembling meals either at each site or at a central kitchen receive higher administrative reimbursement rates.

Working with Local Schools

7 CFR 225.15(b)(1), 225.16(f)(1)(i)

Sponsors are strongly encouraged to consider their local SFA as a source for obtaining meal services. If sponsors choose not to self-prepare meals for sites, the sponsor may enter into an agreement to purchase meals from a school food service facility. Most schools have meal preparation and service facilities since they serve meals to children during the school year.

Another option is to use the facilities of local public or private schools to prepare or obtain meals. This offers the sponsor several advantages, as these schools often prepare large numbers of meals during the school year and already have the facilities and the staff to prepare meals for the SFSP. In addition, many schools are accustomed to preparing meals that meet SFSP requirements if they participate in other Child Nutrition Programs.

When purchasing products and services for meals, sponsors must ensure products and services are obtained through a competitive procurement process in compliance with Program regulations. SFSP sponsors are encouraged to enter into State and local intergovernmental agreements with schools or inter-entities, when appropriate, for procurement or use of common or shared goods and services. With inter-entities, groups of entities are able to procure goods and services together, which offers greater economy and efficiency. See SFSP 02-2017, *Q&A: Purchasing Goods and Services Using Cooperative Agreements, Agents, and Third-Party Services*, October 19, 2016, <https://www.fns.usda.gov/cn/qa-purchasing-goods-and-services-using-cooperative-agreements-agents-and-third-party-services>.

If a non-SFA sponsor purchasing meals from an SFA would like to substitute the NSLP or SBP meal pattern requirements for the SFSP meal pattern, a formal request for permission must be submitted to the State agency with the sponsor's SFSP application. This type of arrangement requires a written agreement between the sponsor and the SFA.

When assessing a school's ability to provide meal service, sponsors must consider whether an adequate delivery service to sites can be established and whether the meals prepared by the school are comparable in price and quality to those available from commercial vendors.

Purchasing Meals from a Food Service Management Company

7 CFR 225.6(l)(3) and 225.15(m)

In SFSP, an FSMC is any commercial enterprise or non-profit organization with which a sponsor may contract the preparation of unitized meals, with or without milk, for use in the Program. An FSMC is also a company that manages a sponsor's meal service operations, with the limitations on Program management responsibilities, as described in 7 CFR 225.15. FSMCs may be public agencies or entities, private non-profit organizations or private for-profit companies. All SFSP sponsors have the option to competitively solicit and award a contract with an FSMC. FSMCs and SFAs contracting to prepare SFSP meals must provide unitized meals to the sponsors' sites unless the State agency has approved a request for an exemption. The unitized meal requirement specifies that the meal components, except milk or juice, must be packaged, delivered,

and served as a unit. Milk or juice, which may be packaged and provided separately, must be served with the meal to form a complete reimbursable meal.

Factors Involved with Contracting with a Food Service Management Company

7 CFR 225.2, 225.6(g), 225.6(h) 225.6(l)(2)(v), and 225.15(m)

Sponsors may also competitively solicit and contract with an FSMC to prepare and deliver meals. There are several factors that can influence a sponsor's decision to contract for meals with an FSMC, including the sponsor's lack of food preparation facilities or personnel, a site that is unsuited for meal preparation, or the location of many sites spread over a wide geographical area.

Sponsors that decide to contract with an FSMC to obtain meals are called "vended sponsors". FSMC that enters into a contract must prepare and deliver meals that comply with Program regulations and the terms of the contract with the sponsor. The contract is between the sponsor and the FSMC. Neither FNS nor the State agency have jurisdiction to enforce the contract with either party or to resolve any disputes that may arise. Sponsors remain legally responsible for ensuring that the food service operation meets all requirements specified in the agreement they sign with the State agency.

Sponsors and FSMCs, including commercial meal vendors, must be familiar with the information in this section. A successful vended meal service operation depends on both parties fully understanding their Program responsibilities.

FSMCs are required to have State or local health certification for the facilities in which they propose to prepare Program meals and must ensure that State and local health and sanitation requirements are always met. FSMCs also must ensure that meals are inspected periodically as required 7 CFR 225.6(l)(2)(v). See SFSP 07-2015, *Health and Safety Inspection Requirements*, December 10, 2014, <https://www.fns.usda.gov/cn/health-and-safety-inspection-requirements>.

As with all Program purchases, FSMC contracts must be competitively procured in compliance with 7 CFR 225.15 and 225.17 and 2 CFR Part 200.317-326.

Food Service Management Company

Limitations

7 CFR 225.15(a)(3)

There are some specific Program management responsibilities that sponsors cannot contract out to an FSMC, including, but not limited to:

- Planning and ordering meals based on participation trends;
- Assuming official recordkeeping responsibilities, including meal count information to substantiate claims;
- Submitting claims;
- Training and monitoring administrative and site staff;
- Announcing availability of meals to the news media; and
- Determining income eligibility and maintaining individual household applications.

Sponsors should check with the State agency before allowing an FSMC to undertake any other tasks that could be identified as management functions that may not be delegated. SFA sponsors are reminded that the SFA must maintain responsibility for submitting claims and remains accountable for ensuring that all SFSP requirements are met. See SFSP 04- 2013 - REVISED, *Summer Feeding Options for School Food Authorities*, November 23, 2012, <https://www.fns.usda.gov/cn/summer-feeding-options-school-food-authorities>.

USDA Foods

7 CFR 225.9(b)

Sponsors eligible to receive USDA Foods include:

- Sponsors preparing meals on site or at a central kitchen;
- Sponsors purchasing meals from an SFA that participates in NSLP; and

- SFA sponsors that procure their SFSP meals from the same FSMC that competitively provided their most recent NSLP or SBP meals.

Eligible sponsors should contact their State agency regarding the availability of USDA Foods. For additional information on USDA Foods, see *Distribution of Donated Foods to Service Institutions Participating in the Summer Food Service Program*, <https://www.fns.usda.gov/usda-fis/distribution-donated-foods-service-institutions-participating-sfsp>.

Serving Food Beyond the Meal Pattern Requirements

7 CFR 225.16(f)(8)

Sites may choose to serve foods in addition to the food necessary to meet the meal pattern requirements using SFSP funds. However, the foods purchased must be creditable under the meal pattern requirements, described in 7 CFR 225.16(d) and (f).

Expenditures for foods that may not be served as part of the reimbursable meal based on the SFSP meal patterns are not allowable costs. Condiments served with a creditable food are exempt from this restriction. Sites that intend to serve additional foods that do not meet SFSP meal pattern standards must use non-Program funds.

Sites that have additional funds available are encouraged to use these funds to improve the reimbursable meals served by using fresher, healthier, more nutritious products, such as fresh fruits and vegetables, lean meats, and unprocessed cheeses. Foods such as turkey wraps, fresh watermelon, grapes, and carrots with hummus are nutritious options that children enjoy.

For guidance and more tips on adding fresh, healthy items to the menu, see:

- SFSP 06-2012, *Serving Additional Foods in Summer Food Service Program*, November 23, 2011, <https://www.fns.usda.gov/sfsp/serving-additional-foods-summer-food-service-program>.
- *Summer Meals Nutrition Guide*, <https://www.fns.usda.gov/sfsp/nutrition-guide>.

- Summer Food, Summer Moves Resource Kit, <https://www.fns.usda.gov/tn/summer-food-summer-moves>.

Procurement Procedures

The meal preparation option chosen by the sponsor may influence the procurement method the sponsor will need to pursue, as well as the thresholds they need to be mindful of.

