

PRFSD - Request For Quotation (RFQ) for Further Processed Commodity Products

<b><u>Pittsburgh Regional Food Service Directors (PRFSD)</u></b>	
<b>RFQ 2526-1: Request for Quotation (RFQ) for Further Processed Commodity Products</b>	
	<b>Issued on Monday, January 6, 2025</b> <b>No vendor submissions will be accepted after</b> <b>Tuesday February 11, 2025 2PM(EST)</b>
<b><u>Mail or Deliver to:</u></b> (Faxed or emailed vendor approvals will <b>not</b> be accepted)	<b>Pittsburgh Regional Food Service Directors</b> <b>c/o Jillian Burge, President</b> <b>Greater Latrobe School District</b> <b>Food Service Department</b> <b>131 High School Road</b> <b>Latrobe, PA 15650</b>
<b>Deadline For Submittal</b>	<b>Tuesday February 11, 2025 2pm EST</b>

Commodity Forms can be downloaded at  
**Member Resources, Industry Partner Resource Library, Below the Blue Box**  
Submit questions in writing to:

Malik Hamilton, Bid Chair  
[mhamilton1@pghschools.org](mailto:mhamilton1@pghschools.org)

or

Eileen Watkins, Bid Liaison  
[prfsdbid@gmail.com](mailto:prfsdbid@gmail.com)

The Pittsburgh Regional Food Service Directors (PRFSD) is a cooperative buying group that represents approximately 115 school districts in Western Pennsylvania. Additional districts may join PRFSD according to the membership requirements during the term of this vendor approval and would be allowed to “piggyback” on the vendor approval responses offered.

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**Checklist**

This checklist is for your convenience.  
Before returning your submission documents, did you...

\_\_\_\_\_ Complete BOTH Commodity Product Pricing Forms?  
Commodity Form w/Specifications and Commodity Form w/o Specifications. **Submit a hard copy and an excel copy on a flash drive.**

\_\_\_\_\_ Submit A Copy of The CN Label or Product Formulation Statement, The Ingredient Statement, And Nutritional Analysis for All Products on Flash Drive? Each product must be its own file for Nutritional's and CN Product Formulation, **not one master file. HARD COPY NOT NECESSARY.**

\_\_\_\_\_ Complete A Formal Quote Form for Each Product Submitted and Form Placed on **Flash Drive and Hard Copies Submitted?** Form/Letter must contain an authorized signature and company logo. (It is recommended (but not mandatory) that any items you put on the Commodity Form w/o Specifications be listed on the Formal Quote)

\_\_\_\_\_ Complete And Sign The Request For Quotation, Please Submit **Both A Hard Copy and Electronic Copy.** (As per Pennsylvania Department of Education: [Electronic signatures are acceptable as long as they are password protected digital signatures](#))

\_\_\_\_\_ Initial Each Page of The Vendor Approval? **Please include a business card with a contact person and also one for a local broker if company has one.** (Attached to page one of this document)

\_\_\_\_\_ Written Recall Procedure

\_\_\_\_\_ Read, Complete and Sign All Applicable Attachments?

\_\_\_\_\_ Business Card of local Manufacturing Representative or Broker is helpful but not required.

**Section 1. Intent**

## **PRFSD - Request For Quotation (RFQ) for Further Processed Commodity Products**

To provide for the gathering of quotations and to evaluate and select manufacturers wishing to provide further processed commodity products to the member districts of the Pittsburgh Regional Food Service Directors (PRFSD). Responding manufacturers must have been approved by the Pennsylvania Department of Agriculture (PDA) or the United States Department of Agriculture (USDA) to participate in the processing of USDA donated commodity foods as laid out in federal regulation 2CFR250 in order to submit a response to this solicitation.

The manufacturer must utilize USDA commodity product diverted by Pittsburgh Regional Food Service Director districts under the USDA commodity program. The manufacturer will produce and deliver commodity-processed products as directed by PRFSD and its member districts direct or via distributor at the discretion of the individual district or PRFSD. Direct purchases of commodities by a PRFSD district must be further procured by the district outside of the formal PRFSD commercial solicitation.

