

Section A—Overview

Contracted Meal Service Requirements and Limitations 19.3
Menus..... 19.3
Daily Vendor Receipts 19.4
Backup System..... 19.4

Section B—Annual Vended Meal Agreement

Annual Vended Meal Agreement..... 19.4
Vendor Records..... 19.5

Section C—Institution/Vendor Responsibilities

Institution Responsibilities 19.5
Vendor Responsibilities 19.6

Section D—Food Service Management Companies

Food Service Management Companies 19.6

SECTION A—OVERVIEW

Institutions may contract with vendors to purchase meals and snacks. The decision to purchase meals from a vendor will depend on a variety of factors including each facility's availability of food service equipment, space, personnel, and budget. Meals may be purchased either in bulk or as pre-plated, individual meals. The contract may be for food preparation only or for preparation and delivery. A vendor may be:

- A private nonprofit organization.
- A Local Education Agency (LEA) or any other public entity.
- A catering company.
- A Food Service Management Company (FSMC) acting as a food vendor only.

For-profit centers are prohibited from vending from LEAs but may vend with any of the other types of vendors. For-profit institutions who estimate the vending agreement will be \$100,000 or more in aggregate must formally procure that purchase.

See Chapter 14 for Procurement.

Contracted Meal Service Requirements and Limitations

Federal regulations require that CACFP institutions accept final administrative and financial responsibility for program operations and further disallow institutions contracting out the management of the program. When contracting for meals, the institution must enter into a written contract, called the Food Service Agreement for Vendors (Exhibit 23.21), with a vendor. Signing a contract with a vendor does not relieve the institution of its CACFP responsibilities for managing, monitoring, and record keeping, including compliance with meal patterns and portion sizes. Institutions that contract with a food vendor must adhere to procurement standards described in Chapter 14.

Menus

The institution is responsible for making sure all menus for meals are reimbursable. The institution must review and approve menus submitted by the vendor. An institution staff person who is knowledgeable of CACFP meal pattern and portion size requirements should review the menus for compliance with program requirements. When unsure of the credibility of a particular menu item, the institution should request documentation in the form of recipes, CN labels, or manufacturers' product analysis sheets. For more information on crediting foods, see *Creditable Foods Guide*. When meals do not contain all required components or otherwise do not adhere to sound nutritional practices for the age group being served, the staff person must consult with the vendor to modify the menu.

Daily Vendor Receipts

Vendor receipts are necessary to document that food delivered from the vendor is consistent with the provision of the Food Service Agreement for Vendors. Federal regulations specify payment cannot be made for meals that do not meet meal pattern requirements or for food that is spoiled or unwholesome at time of delivery. Vendor receipts signed at the time of delivery provide documentation for this requirement.

The vendor must provide the institution with a daily written receipt that documents the types of food and the amount delivered. Center staff should check the food delivered against the vendor receipt and sign the receipt to document food received. Institutions should ensure that safe food handling procedures are followed. The institution must maintain vendor receipts with other CACFP records.

Daily vendor receipts must:

- Be dated.
- List all food delivered in weight or volume amount.
- Provide instructions for portion sizes and serving details.
- Document accurate food delivery time and temperatures.
- Verify consistency with provisions of the Food Service Agreement for Vendors form.
- Be signed by the vendor and CACFP staff at time of delivery.



Backup System

The institution must have a backup system in place in the event the vendor does not provide sufficient amounts of food or milk for all the participants present or is unable to make a scheduled delivery due to unforeseen circumstances.

SECTION B—ANNUAL VENDED MEAL AGREEMENT

Institutions who want to purchase meals must submit a signed Food Service Agreement for Vendors to OSPI for approval each year. The Food Service Agreement for Vendors form is a written contract between the institution and the vendor that clearly states the foods and services to be provided and the price for the foods and/or services. OSPI must approve the contract before the institution can claim vended meals for reimbursement. The institution/vendor contract must stipulate:

- All vendor and institution contractual responsibilities.
- That no payment will be made for meals that do not meet CACFP meal pattern requirements.
- That no payment will be made for meals that are spoiled or unwholesome at the time of receipt.
- The type and number of meals to be delivered and the time of the delivery and pickup.

- Price of meals.
- The exact services to be provided.
- How the institution may be provided with menu records, receipts, and food item crediting documentation, prior to meals being delivered.
- A process by which the institution can modify the menu, if needed.

Vendor Records

The vendor must agree to maintain all records (for example, invoices, receipts, recipes, CN labels, manufacturers' product analysis sheets, that are necessary to meet CACFP record keeping requirements. Records must be available to OSPI during administrative reviews or upon request.

To demonstrate that CACFP meal pattern requirements are being met, the vendor must provide daily vendor receipts; menus on a monthly, weekly, or daily basis; recipes; CN labels; and manufacturers' product analysis sheets to the institution.

The vendor must also demonstrate that state and local health and sanitation requirements are met at all times. The institution may take action against the vendor for meals that do not meet CACFP meal pattern requirements or are spoiled or unwholesome.

SECTION C—INSTITUTION/VENDOR RESPONSIBILITIES

Institutions and vendors have specific responsibilities when entering into a Food Service Agreement for Vendors.

Institution Responsibilities

- Review all menus prior to ordering to ensure compliance with program requirements.
- Request recipes, CN Labels, and manufacturers' product analysis sheets for combination foods on menus.
- Work with the vendor to adjust menus as necessary to meet program requirements.
- Examine meals as delivered for acceptability.
- Keep documentation of delivery times and temperatures of foods as meals are delivered.
- Work with vendor to rectify any problems with service, food quality, frequent substitutions, or inadequate meals.
- Pay vendor billing invoices as agreed upon in Food Service Agreement for Vendors.

Vendor Responsibilities

- Work with the institutions to plan meals meeting all CACFP requirements.
- Provide recipes, CN Labels, and manufacturers' product analysis sheets for combination foods.
- Provide wholesome foods.
- Deliver meals on time and as agreed.
- Keep delivery records showing time and temperatures of foods delivered.
- Work with the institution to make adjustments to menus and service, as needed.
- Send billing invoices as agreed upon in Food Service Agreement for Vendors.

SECTION D—FOOD SERVICE MANAGEMENT COMPANIES

Food Service Management Companies (FSMC) are considered a vendor in CACFP Federal regulations. FSMCs and other vendors cannot manage the CACFP for a school district or other CACFP institution.

The FSMC can do the following under CACFP regulations:

- Sell meals to a CACFP institution.
- Provide records associated with the production of food, such as recipes, menu production records, CN Labels, manufacturers' product analysis sheets, product specifications, and daily vendor receipts.
- Develop menus for the institution's approval.