Procurement Standards

All procurement of food, supplies, goods, and other services with Program funds by sponsors must comply with procurement standards prescribed in the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* located at 2 CFR Part 200 as well as 7 CFR Part 225. Procurement standards are specifically located in 7 CFR Part 225.17 and 2 CFR Part 200.317-326.

In addition to complying with Federal requirements, sponsors must meet State and local procurement standards and requirements. Federal, State, and local standards are designed to prevent fraud, waste, and Program abuse. The State agency can provide more detailed information about these requirements, which may be more restrictive. All relevant terms and restrictions should be disclosed before bids are submitted. “Responsive” bidders are those whose bids conform to all of the terms, conditions, and requirements of the IFB.

Requests for Information

Market research is an important step in order to assess what’s available and determine a sponsor’s needs. An RFI is a tool that can be used to conduct market research, design bid documents, and assess product availability. It is not used to procure products, but rather to gather information for competitive procurement activities.

An RFI can be as simple as a document listing the products and quantities needed in a period and asking suppliers to respond with product varieties and quantities available in the given time frame. More complex RFIs may ask for an estimated price, food safety practices, detailed specifications, and delivery capacity.

The information from an RFI can be used to estimate the value of potential contracts and determine which procurement method is appropriate.

Procurement Methods

2 CFR Part 200.320

Informal Procurement Methods

2 CFR 200.320(a)

Informal procurement methods are methods used to procure goods or services when the value does not exceed the SAT, the simplified acquisition threshold, or a lower threshold established by a non-Federal entity. Informal procurement methods are used to expedite transactions which minimize administrative burden and cost. Informal procurement methods include micro-purchases and small purchases.

Micro-Purchase

2 CFR 200.320(a)(1)

A micro-purchase is a purchase of supplies or services in which the total does not exceed the micro-purchase threshold. Micro-purchase thresholds are lower than SATs. The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. Non-Federal entities may establish a threshold higher than the Federal threshold established in the FAR in accordance with Federal procurement regulations.

Micro-purchases may be awarded without soliciting competitive price or rate quotations, if the sponsor considers the price to be reasonable based on research, experience, purchase history or other information, or documentation provided. Sponsors should distribute micro-purchases equitably among qualified suppliers to the maximum extent practicable. For additional information on micro-purchase thresholds see SFSP 01-2022, *Updates to the Federal Micro-Purchase Threshold in 2 CFR 200.320(a)(1)*, December 15, 2021, <https://www.fns.usda.gov/cn/updates-federal-micro-purchase-threshold>.

Small Purchase

2 CFR Part 200.320(a)(2)

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that does not exceed the SAT, as described in 48 CFR 2.101. The SAT is the dollar amount below which a non-Federal entity may purchase property or services using small purchase methods. The dollar amount is set by the Federal Acquisition Regulation and updated periodically.

Each procurement is still conducted in a manner that ensures free and open competition. Price or rate quotations must be obtained from an adequate number of qualified sources, as determined by the sponsor, prior to making a purchase. The sponsor must document the date, vendors consulted, and quotes received, including for verbal quotes. For more information, see SFSP 01-2022, *Updates to the Federal Micro-Purchase Threshold in 2 CFR 200.320(a)(1)*, December 15, 2021, <https://www.fns.usda.gov/cn/updates-federal-micro-purchase-threshold>.

Contracts that exceed the SAT may be subject to the required Federal contract provisions found at 2 CFR Part 200, Appendix II. For purchases estimated to exceed the most restrictive SAT, sponsors must conduct a cost or price analysis, as described in 2 CFR 200.324, and a formal procurement method must be used.

Formal Procurement Methods

2 CFR 200.320(b)

Formal procurement methods are required when the value of the procurement for services or goods exceeds the SAT, or a lower threshold established by a non-Federal entity. Formal procurement methods include sealed bids and proposals and require public advertising, unless a non-competitive procurement can be used.

Competitive Sealed Bids

2 CFR 200.320(b)(1)

Bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The public solicitation is an IFB.

- Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids and the IFB must be publicly advertised.
- The IFB, which will include any specifications and pertinent attachments, must define the items or services to be procured in order for the bidder to properly respond.
- All bids will be publicly opened at the time and place prescribed in the IFB.
- A firm fixed price contract award will be made in writing to the responsible bidder with the lowest responsive bid. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of.
- Any or all bids may be rejected if there is a sound documented reason.

Proposals

2 CFR 200.320(b)(2)

Proposals is a procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. Competitive proposals must be publicly solicited from an adequate number of qualified sources.

The Public Solicitation is a Request For Proposals

An RFP is used to solicit responses in a competitive negotiation procurement method. An RFP is more qualitative in nature, The RFP must be publicized and identify all evaluation factors and their relative importance. Any response must be considered to the maximum extend practical.

- The RFP must be solicited from an adequate number of qualified sources.
- The sponsor must have a written method for conducting the technical evaluations of the proposals received and for selecting recipients.
- Contracts must be awarded to the proposal that is most advantageous to the sponsor, with price and other factors considered.

Noncompetitive Procurement

2 CFR 200.320(c)

There are specific circumstances when noncompetitive procurement can be used. If one or more of the following circumstances apply, noncompetitive procurement may be awarded:

- The total dollar amount of the purchase of goods or services does not exceed the micro-purchase threshold.
- The item is only available from a single source.
- The public emergency for the good or service cannot be delayed by publicizing a competitive solicitation.
- The Federal awarding agency or pass-through entity approves a noncompetitive procurement in response to a written request from the Program sponsor.
- After solicitation of a number of sources, competition is determined inadequate.

Procurement Tips and Strategies

Improving Product Selection and Specifications

Careful selection of products and meals in the procurement process can be critical to the success of a site. Sourcing items that both meet meal pattern requirements and are palatable and appealing to children yields numerous benefits, including:

- Children are more likely to finish snacks and meals, thereby receiving optimal nutrition.
- Food waste is reduced.
- Sites are more likely to maintain or increase participation.
- Program goals of teaching children to enjoy healthy foods and develop lifelong healthy eating habits are facilitated.

Sponsors may want to consider any number of the following when developing bid specifications:

- Taste;
- Grade;
- Appearance;
- Cultural acceptability;
- Seasonality; and
- Geographic Origin.

The *Summer Meals Nutrition Guide*, <https://www.fns.usda.gov/sfsp/nutrition-guide>, has more information on developing food specifications.

Local Procurement Strategies

In many regions across the country, summer brings new opportunities to source local foods. Sponsors may decide to include local products that increase the quality and appeal of meals, provide more nutrition education opportunities for children, and support local food producers, as well as the local economy.

Local foods can span the entire plate and can be included within all components of a meal. While fruits and vegetables are a logical starting point for summer meal providers, grains, beans, fish, poultry, and meat can also be sourced locally during the summer months. When buying local meat, poultry, game, and eggs, sponsors must meet the conditions of the permit which has given them authority to operate as a food service establishment.

For specific guidance on purchasing local meat and other local foods, see:

- SFSP 01-2016, *Procuring Local Meat, Poultry, Game, and Eggs for Child Nutrition Programs – REVISED*, November 20, 2023, <https://www.fns.usda.gov/cn/procuring-local-meat-poultry-game-eggs>.

- *Procuring Local Foods* for Child Nutrition Programs, <https://www.fns.usda.gov/f2s/procuring-local-foods>.

Factors to Consider When Adding Local Foods

Defining Local

Sponsors have the flexibility to define what constitutes as “local” to best align with what is available in their geographic area. A variety of factors can impact how “local” may be defined, including seasonal availability, State or municipal boundaries, product pricing and availability, and logistical considerations.