This document is for the submission of Summary End Product Data Schedules, Product Specifications, NOI case pricing into distributor, proof of qualifications based on USDA/PDA standards and other criteria deemed necessary at the discretion of PRFSD

By acceptance of quotes from a manufacturer via this RFQ neither the Pittsburgh Regional Food Service Directors (PRFSD) organization, its members, or any third-party representatives make a guarantee of inclusion for any manufacturer based on any communications exchanged with the manufacturer, it's sales representative(s), or it's broker(s) on the official PRFSD bid and order guide that is generated from the PRFSD Commercial RFP solicitation that is issued separate from this document.

Neither does PRFSD, its members, or any third-party representatives guarantee any estimates of usage or purchases of product will be made for any product submitted in response to this request.

Information provided will be used as part of PRFSD Commercial RFP solicitation at the discretion of the Pittsburgh Regional Food Service Directors coop which is issued separate from this document to regional distributors for final product sourcing, pricing, and distribution.

**Section 2. Submission Guidelines**

Manufacturers offering NOI must fill out the FFS pricing pages so that in the event the product does not get enough volume to come through the distributor it can come through a third-party warehouse or direct to the district with the FFS pricing. Failure to quote FFS pricing on NOI items may result in canceled orders if the selected distributor does not carry the item, as school districts distribution bids on which to base their purchasing on.

Manufacturers are limited to one submission to this solicitation. If a submission needs to be amended in any way the applicant must request to do so, in writing on company letterhead within thirty (30) business days of the submission deadline. All requests will be evaluated by the PRFSD Bid Committee. If approved the applicant will have ten (10) business days to submit the amendment. After the ten (10) day period the original submission will stand and be evaluated as is.

Any processor approvals are not an indication of exclusive selection within any commodity or product category. Vendor approvals do not constitute a contract, or a promise or guaranty of any product(s) made by the approved manufacturer being purchased by the member districts of PRFSD. The members of PRFSD, at their discretion, divert commodities available in the USDA commodity program as approved by the Pennsylvania Department of Agriculture (PDA).

**Price Quotes**

All product information and pricing must be submitted on the Commodity Processing Product Forms provided. All columns must be completed for each product entered to include case counts, pounds of donated food per case, and value of donated food per case. Pricing and case information must be completed in ink or typewritten. Any delivery stipulations and/or conditions must be in writing. Pricing quotes are to be the price into the distributor and should include freight and tailgate delivery. The two commodity product pricing forms below are to be completed and returned in hard copy **as well as electronic format on a flash drive.**

1. The **Commodity Processing Product Form with Specifications** pre-lists data for items commonly used in the previous school years and are expected to be stocked at the distributor. Please complete this form.
2. The **Commodity Processing Product Form without Specifications** is blank for manufacturers to list items not on the pre-completed form. Stocking these items will be at the discretion of the PRFSD distributor. Special Order status may apply. Please complete this form.

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All items listed on the Commodity Processing Product Forms must also be further submitted on manufacturer letterhead or a manufacturer's formal price quote sheet. **These are due at the time of the vendor approval submission.** The formal price quote documents must be uploaded onto a flash drive and must also be sent as hard copies.

Letter or formal quote sheets must include manufacturer's name and address, length of quote to be July 1, 2025 - June 30, 2026, and Bid name "**PRFSD vendor approval Commodity RFQ #2526-1**". It must also include the following:

1. Net Off Invoice (NOI) Items: Item Number, description, delivered commercial case price, amount of NOI discount, and any bid discounts offered.
2. Modified Fee for Service (MFFS) Items: Item Number, description, delivered MFFS case price, and any bid discounts offered.

