

**NEW JERSEY CHILD AND ADULT CARE FOOD PROGRAM  
INSTRUCTIONS: INVITATION FOR BID AND STANDARD CONTRACT.**

**I. COMPETITIVE SEALED BIDS** (formal advertising)

If formal advertising is used for a procurement under the program, the following requirements shall apply:

1. A sufficient time prior to the date set for opening of bids, bids shall be solicited from an adequate number of known suppliers. In addition, the invitation shall be publicly advertised.
2. All proposed contracts shall be publicly announced at least once 14 calendar days prior to the opening of bids. The announcement shall include the time and place of the bid opening.
3. The sponsor shall notify the state agency at least 14 calendar days prior to the opening to the bids of the time and place of the bid opening.
4. The invitation to bids, including specifications and pertinent attachments, shall clearly define the items or services needed in order for the bidders to properly respond to the invitation.
5. The invitation to bid shall not provide for loans or any other monetary benefit or terms or conditions to be made to sponsors by food service management companies.
6. Nonfood items shall be excluded from the invitation to bid, except where such items are essential to the conduct of the food service.
7. The invitation to bid shall not specify special meal requirements to meet ethnic or religious needs unless special requirements are necessary to meet the needs of the participants to be served.
8. All bids shall be opened publicly at the time and place stated in the invitation for bids.
9. All bids totaling \$50,000 or more shall be submitted to the State agency for approval before acceptance.

All bids shall be submitted to the state agency for approval before accepting a bid which exceeds the lowest bid. State agencies shall respond to any request for approval within 10 working days of receipt.

10. A firm-fixed-price contract award shall be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as discounts, transportation costs and life cycle costs shall be considered in determining which bid is lowest. Payment discounts may only be used to determine low bid when prior experience of the grantee indicates that such discounts are generally taken.

11. Any or all bids may be rejected when there are sound documented business reasons in the best interest in the program.
12. The sponsor shall inform the state agency of the reason for selecting the food service management company chosen. State agencies may require institutions to submit copies of all bids submitted under this section.

## **II. COMPETITIVE NEGOTIATION**

In competitive negotiation, proposals are requested from a number of sources and the Request for Proposal is publicized. Negotiations are normally conducted with more than one of the sources submitting offers, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. Competitive negotiation may be used if conditions are not appropriate for the use of formal advertising. If competitive negotiation is used for a procurement under a grant, the following requirements shall apply:

1. Proposals shall be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. The Request of Proposals shall be publicized and reasonable requests by other sources to compete shall be honored to the maximum extent practicable.
2. The Request for Proposal shall identify all significant evaluation factors, including price or cost where required and their relative importance.
3. The institution shall provide mechanisms for technical evaluation of the proposal received, determinations of responsible offerors for the purpose of written or oral discussions, and selection for contract award.
4. Award may be made to the responsible offeror whose proposal will be most advantageous to the procuring party, price and other factors considered. Unsuccessful offerors should be notified promptly.

If you are using this procurement method, you must attach a cover letter listing the criteria which will be used to award the contract.

## **III. NONCOMPETITIVE NEGOTIATION**

In order to use noncompetitive negotiation, you must:

1. Call the Child and Adult Care Food Program office for prior approval.
2. Upon approval, complete the "New Jersey Child and Adult Care Food Program Invitation for Bid and Standard Contract" in its entirety using the definition for bidder and contractor interchangeably.