For example, a sponsor’s definition of “local” may change with the seasons; during the school year, a district may decide that their definition of “local” is within the State, but during the summer months, the district may select a narrower definition due to a greater abundance of local products available during that season. For the purposes of farm to school or farm to summer activities, there is not a Federal definition of “local”.

Sourcing Local Products

Sponsors can find local foods through a variety of sources. When conducting initial market research, sponsors may request their distributor or meals vendor label the source of origin for their products, and in doing so may find that the vendor is already providing local products. If a vendor is not already sourcing locally, the sponsor may ask them to do so in the future and include language in product specifications or solicitations that communicate a preference for products from local sources.

Sponsors may survey their area to see if there is a food hub that is buying and aggregating food from local producers. If buying directly from a farm is a viable option, sponsors may wish to start by surveying producers in their area through phone calls, farm visits, or a stop by the local farmer’s market to see what’s available during summer months. Sponsors that have access to a garden may consider planting specifically for the Program. Sponsors can utilize USDA *Local Food Directories*, <https://www.usdalocalfoodportal.com/#directories>, to find nearby farmers markets, food hubs, and on-farm markets. Many states also offer similar state-focused local food directories.

Methods of Procurement

Sponsors use the same procurement methods for sourcing locally grown, raised, or caught unprocessed agricultural products as they do with all other foods.

Sponsors may choose to apply a geographic preference option when purchasing unprocessed agricultural products. To differentiate between the concept of a geographic preference option and the strategies permitted under it, this Guide will refer to the core strategies as a “defined scoring advantage” and “local as a specification”. The geographic preference option allows sponsors to use a defined scoring advantage for unprocessed agricultural products grown, raised, or caught locally, use local as a specification for unprocessed agricultural products, adopt a mix of both strategies, or elect not to use any of these approaches. There are many ways to source local products by using a geographic preference option or other product specifications and technical requirements that target local when following the informal or formal bidding process or targeting local producers and vendors that sell local unprocessed agricultural products through the informal process. A sponsor must ensure that its definition of local does not overly restrict free and open competition.

If a sponsor is making a purchase under the micro-purchase threshold the sponsor may do so without obtaining price quotes provided the price is reasonable and purchases are distributed equitably among qualified suppliers. For purchases below the most restrictive applicable SAT, a sponsor can simply gather three quotes from producers that meet their definition of local, and guarantee that the food comes from a local source.

If making a purchase that is over the SAT, the sponsor may include language in the solicitation that will target foods from local sources. For instance, the bid request can state that a responsive vendor will provide product within 24 or 48 hours of harvest, or that they will offer farm field trips. A product specification may include a variety of produce that is native to the sponsor’s region. As with any procurement, sponsors must ensure that these requirements are not restricting competition.

Geographic Preference

The geographic preference option applies to unprocessed locally grown, raised, and caught agricultural products. A sponsor may decide to use the geographic preference option, as described in 7 CFR 225.17(e), to source unprocessed locally grown, raised, and caught agricultural products.

This allows sponsors to give a defined scoring advantage, such as bonus points or a price reduction, to bidders that meet their definition of local for unprocessed agricultural products or use local as a specification in the sponsor's solicitation. Using the geographic preference option enables a sponsor to award its contract to a bidder that meets its specifications, even if it did not necessarily provide the lowest bid. Sponsors can find more information about geographic preference or targeting local with specifications in the *Procuring Local Foods for Child Nutrition Programs Guide*, <https://www.fns.usda.gov/f2s/procuring-local-foods>.

Food Service Management Company Contracts

7 CFR 225.6(k) and 225.17(e)

A State agency may require each FSMC, operating within the State, to register based on State procedures. A State agency may further require the FSMC to certify that the information submitted on its application for registration is true and correct and that the FSMC is aware that misrepresentation may result in prosecution under applicable State and Federal statutes.

The solicitation must outline the need and scope of required products and services. If this includes purchasing or menu planning, for example, then the FSMC must provide menus. The FSMC must demonstrate a full understanding of the meal pattern, meal service, sanitation, and site requirements. Additionally, the FSMC must demonstrate an understanding of procurement standards related to geographic preference, including all contract provisions, regulations, and information about the sponsor's intended Program, such as meals to be served, meal pattern requirements, and meal quality standards. This information helps the sponsor evaluate FSMC proposals and ensure the most responsive, responsible, and cost-effective option is selected.

SFSP 13-2014, *Procurement Thresholds in the Summer Food Service Program*, January 10, 2014, <https://www.fns.usda.gov/sfsp/procurement-thresholds>, provides additional guidance on a number of procurement requirements.

Formal Competitive Bid Waivers

7 CFR 225.15(m)(4)

Sponsors that are schools or SFAs and have an exclusive contract with an FSMC for year-round service and sponsors whose total contracts with FSMCs will not exceed the SAT or any applicable State or local thresholds are not required to comply with competitive sealed bid procedures. In addition to any applicable State or local bid procedure laws, all other sponsors that contract with an FSMC must comply with competitive sealed bid procedures, as outlined below.

The State agency is responsible for ensuring that contracting and bidding procedures meet FNS requirements. The State agency must also provide technical assistance to sponsors to help them meet these requirements.

Competitive Sealed Bid Procedures

7 CFR 225.15(m)(4)(i)-(xii)

Formal competitive sealed bid procedures include the following steps:

- Preparing the IFB.
- Publicly announcing the IFB not less than 14 days before bids are opened. Announcements must include the time and place of the bid opening.
- Notifying the State agency of the time and place at least 14 days before the bid opening.
- Publicly opening all bids.
- Submitting the bid to State agency prior to accepting it.
- Submitting to the State agency copies of all contracts, a certificate of independent price determination, and copies of all bids received, as well as the sponsor's reason for selecting the chosen FSMC. In some cases, these documents must be submitted to the State agency before issuing a contract award.

Careful preparation is the most important step in the competitive bid process. Sponsors must supply the IFB to all companies responding to the public announcement.

Food Service Management Company Bid Bond and Bonding Requirements

2 CFR 200.325(b), 200.326, and 7 CFR 225.15(m)(6)-(7)

If FSMCs submit a bid over the SAT, they must submit a bid bond or guarantee in an amount not less than 5 percent and no more than 10 percent of the value of the contract for which the bid is made, as determined by the sponsor and specified in the IFB. FSMCs are prohibited from posting any alternative forms of bid bonds.

Cash, certified checks, letters of credit, and escrow accounts, are not acceptable substitutes for bid bonds. The bond must be from one of the surety companies listed in the most recent issue of the United States TRE Circular 570. Sponsors may download a free copy from <https://www.fiscal.treasury.gov/surety-bonds/circular-570.html>. A printed copy of Circular 570 is available from the Government Publishing Office for a small fee by calling (202) 512-1800. For additional information and assistance regarding Federal sureties, sponsors may contact the U.S. Department of the Treasury, Bureau of the Fiscal Service, Surety Bond Branch, 200 Third Street, Room 1010, Parkersburg, WV 26106, Telephone (304) 480-6635.

Food Service Management Company Performance Bond

2 CFR 200.325(b), 200.326, and 7 CFR 225.15(m)(6)-(7)

When an FSMC and a sponsor enter into one or more contracts totaling over the SAT, the company must obtain a performance bond from a surety company listed in the current United States TRE Circular 570. The amount of the bond must be no less than 10 percent or no more than 25 percent of the value of the contract, as determined by the State agency and specified in the IFB.

FSMCs are prohibited from posting any alternative forms of performance bonds. Cash, certified checks, letters of credit, and escrow accounts are not acceptable substitutes for performance bonds. The FSMC must furnish a copy of the bond to the sponsor within 10 days of the contract's award.