### **Nutritional Information**

A copy of the label, the ingredient statement, and nutritional analysis for all products must be submitted in electronic format on a flash drive. **This information may be added to the flash drive with the product pricing forms or may be submitted on a separate flash drive.** All products must be submitted with a CN label if a CN label exists for that product. IF A CN LABEL DOES NOT EXIST FOR THE PRODUCT, THEN A PRODUCT FORMULATION STATEMENT MUST BE SUBMITTED. The nutritional analysis information provided must show the serving size, number of calories per serving, carbohydrate, protein, total fat, saturated fat, trans fat, sodium, cholesterol, and percentage of vitamins and minerals of the U.S.R.D.A. INFORMATION PROVIDED FOR EACH ITEM MUST BE A SEPARATE AND UNIQUE FILE. A SINGLE FILE CONTAINING ALL INFORMATION FOR ALL SUBMITTED PRODUCTS WILL NOT BE ACCEPTED AND MAY BE GROUNDS FOR DISQUALIFICATION OF THE VENDOR'S ENTIRE BID SUBMISSION.

Foods should contain no added Trans-fats, only naturally occurring Trans-fats are allowed.

**Samples:** Upon request, samples will be submitted at no cost to PRFSD. Ingredient statement, nutrition facts and if available, and CN label must be submitted with all samples. Failure to submit requested samples of items may disqualify the bid submission.

### **Recall Procedure**

Vendor must have a written Standard Operating Procedure for product recalls and must submit a copy of that procedure as a part of the response to this solicitation both in print and electronically on the submitted flash drive.

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### **Evaluation Method and Criteria**

Submissions will be reviewed by members of the PRFSD Bid Committee. Only approved PDA and USDA manufacturers may submit a response.

The following criteria will be evaluated:

- Completion of BOTH Commodity Product Pricing Forms
- Presence of CN Label or Product Formulation Statement, Ingredient Statement, and Nutritional Analysis for all products on flash drive
- Completion of a Formal Quote Form for each product submitted and Form placed on flash drive and hard copies submitted
- Complete and Sign the Request for Quotation (RFQ), submitted both on a flash drive and in hard copy
- Initial each page of the RFQ
- Read, Complete and Sign all applicable attachments
- Manufacturer's Service History
- Historically Underutilized Business or Minority/Woman-Owned Business Enterprise (HUB/MWBE) Status

### **Removal from accepted vendor list**

The following conditions, depending on severity, may cause removal of manufacturer from a future vendor approval:

- a. Failure to meet pricing quoted in submission
- b. Failure to adhere to federal or state requirements
- c. Failure to provide acceptable products and services
- e. Failure to comply with the terms and conditions of this document or any formal procurement solicitations issued by or on behalf of the Pittsburgh Regional Food Service Directors (PRFSD) and its members.

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### Calendar Timeline of Events

The required dates and times by which actions must be completed and, where applicable, locations are listed in the Timeline. If PRFSD determines that it is necessary to change a date, time, or location, it will issue an addendum to this solicitation. All times noted in this vendor approval refer to Eastern Standard Time.

<b>Monday, January 6, 2025</b>	Request For Quotation (RFQ) for Further Processed Commodity Products issue date posted on PRFSD website.
<b>Tuesday, February 11, 2025</b>	Last date for submissions to be <b>received</b> for evaluation
<b>Friday, February 21, 2025</b>	Final date for PRFSD Board approval of successful submissions.
<b>Friday February 28, 2025</b>	Acceptance or denial letters distributed to respondents.

### Section 3: Terms and Conditions

PRFSD reserves the right to reject any submitted submission for any reason at the discretion of the bid committee, the Board of Directors, or appointed legal counsel.

PRFSD reserves the right to reject a vendor's submission for any reason at any time during the quotation school year at the discretion of the bid committee, the Board of Directors, or appointed legal counsel.

Submissions are subject to all the terms of the documents contained in this Request for Quote as well as any laws surrounding a solicitation of this type. Vendors are advised to familiarize themselves with all applicable federal, state, and local laws regarding their submission. All are applicable regardless of whether they are mentioned in this document or not.