Food Service Management Company Bid Specifications

7 CFR 225.6(k), 225.15(m)(4) and 225.17(e)

It is important that the FSMC respond to the IFB accurately and completely. FSMCs that attempt to modify any provision of the IFB, or otherwise fail to comply with all IFB requirements, will be considered “non-responsive” and ineligible for contract award.

A State agency may require each FSMC, operating within the State, to register based on State procedures. A State agency may further require the FSMC to certify that the information submitted on its application for registration is true and correct and that the FSMC is aware that misrepresentation may result in prosecution under applicable State and Federal statutes.

The solicitation must outline the need and scope of required products and services. If this includes purchasing or menu planning, for example, the FSMC must provide menus. The FSMC must demonstrate a full understanding of the meal pattern, meal service, sanitation, and site requirements.

Additionally, the FSMC must demonstrate an understanding of procurement standards related to geographic preference. Including all contract provisions, regulations, and information about the sponsor's intended Program, such as meals to be served, meal pattern requirements, and meal quality standards helps the sponsor evaluate FSMC proposals and ensure the most responsive, responsible, and cost-effective option is selected.

Information for Bid Requirements

The sponsor must include detailed information in the IFB so that bidders will know the exact terms of the bid, including:

- A cycle menu approved by the State agency;
- Food specifications and meal quality standards;
- A statement requiring compliance with SFSP regulations;
- Nonfood items essential for conducting the meal service;
- Special meal requirements to meet ethnic or religious needs or dietary modifications for children with special physical or medical needs, if these are necessary to meet the needs of the children to be served; and
- The location of the sponsor's sites and the estimated range of meals required.

The IFB must not include:

- A specified minimum price;
- Provision for loans or any other monetary benefit, term, or condition to be made to sponsors by FSMCs; or
- Nonfood items that are not essential to the conduct of the meal service.

For sponsors operating non-congregate sites, the IFB may address specialized requirements. Here are examples:

- Sponsors should provide accurate information regarding the Program, such as site locations, meal service type, meal service times, and the number of meals being served.
- FMSCs must prepare to pack, store, and transport up to 10 days of unitized meals per child. This type of meal service may require different or specialized boxes and containers that are sufficiently durable for transport to the meal service site, and subsequent transport to the child's residence.
- Packaging should be easy to lift and carry. Each meal, with all its meal components, should be clearly labeled. Meals must be prepared and packaged so that they can be stored for 10 days or more without loss of quality or freshness.

- FMSCs should ensure that staffing, food preparation and storage facilities, delivery vehicles, delivery routes, and delivery scheduling can accommodate the needs of sponsors offering multi-meal issuance.
- Sponsors should detail any requirement that FMSCs separate cold and shelf stable foods and labeling any foods that require refrigeration or freezing.
- For meals intended for home delivery, insulated containers and cold packs may be advisable to protect food integrity in the event that a parent or a guardian is not home at the time of delivery.

Site Information

7 CFR 225.6(h)(2)(iii)

The sponsor must include a list of proposed site names, addresses, delivery locations, times of meal service, and days of operation. With this information, a bidder can estimate the cost of delivery and the feasibility of meeting the sponsor's requirements. The sponsor should specify in the IFB that single deliveries for multiple meals, such as breakfast and lunch, are allowed only at those sites that are equipped with adequate storage and refrigeration facilities.

Cycle Menu

7 CFR 225.6(h)(2)(vi) and 225.15 (m)(4)(v) and (vii)

The sponsor also must attach a cycle menu that lists the types and amounts of food in each meal. Program regulations specify minimum meal pattern requirements, but sponsors may improve upon these minimums to increase the variety and appeal of menus. Sponsors may request approval from the State agency for variations from the meal requirements only when necessary to meet ethnic, religious, economic, or nutritional needs.

Meal Requirements

7 CFR 225.7(c), 225.15(m)(4)(vi) and 225.16(i)

As part of the IFB, the sponsor must provide the FSMC with a copy of the meal requirements outlined in 7 CFR 225.16. The sponsor also must provide a copy of the minimum food specifications and model meal quality standards required by 7 CFR 225.7(c). The FSMC must deliver meals that meet these meal requirements and minimum food specifications and model meal quality standards.

Sponsors seeking to operate non-congregate meal service options at their sites are encouraged to submit additional information with their application. Applications should address capabilities and safeguards to effectively operate non-congregate.

Reimbursable Meals

7 CFR 225.6(h)(2)(ix) and 225.15(m)(4)(ix)

Under the provisions of the contract between the sponsor and the FSMC, the sponsor is required to pay only for the delivered meals that meet these requirements and should not pay for ineligible meals. Similarly, the sponsor will receive payments from the State agency only for meals that meet these requirements.

Quality Control

7 CFR 225.7(c) and (d)(6)

An effective quality control system is essential for verifying that meal components meet the minimum quantity requirements. During food preparation, the FSMC should regularly inspect and measure items to ensure correct sizes and weights. Setting production equipment for the desired specifications is no substitute for a quality control system because equipment settings may become distorted during operation. State agencies and sponsors are responsible for sampling meals and disallowing payment for meals that fail to meet minimum standards. The entire meal must be disallowed for reimbursement if any component does not meet minimum standards.

Delivery of Meals

Sites without adequate facilities for holding meals within the temperature ranges established by State or local health and safety codes must receive all meals not more than one hour before the beginning of the

meal service. The FSMC should carefully plan delivery routes and schedules and review them with the sponsor. Delivery personnel for FSMCs should become familiar with their routes before Program operations begin, to help avoid confusion. The FSMC or sponsor should evaluate and restructure the routes if deliveries for some sites are consistently late.

The FSMC is responsible for ensuring that sufficient equipment is available to handle changes, for example, obtaining additional trucks or increasing refrigeration units. Sponsors must plan a system for serving meals when the weather is bad or for canceling meal deliveries and service at sites lacking sheltered facilities. The FSMC should be notified of these contingency plans.

Unitized Meals

7 CFR 225.6(l)(3)

Sponsors must ensure that FSMCs provide “unitized” meals with or without milk or juice. This means that meals must be individually portioned, packaged, delivered, and served as a unit. The milk or juice may be packaged and provided separately but must be served with the meal unit. Other variations of unitized meals may be approved by the State agency. Sponsors may submit written requests to the State agency for exceptions to the unitizing requirement for certain components of a meal.

USDA Foods

7 CFR 225.9(b)

Sponsors of vended sites can only receive USDA Foods if the vendor is a school or school district, or if the sponsor is an SFA that competitively procures its SFSP meals from the same FSMC that competitively provided its most recent NSLP or SBP meals.

Meal Range Adjustments

7 CFR 225.6(h)(2)(xi)

Actual participation of children under a given sponsor frequently varies from the estimate specified in the IFB. The FSMC bases a bid on the specifications and expects to be serving close to the number of meals listed in the estimate. A sizeable discrepancy between estimated and actual participation can increase or decrease the FSMC's unit production cost. Therefore, the sponsor must carefully estimate the number of meals it will need each day.

Sponsors also should consider including a provision that will decrease the per-meal price if the number of meals served exceeds expectations. Sponsors may increase or decrease the number of meals specified in the IFB only after notifying the FSMC. Sponsors should consider specifying in the IFB a time period during which changes in a site's meal orders may be made to the vendor. A reasonable time frame for notifying the vendor may be within 24 to 36 hours of the change. Increases in maximum meal service levels at sites receiving vended meals must be approved by the State agency.