Only approved PA Commodity Processors are eligible to submit responses to this solicitation.

#### Pricing

The vendor approval is for one (1) year. Quoted prices, including commercial price bid for districts purchasing NOI, Cash Rebate, Fee for Service, or any other purchasing method offered by USDA or PDA, will begin for commodity product processing from **July 1, 2025 to June 30, 2026**. PRFSD requests that pricing quotes be held firm for the duration of this time. In the event that the manufacture's market cost does not allow for this, PRFSD does have in place a process for submitting pricing increases in the following section, "Pricing Increase Thresholds".

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### **Pricing Increase Thresholds**

Manufacturers may not, for any reason, invoke a price increase or request any release from contractual liabilities for the sale and distribution of goods or services to school district members of PRFSD, including but not limited to an oversight in the specifications of a product on the part of the manufacturer, distributor, or any of its partners or vendors or a claim of inadequate explanations. Additionally, no price increase may be invoked or requested for reasons related to Force Majeure which does not provide for relief based on costs for the respondent.

Manufacturers may request a pricing adjustment with thirty (30) days' written notice to Pittsburgh Regional Food Service Directors (PRFSD) by the 15th of each month. The pricing adjustment will be evaluated on a relevant producer price index (PPI) published by the United States Bureau of Labor Statistics, which can be accessed via <https://www.bls.gov/ppi/databases/home.htm>, to determine valid justification for the pricing adjustment request. The producer price index used for evaluation will be chosen based on the manufacturer's self-designated and provided NAICS number. If the PPI associated with the manufacturer's NAICS number is not appropriate for the evaluation of the product being considered an appropriate index will be determined.

If PRFSD does not approve the requested price adjustment, it will offer an alternative price based on the PPI evaluations of the manufacturer's request. If the price that PRFSD is willing to agree to is unacceptable by the manufacturer the parties will work together in good faith to find a substitute product. If no substitution is agreed upon the product will be removed from the agreement without recourse to the manufacturer. No petitions will be entertained without the following being provided to PRFSD by the Manufacturer:

1. Proof of purchase utilizing a copy of the most recent invoice that represent manufacturer's prices
  - a. Audit documents may be provided electronically to PRFSD.
2. Invoice from manufacturers to US Foods showing FOB price
3. Freight invoice (if not delivered) from carrier showing total cost of truck
4. Bills of lading to freight company showing products shipped
5. All items requested must be in a spreadsheet that clearly indicates the following
  - a. Manufacturer Product #
  - b. Distributor Product #
  - c. Pack Size
  - d. Product Description
  - e. Original cost to Distributor from Manufacturer
  - f. Requested price increase to Distributor from Manufacturer
  - g. Manufacturer's NAICS number



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PRFSD is responsible to respond to the price increase request within ten (10) business days of the price request being received by the bid liaison or bid committee chair. If PRFSD fails to provide this response in the allotted time and has not communicated to the manufacturer that response will be delayed the manufacturer may elect to have the price raised to the requested amount. Requests submitted solely to PRFSD's contracted distributor(s) will not be considered valid until received by the bid liaison or the bid committee chair. In such an event the deadline for PRFSD response will be determined based on the date the request is received by the appropriate representatives of PRFSD and the start date for any approved price increase request will be delayed accordingly.

To evaluate the price increase request PRFSD will take the information provided in the spreadsheet and determine what is an acceptable increase amount based on the appropriate Producer Price Index. The following formula will be utilized  
Allowable Base Price (ABP) =  $[(Y/Z)*S(P)] + [(1-S)*(P)] S$

Where:

Z = PPI for Base Period – the base period is the corresponding month in which the request was made from the previous year. (ie the base period for a request made in March 2022 will use March 2021 as it's base year)

Y = PPI for month preceding the month in which request was made

S = Price adjustment factor based on month of request\*

P = Original cost to Distributor from Manufacturer

The same markup on the original cost to the Distributor from the Manufacturer will then be added to the result of the above calculation resulting in the approved price increase for that item.