Special Accounts

7 CFR 225.6(f)

The State agency may require sponsors to set up special accounts at financial institutions. If such accounts are established, the sponsor must deposit any payments received from the State agency in the special account. Both the FSMC and the sponsor must authorize any checks drawn on this account. This is to help ensure that the FSMC receives payment for the eligible meals it provides to the sponsor.

Additional Food Service Management Company Requirements

7 CFR 225.15(m) and 226.21

There are several specific requirements FSMCs should be aware of before submitting a bid, including provisions that:

- All proposed contracts are publicly announced at least once, not less than 14 calendar days prior to the opening of bids, and the announcement includes the time and place of the bid opening.
- The bids are publicly opened.
- The State agency is notified, at least 14 calendar days prior to the opening of the bids, of the time and place of the bid opening.
- The invitation to bid does not specify a minimum price.
- The invitation to bid contains a cycle menu approved by the State agency upon which the bid is based.
- The invitation to bid contains food specifications and meal quality standards approved by the State agency upon which the bid is based.
- The invitation to bid does not specify special meal requirements to meet ethnic or religious needs unless the requirements are necessary to meet the needs of the children to be served.
- Neither the invitation to bid nor the contract provides for loans or any other monetary benefit or term or condition to be made to sponsors by FSMCs.
- Nonfood items are excluded from the invitation to bid, except where these items are essential to the conduct of the meal service.
- Copies of all contracts between sponsors and FSMCs, along with a certification of independent price determination, are submitted to the State agency prior to the beginning of Program operations.
- Copies of all bids received are submitted to the State agency, along with the sponsor's reason for choosing the successful bidder.
- All bids in an amount which exceeds the lowest bid and all bids totaling the amount specified in the small purchase threshold in 2 CFR part 200, as applicable, or more are submitted to the State agency for approval before acceptance. State agencies must respond to a request for approval of the bids within 5 working days of receipt.

Health Certification and Inspection

7 CFR 225.6(l)(2)(v)

FSMCs must have State or local health certification for each facility preparing or serving meals for SFSP. The FSMC must ensure that health and sanitation requirements are always met. In addition, the FSMC must ask local health authorities or independent agencies to periodically inspect the meals they serve to determine bacteria levels. These levels must conform to the standards set by local health authorities. The FSMC must submit the results of the inspections promptly to the sponsor and the State agency.

State Agency Inspections and Reviews

7 CFR 225.5(f) and 225.7(e)

The State agency will conduct reviews of the sponsor's Program operations. The reviews are designed to ensure that the sponsor's overall Program is operating in compliance with SFSP requirements. The results of these reviews may affect the amount of reimbursement a sponsor will receive and the payment to the FSMC.

The FSMC should designate an official to be familiar with the total Program, particularly with the sponsor's responsibilities. For example, in addition to reading the SFSP regulations, this guide, and other policy guidance, the FSMCs representatives may attend training sessions arranged by the sponsor for food service personnel.

FSMCs also should be aware that the State agency must inspect the FSMC's facilities as part of the sponsor review. In addition, the State agency may conduct inspections of food preparation facilities and meal service sites and perform meal quality tests. This inspection is independent of the one the FSMC provides.

FNS can help fund State agency health inspections. FNS must provide up to 1 percent of the Program funding need estimated in the MAP. Health inspection funds must be used solely to enable State or local health departments or other governmental agencies charged with health inspection functions to carry out health inspections and meal quality tests. However, if these agencies cannot perform the inspections or

meal quality tests, the State agency may use the funds to contract with an independent agency to conduct them.

Records

7 CFR 225.6(l)(2)(iv), 225.6(l)(2)(vii), and 225.6(l)(2)(xv)

FSMCs must maintain records, supported by invoices, receipts, and other evidence to document that the sponsor meets Program responsibilities. FSMCs must report to the sponsor at the end of each month, at a minimum.

The FSMC must keep the books and records concerning the sponsor's meal service operations for 3 years, or longer if required by the State agency, from the date of receipt of final payment under the contract. Representatives of the State agency, USDA, and the GAO may examine or audit these records at any reasonable time and place. Records must be retained longer if there is an unresolved audit or investigation.

The FSMC must submit records of all costs incurred in the sponsor's meal service operation in sufficient time to allow the sponsor to prepare and submit the claim for reimbursement to meet the 60-day submission deadline.

Subcontracts

7 CFR 225.6(l)(2)(ii)

FSMCs cannot subcontract with another company for the complete meal, with or without milk, or for assembling of the meal. Subcontracting is prohibited because it inflates costs and lessens the sponsor's control over the quality and supply of the meals.

Contract Responsibility and Payment

7 CFR 225.6(l)(2)(ix) and 225.12(a)

It is important for the prospective FSMC to realize that the contract is a private contract between the FSMC and the sponsor. Neither FNS nor the State agency has any jurisdiction in the payments made to the FSMC.

Before contracting to provide meals for the Program, the FSMC needs to assess the sponsor's capability to meet the terms of the contract. The FSMC must also assess the sponsor's capability to pay the FSMC for all meals that are properly delivered. If applicable, the FSMC should become familiar with the sponsor's past performance in SFSP or other federally funded programs.

The FSMC must understand that the sponsor must pay for meals delivered by the FSMC as specified under the terms of the contract. State agencies and USDA are not parties to such contracts. Federal reimbursement to sponsors is based solely upon the number of complete meals that are properly served to eligible children. Therefore, if sponsors do not meet their responsibilities, such as ensuring that meals are served as a unit, meals must be disallowed. Although the sponsor remains contractually liable for the number of meals delivered under the contract, the FSMC should make sure that it is informed of any sponsor disallowances made by the State agency.

Standard Contracts for Food Service Management Company

7 CFR 225.6(l)(2)

Each State agency must develop a standard contract form for procurement agreements between sponsors and FSMCs. Sponsors that meet specific regulatory requirements may use their own contract form if approved by the State agency. The State agency's standard contract must, at minimum, include all provisions listed in 225.6(l)(2).

State agencies may require sponsors to use a standard contract developed by the State agency for meals provided by an FSMC. These standard contracts may vary according to different State and local requirements. This document can serve a dual purpose. It may contain the specific information a bidder needs to submit (IFB) and, upon acceptance of the bid and execution, it may become the contract.

State Agency Approval of Food Service Management Company

7 CFR 225.6(l)

All FSMC bids over the SAT must be submitted to the State agency for approval before the sponsor can accept a bid. In addition, any bids, that exceed the lowest bid, regardless of dollar amount, must be submitted to the State agency for approval before acceptance, with an explanation of why that particular bid was chosen. The IFB that the sponsor accepts will become the contract for Program operations between the sponsor and the FSMC. The State agency will keep copies of all contracts between sponsors and FSMCs. For additional guidance see, SFSP 13-2014, *Procurement Thresholds in the Summer Food Service Program*, January 10, 2014, <https://www.fns.usda.gov/sfsp/procurement-thresholds>.

Awarding the Food Service Management Company Contract

Sponsors must award the contract to the responsive and responsible bidder whose per-meal bid was lowest in price. The sponsor should award the contract at least 2 weeks before Program operations will begin to allow time for both the FSMC and the sponsor to prepare. The sponsor must give to the State agency copies of all bids the sponsor received and the reason it chose that particular FSMC.

Sponsors are encouraged to use the services of small, minority, and women's businesses. Sponsors should consult local and State authorities regarding the applicability of preference and set-aside provisions. Only statutory or court decreed preferences and set-asides that are not excessive may be used.