Example #1: The Manufacturer's original bid quotes a price of \$55.87 into distributor. In November 2023 the manufacturer requests a price increase to \$59.00, into distributor.

PRFSD consults the PPI for November 2023 (the Base Period) and October of 2024. The index for November 2022 is 169.38. The index for October 2024 is 160.0. This means that based on the industry index AND the weighted factor based on the time of year (.822 – see chart below) a price increase of \$58.56 from mfgr to distributor is the highest justifiable price increase that will be approved by PRFSD.

$$ABP = [(169.38/160.0) * .822(55.87)] + [(1 - .822) * (55.87)]$$

$$ABP = \$58.56 \text{ on a price increase request of } \$55.87 \text{ to } \$59.00$$

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### **Production and Delivery**

If there is a delay in production and/or delivery, the vendor must give notice to PRFSD immediately. If quantities ordered are not produced or delivered as requested, PRFSD reserves the right to purchase from another manufacturer until PRFSD believes the manufacturer has completely recovered from any production or delivery issues.

All products are subject to inspection by PRFSD's current contracted distributor. If items are nonconforming in any respect (quantity, quality, shelf-life, or packaging) the distributor and/or PRFSD has the right to reject the shipment without liability and any products returned will be at the expense of the vendor if found to be nonconforming to the award or other industry standards.

### **Use of Small, Minority Businesses and Women's Business Enterprises (2 CFR Sec. 200.321)**

The non-federal entity must take necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:

- Placing qualified small and minority and business and women's business enterprises on solicitation lists
- Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources.
- Dividing total purchasing requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business and women's business enterprises.
- Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises.
- Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.
- Requiring the prime contractor, if subcontracts are let, to take the affirmative steps listed above.

### **Debarment and Suspension**

To ensure that PRFSD does not do business with a debarred or suspended company or individual, each Manufacturer must include a certification statement (ATTACHED). By signing the certification statement, the Manufacturer certifies that neither it, nor any of its principals (e.g., key employees), have been proposed for debarment, debarred, or suspended by a Federal Agency. It is the responsibility of each Manufacturer to sign the attached

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certification statement and submit it with the bid. Failure to comply with this requirement will cause your bid to be disqualified and declared nonresponsive.

### **Termination for Non-Performance of Terms and Conditions**

Except as may be otherwise provided by this document, the quote may be terminated in whole or in part by either party in the event of failure by the other party to fulfill its obligations under the terms and conditions herein through no fault of the terminating party; provided that no such termination may be implemented unless and until the other party is given:

- a. at least thirty (30) days written notice (delivered by certified mail, return receipt requested) of intent to terminate, and
- b. an opportunity for consultation with the terminating party, followed by a reasonable opportunity, of not more than ten (10) business days or such other reasonable amount of time as may be required under the circumstances, to rectify the defects in products or performance, prior to termination.

### **Termination for Defect or Breach**

If Vendor fails to comply with any of the terms and conditions of this document; PRFSD has the option to send Vendor a ten (10) business day Notice to Cure the defect or breach. During the ten-day Notice to Cure, the parties may meet and confer to discuss the resolution of the defect or breach. In the event of nonconformity, PRFSD may, at its option, cancel all future purchases of the manufacturer's products by the contracted distributor on behalf of PRFSD for a time to be determined by PRFSD and its authorized agents.

Remedies are cumulative, and additional to any/or other further remedies provided by law. No waiver of any breach shall constitute a waiver of any other breach.

### **Termination for Convenience**

PRFSD may terminate these quotes prior to the expiration of the term, without cause and without penalty, upon thirty (30) days' written notice to the Manufacturer.