Award Conference

After awarding, but before executing the contract, all sponsor and FSMC representatives should meet to discuss their mutual and individual responsibilities in the Program. In this meeting, which is called the award conference, the representatives should review the IFB's required procedures for adjusting meal deliveries, cycle menus, food quality specifications, meal packaging, and State and local health and food

safety requirements. Sponsors should also inform the FSMC of the function of monitors, reviews, and statistical monitoring, if applicable, as directed by the State agency, in the operation of SFSP.

Contracts using Federal funds must contain the Federal contract provisions identified in 2 CFR 200, *Appendix II Contract Provisions for Non-Federal Entity Contracts Under Federal Awards*,

[https://www.ecfr.gov/current/title-2/part-200/appendix-Appendix II to Part 200](https://www.ecfr.gov/current/title-2/part-200/appendix-Appendix%20II%20to%20Part%20200).

Use of Small, Minority, and Women's Businesses

2 CFR 200.321 and 7 CFR 225.17(d)

All sponsors are encouraged to take affirmative steps to ensure that small and minority business and women's business enterprises and labor surplus area firms are used when possible. Affirmative steps may include placing these types of businesses on solicitation lists and ensuring that they are solicited whenever they are deemed potential sources. When economically feasible, sponsors may want to divide their total requirements into smaller tasks or quantities to permit maximum participation by small and minority business and women's business enterprises. Sponsors may also want to establish delivery schedules that will help these business enterprises meet deadlines. Sponsors can use the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce, and require the prime contractor, if subcontracts are let, to take these affirmative steps.

Assistance Provided by the Small Business Administration

7 CFR 225.17(d)(5)

SBA is an independent Federal agency established to provide assistance to all small businesses. SBA provides prospective, new, and established members of the small business community with financial assistance, management training, and counseling. SBA's policy is to extend the fullest opportunity for

minorities and disadvantaged people to participate in the small business sector. There is more information about SBA and its services at <https://www.sba.gov/>.

SBA may be able to help minority owned and disadvantaged FSMCs or commercial meal vendors improve or develop their businesses in several areas.

Financial Assistance

FSMCs that need money and cannot borrow it on reasonable terms from conventional lenders may be able to get assistance from SBA's loan programs. However, by law, SBA may not make a loan if a business is able to obtain funds from a bank or other private source. SBA may either participate with a bank or other lender in a loan, or it may guarantee up to 90 percent of a loan against loss. If the bank or other lender cannot provide funds using either of these methods, the law provides that SBA may consider lending the entire amount as a direct government loan, if the funds are available. SBA loans may be used to help FSMCs purchase equipment, facilities, and supplies.

Surety Bonds

Under SFSP, FSMCs that submit bids over the SAT and that enter into a meal service contract for over the SAT must obtain bid and performance bonds. SBA makes the bonding process accessible to small and emerging contractors that find bonding unavailable to them. SBA is authorized to guarantee a qualified surety up to 90 percent of losses incurred under bid payment bonds.

SBA may also guarantee performance bonds that are issued to contractors on contracts up to \$1 million. FSMCs that anticipate problems in obtaining bid and performance bonds may contact SBA for assistance. See SFSP 13-2014, *Procurement Thresholds in the Summer Food Service Program*, January 10, 2014, <https://www.fns.usda.gov/sfsp/procurement-thresholds>.

Management and Counseling Assistance

SBA places special emphasis on improving the management ability of small business owners and managers. Accordingly, small business specialists may be able to assist minority owned FSMCs with their management

problems. They may also provide counseling on the problems or concerns FSMCs may have in meeting requirements for SFSP. Minority owned FSMCs should contact SBA's nearest field office for assistance, *SBA Office Locations*, <https://www.sba.gov/about-sba/sba-locations>.

Default and Disallowances

Sponsor Disallowances

7 CFR 225.9(d) and (f), 225.11(c)(4), (d), and (e) and 225.12(a)

The State agency must disallow any portion of a claim for reimbursement and recover any payment to a sponsor that is not properly payable. If the State agency disallows meals, the sponsor is still responsible for paying the FSMC. Reasons for meal disallowances include, but are not limited to:

- Excess meals, which are a result of failure to plan and prepare, or order and adjust, meal orders with the objective of providing only one meal per child at each meal service;
- Allowing congregate meals to be eaten off-site;
- The simultaneous service of more than one meal to any child at congregate meals sites;
- Distributing more than the daily non-congregate meal limit when multi-day service is used;
- Failure to serve meals as a unit without an approved exception;
- Claiming meals served to adults;
- Serving meals outside the approved timeframes at any site except a camp or a non-congregate meal service site; or
- Serving meals in excess of approved meal levels (site caps).

Food Service Management Company Disallowances

7 CFR 225.6(l) and 225.11(c)-(e)

Violations that would cause disallowances in the FSMCs payment from the sponsor's reimbursement are:

- Delivering meals that are not unitized;
- Delivering meals that are wholly or partially spoiled;
- Delivering meals outside the designated delivery times;
- Delivering meals with components that are less than the required portion size;
- Distributing more than the daily non-congregate meal limit when multi-day service is used;
- Delivering meals that are missing components; or
- Changing menus or substituting components without the sponsor’s prior approval.

Default of Food Service Management Company Contract

A sponsor should ensure that the FSMC contract contains a default or termination clause that allows the sponsor to terminate the contract if the FSMC does not comply with the contract terms. The sponsor will notify the FSMC and surety company, if a performance bond is in effect, of specific instances of unsatisfactory performance. If the FSMC does not immediately take corrective action, the sponsor may request the surety company to provide another FSMC or the sponsor may negotiate another contract, which may be negotiated on a competitive or a non-competitive basis. The clause should state that the defaulting FSMC or surety company, if applicable, is liable for any difference in price between the original price and the new contract price.

Other procurement regulations related to FSMCs include:

- 2 CFR Part 180—OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Non procurement).
- 2 CFR Part 418—New Restrictions on Lobbying.
- 2 CFR Part 200—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- 2 CFR 200.450—Lobbying.
- 7 CFR Part 15—Nondiscrimination
- 7 CFR 15.4—Assurances required.
- 7 CFR 15.4—Civil Rights Assurance Language

Best Practices for Food Service Management Company Contracts

Food Service Sites

7 CFR 225.6(l)(2)(iii)

Sponsors should provide the FSMC with a list of approved food service sites, along with the limit on the number of meals that may be claimed for reimbursement for each site. It is likely that some approved sites, for one reason or another, may have been canceled or dropped from participation before meal service operations begin. A new list should be provided to the FSMC well before it is to start meal service operations and at any other time during the Program when sites are added or deleted. The sponsor should notify the FSMC within the time limits mutually agreed upon in the contract if any site on its delivery schedule is going to be dropped or canceled.

Approved Meal Levels (Site Caps)

7 CFR 225.15(b)(2) and (3)

During the application approval process, the State agency will approve sponsors that purchase meals from a FSMC to serve a maximum number of meals at each meal service for each site. The approved level represents the maximum number of meals sponsors can serve and claim for reimbursement at each meal service at vended sites.

The State agency may reduce the approved level at any time if it determines that a site's participation is below its approved level. If a sponsor finds that the approved level is too low, the sponsor may seek an adjustment by requesting the State agency to conduct a site review or the sponsor may document in writing to the State agency that participation at a site exceeds the approved level.

Sponsors must plan for and adjust meal orders with the objective of serving only one meal to each child at each meal service. A vended sponsor must inform its FSMC of:

- The approved level for each meal service at each site where the FSMC will deliver meals; and
- Any adjustments in the approved level for its sites.

Sponsors must advise the FSMC that the approved level for each site is the maximum number of meals that can be served at that site. This does not mean that these sites will serve that specific number of meals each day. The sponsor must clearly inform the FSMC that it will only be ordering the number of meals actually needed, based on participation trends and with the intent of serving only one meal to each child at each meal service.