### **Food Laws**

Manufacturer shall be expected to operate in accordance with all applicable laws, ordinances, regulations, and rules of federal, state, and local authorities, including but not necessarily restricted to, a Hazard Analysis Critical Control Point (HACCP) plan and the provisions of the Consumer Product Safety Act. SFA may inspect Selected Distributor's facilities and vehicles. The Selected Distributor must have documented its company's compliance with Good

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Agricultural Practices (GAPs), Standard Operating Procedures (SOPs), Sanitary Standard Operating Procedures (SSOPs), and Good Management Practices (GMPs) for farm and field operations, packing facilities, cold storage operations, produce shippers, and their distribution facilities, if appropriate.

### **Recalls**

Vendor must have a written Standard Operational Procedure for product recalls. Vendor shall take immediate action to correct any situation when product integrity is violated. In the event of a mandatory or voluntary recall, Vendor shall remove or authorize disposal of all recalled product from PRFSD member districts immediately and shall replace the product with product of equal or better quality and value at no cost to said member districts as soon as possible. If replacement is not available or possible, credits shall be issued for all recalled product.

Vendor must have a traceability system in place regarding any type of recall, including, but not limited to, cases of a foodborne illness, allergen contamination, or mislabeling.

### **State and Federally Required Contractual Provisions**

Vendor must have obtained and will continue to maintain from 01 July 2025 to 30 June 2026, all permits, approvals, or licenses necessary for lawful performance of its obligations under the Terms and Conditions of this document. In addition, Vendor is responsible to abide by all applicable Federal and State laws and policies.

### **Equal Employment Opportunity**

Vendor shall comply with E.O. 11246, Equal Employment Opportunity, as amended by E.O. 11375, Amending Executive Order 11246 Relating to Equal Employment Opportunity, and as supplemented by regulations at 41 CFR Part 60, Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.

### **Clean Air Act and Energy Policy and Conservation Act**

Vendor shall comply with Section 306 of the Clean Air Act (42 USC 1857(h)), Section 508 of the Clean Water Act (33 USC 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 15), as applicable, as well as the Energy Policy and Conservation Act, Pub. L. 94-163, 89 Stat. 871, and any related state energy laws, as applicable. Vendor shall report all violations to PRFSD and to the relevant federal or state agency as appropriate.

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### **Indemnify and Hold Harmless**

Vendor shall indemnify, defend and hold harmless PRFSD and its member schools, its directors, officers, employees, and agents from and against all liability, damages, losses and expenses (including reasonable attorneys' fees and costs) which arise out of Vendor's negligence, breach or other lack of performance of this document, or violation of any law or right of a third party, or that of Vendors' employees, subcontractors, or agents. Vendor will comply with all laws relating to intellectual property, will not infringe on any third party's intellectual property rights, and will indemnify, defend and hold harmless the School and its directors, officers, employees, and agents from and against any claims for infringement of any copyrights, patents, or other infringements of intellectual property rights related to its activities under the Terms and Conditions of this solicitation.

- a. Vendor agrees to notify PRFSD by certified mail return receipt request, or by overnight courier immediately upon knowledge of any claim, suit, action or proceedings
- b. Such indemnification obligations shall not be construed to negate, abridge, or otherwise reduce any other right or obligations to indemnify, which would otherwise exist as to any party or person.

### **Force Majeure**

Except so far as Seller may have assumed a greater obligation, neither Party shall be considered in breach of this Agreement to the extent that its performance of any duty under this Agreement is prevented by extreme weather events such as tornadoes, hurricanes, earthquakes, tidal waves, drought, and floods; fires or explosions; war, terrorism, or other armed hostilities; embargo; public riot, disorder or commotion; unforeseen shutdown of major sources of supply or the like; labor strikes, lockouts, or other labor action (unless solely restricted to employees of the party claiming that its performance is excused); or by compliance in good faith with any applicable foreign or domestic governmental regulation or order, whether or not it later proves to be invalid. Increased cost alone does not excuse performance. Neither is a rise or a collapse in the market itself a justification, for that is exactly the type of business risk that this Agreement and its pricing provisions are intended to cover. But a severe shortage of raw materials or of supplies due to an above-specified contingency, which either causes a marked increase in cost or altogether prevents the Seller from securing supplies necessary to its performance, is within the contemplation of this section.