Adjusting Meal Deliveries

7 CFR 225.15(b)

One of the most important topics for discussion in the award conference is the adjustment of meal deliveries. Sponsors should establish a system for collecting information on attendance changes from their sites, translating these changes into adjustments in the meal order, and communicating these adjustments to the FSMC. In turn, the FSMC should have an organized system to:

- Receive orders for delivery adjustments;
- Document orders for delivery adjustments;
- Adjust production levels, if necessary;
- Ensure that delivery receipts are changed to reflect adjusted meal orders; and
- Ensure that adjusted meal orders for each site are correctly packaged and loaded for delivery.

The FSMC's key personnel must be aware of these responsibilities. For example, the FSMC's delivery personnel must understand that site supervisors cannot independently request more or fewer meals. These requests must be channeled through the sponsor. Meal deliveries may be adjusted only by the sponsor. If the sponsor wants to order more than the approved meal level, State agency approval is required.

Participation at sites will probably fluctuate during the duration of the Program, especially if there is no organized activity at a site other than the meal service. Sponsors should try to anticipate certain fluctuations, such as local events that may interfere with site participation, and make arrangements in

advance with the FSMC to adjust orders. For example, a consistent drop in participation each Friday should be handled by reducing the number of meals delivered on Fridays.

Whenever possible, meals should be transferred from a site with too many meals to a site with a shortage, provided that the site's approved meal level is not exceeded. Monitors should be aware of the procedures for handling extra meals so they can assist site supervisors in making transfers or other arrangements.

During Program operations, sites may suspend food service operations on either a temporary or permanent basis. Also, new sites may be authorized to participate in the SFSP. Site deletions and additions may necessitate changes in delivery routes and production levels. Sponsors are responsible for making sure the FSMC is informed of these types of changes, which will require cooperation from the FSMC.

Communication

Good communication is essential for smooth Program operations. Even with good management and good intentions, complaints about the meal service may arise. FSMCs and sponsors should establish a system for communicating and resolving complaints. Experience indicates that problems can be most efficiently resolved when both the sponsor and the FSMC designate officials to receive and respond to suggestions and complaints.

Procurement Ethics

2 CFR 200.318(c)(1)

State agencies and sponsors are required to write a code of conduct to govern the performance of employees engaged in procurement. These written standards must prohibit employees from soliciting gifts and other incentives from prospective contractors and prohibit employees from participating in the selection, award, or administration of any contract to which they have a personal or financial connection. The code of conduct must also provide for disciplinary action to be applied in the event the standards are violated. SFSP 02-2015, *Written Codes of Conduct and Performance of Employees Engaged in Award and Administration of Contracts*, November 21, 2014, <https://www.fns.usda.gov/cn/written-codes-conduct-and-performance-employees-engaged-award-and-administration-contracts> provides guidance.

Federal Contract Provisions

Contracts using the SAT may be subject to required Federal contract provisions under 2 CFR Part 200, *Appendix II Contract Provisions for Non-Federal Entity Contracts Under Federal Awards*, [https://www.ecfr.gov/current/title-2/part-200/appendix-Appendix II](https://www.ecfr.gov/current/title-2/part-200/appendix-Appendix-II) to Part 200. See Appendix 1 for more information.

Questions and Answers

How many meals per child may be provided through non-congregate meal service?

The maximum number of meals that may be offered at a non-congregate site and a congregate site is the same. For most sites, up to two meals, or one meal and one snack, per child, per day may be offered, in any combination except lunch and supper. Sponsors of non-congregate sites approved to operate multi-day meal issuance may distribute the allowable number of reimbursable meals that would be provided over a 10-day calendar day period. However, State agencies retain the discretion to limit the number of meals a sponsor may distribute at once on a case-by-case basis as outlined in 7 CFR 225.16(i)(1). State agencies should consider both the benefits of multi-day issuance and the need to maintain the food safety, service, and integrity standards of the Program. Meals provided through non-congregate meal service should not require more than minimal preparation by children and families; specifically, non-congregate meals should not require cooking, chopping, or other preparation requiring equipment or cooking skills. In addition, meal pattern requirements still apply when offering non-congregate meals.

Can non-congregate meals be provided in non-rural areas if Program access is limited because of lack of transportation, safety concerns, lack of a location to serve meals, or other similar reasons?

No, non-congregate meal service is only allowed in rural areas where no congregate meal service is available. State agencies and sponsors should work together to determine how best to leverage community resources to provide a congregate meal service that meets the needs of children in non-rural areas.

When making a meal modification for a person with a disability, who is considered a “licensed health care professional?”

Sponsors are required to make substitutions for participants with a disability that restricts a participant’s diet on a case-by-case basis and only when supported by a written statement from a State licensed health care professional, such as a physician or nurse practitioner, who is authorized to write medical prescriptions under State law. For more information, see SFSP 10-2017, *Modifications to Accommodate Disabilities in the*

Child and Adult Care Food Program and Summer Food Service Program, June 22, 2017, <https://www.fns.usda.gov/cn/modifications-accommodate-disabilities-cacfp-and-sfsp>.

Do meal modifications need to meet the meal pattern requirements?

Most meal modifications can be made within the meal pattern requirements. Meal modifications that do not meet the meal pattern requirements must be supported by a medical statement to be reimbursable. Modified meals that meet meal pattern requirements and are not supported by a medical statement are reimbursable. For more information, sponsors should contact the State agency. SFSP 10-2017, *Modifications to Accommodate Disabilities in the Child and Adult Care Food Program and Summer Food Service Program*, June 22, 2017, <https://www.fns.usda.gov/cn/modifications-accommodate-disabilities-cacfp-and-sfsp>, provides guidance.

Can State agencies establish approval standards, including additional requirements, for non-congregate meal service flexibilities as part of their sponsor application process?

State agencies may set approval standards and include additional application requirements around non-congregate meal service flexibilities. For example, they might request sample menus from sponsors that want to use multi-day meal issuance or bulk food item flexibilities to ensure children receive a variety of foods meeting SFSP meal pattern requirements. State agencies might also consider a policy that prevents the distribution of the same meals for 10 consecutive days. When developing policies and procedures to guarantee Program integrity with non-congregate meal service flexibilities, State agencies should also carefully consider the needs of the community and how to best ensure Program access within their integrity framework.

What is the difference between bulk items and multi-day meal issuance, and how do they relate to unitized meals?

Bulk items in the non-congregate meal service are specific food items provided in a larger quantity than required for a single meal service. For example, a loaf of bread and a package of luncheon meat may be distributed as bulk items instead of being pre-assembled into individual sandwiches. A unitized meal is a meal that is individually portioned, packaged, and served as a unit; beverages such as milk or juice may be packaged separately, but served with the unitized meal.

Multi-day meal issuance in non-congregate meal service is when multiple days of meals are provided on 1 day, whether unitized or comprised of bulk items. For example, a sponsor may provide 5 days of meals every Monday. Unitized meals served in this fashion would be provided in five distinctly packaged units or sets of menu items. Bulk items, while not unitized in this fashion, must still be able to be portioned into specific quantities in line with the applicable meal pattern requirements, to preserve the quality of the meal.

May a State agency adopt its own definition of “guardian”?

Yes. State agencies must define guardian for the purpose of non-congregate meal service based on the State’s needs, and as applicable to the meal service flexibility outlined in Program regulations at 7 CFR 225.16(i)(2). The definition should maintain a caregiver relationship between an adult and a child on the day of meal service. For instance, State agencies may determine that adults who are principally responsible for the care of the child that day, such as grandparents or other adults functioning as childcare providers, are suitable guardians to collect meals on behalf of the children on days when they are providing care. State agencies may also consider how guardian is defined under other State programs related to caregiving, if appropriate. However, it’s important to note that individuals caring for groups of unrelated children formally enrolled in care should not be considered guardians under the State agency’s definition, as per question below.

Is it permissible for a childcare provider, such as a day care operator or childcare center operator, located in a rural area to collect meals for the children who attend their childcare services?

No, childcare providers cannot collect Program meals on behalf of parents or guardians for children attending their childcare. Childcare providers who care for groups of unrelated children formally enrolled in their care should not be considered guardians under the State agency’s definition. Allowing a childcare provider to collect and distribute meals on behalf of groups of children introduces significant integrity risks, especially concerning meal duplication, ensuring meals reach eligible children, and food safety risks during transportation, storage, or distribution. In cases where children in childcare settings could benefit from non-congregate meals, FNS strongly encourages State agencies and sponsors to collaborate with local childcare providers and explore the feasibility of these providers becoming summer meal sites or participating in CACFP to support meals for children in their care.

May a site sell à la carte items during an SFSP meal service?

Yes, the sale of à la carte items by sponsors or sites during a meal service is permitted. However, the Program and non-Program components must be tracked separately, accounting for the receipt, obligation, and expenditure of all SFSP funds. The sponsor must maintain accounting records documenting proper cost allocation between the Program and non-Program components of the meal service operation and the State agency must ensure that all SFSP reimbursements are used solely for conducting non-profit food service operations, through the review process.

Are there any advantages to obtaining meals from an SFA?

Sponsors are encouraged to enter into an agreement with a local SFA about the possibility of obtaining meals. Using the facilities of local public or private schools to prepare or obtain meals offers sponsors several advantages. These schools often prepare large numbers of meals during the school year and already have the facilities and staff for such a service. Many schools are also accustomed to preparing meals that meet meal pattern requirements if they participate in other Child Nutrition Programs.

Are there certain requirements FSMCs need to fill?

Yes, FSMCs must have State or local health certificates for the facilities they use to prepare SFSP meals and they must ask local health authorities or independent agencies to periodically inspect the meals they serve to determine bacteria levels. FSMCs must maintain records supported by invoices, receipts, or other evidence that demonstrates Program responsibilities are met. FSMCs must keep these records for at least 3 years from the date of receipt of final payment under the contract. In addition, FSMCs cannot subcontract with another company for the total meal or for assembling the meal because this will inflate costs and lessen control of the quality and supply of the meals.

What options are available for sponsors that cannot contract with an FSMC?

Sponsors should work with their State agencies to find viable options for procuring meals, such as exploring relationships with school facilities. Sponsors may also contact their State Department of Agriculture, the USDA Rural Development Office in their State, and other public agencies to identify potential vendors.

What type of information do sponsors need to provide to FSMCs when they are soliciting an IFB?

Sponsors will need to include a list of proposed site names, addresses, delivery locations, times of meal service, and days of operation. They should also include a cycle menu that lists the types and amount of

food in each meal, copies of the meal pattern requirements and minimum food specifications, and model meal quality standards. Sponsors will need to ensure that the FSMCs they plan to contract with provide unitized meals. Additionally, sponsors must carefully estimate the number of meals needed each day because a sizable difference between estimated and actual participation can increase or decrease the FSMCs unit production cost. Sponsors must clarify that USDA Foods will be received only if the vendor is a school or school district, or if the sponsor is an SFA that procures its meals from the same FSMC that currently provides NSLP meals.

Do commercial FSMCs need to be registered with the State agency?

It depends. Commercial FSMCs are no longer required by Federal law to register with the State agency. However, some States have found the registration process to be beneficial and continue to require it.

To whom should a sponsor award a FSMC contract?

Sponsors should award the contract to the responsive and responsible bidder whose per meal bid was lowest in price. Responsive bidders would be considered those whose bids conform to all of the terms, conditions, and requirements of the IFB. Sponsors are encouraged to use the services of small and minority businesses and women's business enterprises and should consult local and State authorities regarding the applicability of preference and set-aside provisions. For bids totaling over the SAT or to select a bid that is not the lowest bid, sponsors must first receive State agency approval before acceptance.

This requirement should not be interpreted to allow sponsors the ability to arbitrarily award the contract other than to the lower price responsible bidder whose bid conforms to all the material terms and conditions of the solicitation. Additionally, in situations where a sponsor intends to disallow the bid of a previous FSMC due to poor performance, the sponsor should have documentation of specific incidents and deficiencies, correspondences regarding these matters, and any requests for corrective actions or resolution. This documentation should clearly demonstrate why the award to this specific contractor would not be in the best interest of the sponsor or the Program.

Is it possible for an organization, such as a college or a university, to have year-round contracts that provide SFSP meal service in conjunction with other on campus meal services?

Yes, this arrangement can work provided the scope of the SFSP meal service is included in the original solicitation and the resulting contract.

What is the standard contract threshold and in what situations must a sponsor use a standard contract?

The standard contract threshold is a threshold established only for SFSP sponsors. It sets a contract award amount that triggers additional procurement requirements. The standard contract threshold is linked to the SAT, meaning that the standard contract threshold is always the same as the SAT. Non-profit sponsors operating only during the summer months and conducting procurement with an anticipated value greater than the SAT must use the State agency-supplied standard contract and adhere to stricter bid opening and acceptance procedures, as required at 225.15(m)(4). This requirement does not apply to public institutions and organizations with year-round contracts. For more information, see SFSP 07-2013, *Summer Food Service Program Standard Contract Threshold*, January 24, 2013, <https://www.fns.usda.gov/sfsp/summer-food-service-program-standard-contract-threshold>.

What are the advantages of contracting with a minority business?

Contracting with small, minority, and women's business enterprises and labor surplus firms is a government-wide requirement at 2 CFR Part 200.321 as well as in procurement standards in Program regulations at 7 CFR Part 225.17(d). Contracting with these entities may be a way of attracting local businesses and potentially achieving lower prices as these entities often do not have the overhead expenses of larger companies.

Procurement regulations at 2 CFR Part 200.320(c)(2) for sealed bids requires that a fixed price contract be awarded to the lowest responsive and responsible bidder; 200.320(d) for competitive proposals requires that a fixed price or cost-reimbursable type contract be awarded to the responsible firm whose proposal is most advantageous to the Program with price and other factors considered. Policy guidance, *July 2005 Procurement Questions*, July 14, 2005, <https://www.fns.usda.gov/cn/july-2005-procurement-questions>, primarily addressed to school food authorities operating NSLP and SBP, requires price to be the primary factor. However, SFSP 09-2016, *Guidance on Competitive Procurement Standards for Program Operators*, November 13, 2015, <https://www.fns.usda.gov/cn/guidance-competitive-procurement-standards-program-operators>, clarified this guidance in that price must be the primary factor for contract awards in all

Programs. Awarding a bid to the lowest bidder may not be required as long as there is sound documented reason the bid may be rejected. This is one reason that it is important that sponsors document issues with vendors. For example, make sure to document if meals are incomplete, delivered outside of required temperature, etc. Sponsors should not have to accept lowest bidder if there have been ongoing compliance issues with that bidder. Sponsors should consult with the State agency as needed.

For an IFB, the terms and conditions must be written in such a way that they require bidders to demonstrate their ability to be a responsible bidder without restricting competition. These include clear and accurate written specifications, terms, and conditions that bidders must meet to ensure that the contract award is based on price alone. Such provisions may include evidence of liability insurance, proof of financial viability, or other conditions as clearly identified in the IFB.