### **Buy American**

Schools participating in the federal school meal programs are required to purchase domestic commodities and products for school meals to the maximum extent practicable. Domestic commodity or product means an agricultural commodity that is produced in the US and a food product that is processed in the US substantially (at least 51 percent) using agricultural commodities that are produced in the US.

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Federal regulations require that all foods purchased for Child Nutrition Program be of domestic origin to the maximum extent practicable. While rare, two (2) exceptions may exist when:

- the product is not produced or manufactured in the US in sufficient, reasonable and available quantities of a satisfactory quality, such as bananas and pineapple; and competitive submissions reveal the cost of a domestic product is significantly higher than a non-domestic product.
  
- ALL products that are normally purchased by Distributor as non-domestic and proposed as part of this solicitation must be identified with the country of origin. Distributor shall outline their procedures to notify School when products are purchased as non-domestic.
  - Any substitution of a non-domestic product for a domestic product (which was originally a part of the solicitation), must be approved, in writing, by the Food Service Director, prior to the delivery of the product to the School.
  - Any non-domestic product delivered to the School, without the prior, written approval of the Food Service Director, will be rejected.
  - Distributors must affirm their willingness to assert their best and reasonable efforts to ensure compliance with this federal rule.

### ***Non-Domestic Food Purchases Limit***

The USDA has announced a phased-in approach to limiting non-domestic food purchases. The overall implementation date for the Buy American changes began **July 1, 2024**, with limits on non-domestic purchases phased in as follows:

- **10% limit** on non-domestic food purchases beginning in School Year (SY) **2025-26**.
- **8% limit** on non-domestic food purchases beginning in SY **2028-29**.
- **5% limit** on non-domestic food purchases beginning in SY **2031-32**.

### **Buy American and Fish/Fish Products:**

Schools participating in federal meal programs must purchase fish and fish products that are of domestic origin to the maximum extent practicable. This means the fish must be:

- Caught or harvested in U.S. waters or by U.S.-flagged vessels.
- Processed in the U.S., with at least 51% of the product's components by weight or volume originating domestically.

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### **Additional Vendor Requirements:**

- **Identification of Non-Domestic Products:**
  - Distributors must identify all non-domestic products included in this solicitation with their country of origin.
  - Procedures to notify the school when products are purchased as non-domestic must be clearly outlined.

### **Non-discrimination Statement**

The USDA prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov).

Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

USDA is an equal opportunity provider and employer.

### **Byrd Anti-Lobbying Amendment**

Pursuant to 22 CFR Part 227, Manufacturer agrees to: (a) sign and submit to PRFSD upon signing of this Agreement, the required certification that it has not used and will not use federal appropriated funds to influence various government officials in making certain federal awards, using the "Certification Regarding Lobbying" form, and the "Disclosure of Lobbying Activities Form", if it uses or has agreed to use funds other than federal appropriated funds for this purpose.

### **Reciprocal Limitations Act**

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The Reciprocal Limitations Act, Act 146 of 1986, requires the Department of General Services to give preference to those Vendors offering goods, supplies, equipment or materials produced, manufactured, mined or grown in Pennsylvania as against those Vendors offering goods, supplies or materials produced, manufactured, mined or grown in any state that gives or requires a preference to goods, supplies, equipment or materials produced, manufactured, mined or grown in that state. The amount of the preference shall be equal to the amount of the preference applied by the other state for that particular good, supply, equipment or material.

*\*\* Reciprocal Limitations Act. This Act authorizes the imposition of preferential bidding limitations against non-resident Vendors or suppliers of goods when the state of such non-resident imposes or applies preferential bidding limitations on Pennsylvania Vendors or suppliers of goods. The amount of the preference shall be equal to the amount of the preference applied by the other state for that particular good, supply, equipment, material or printing.*

*All invitations to bid for the purchase of goods, supplies, equipment, materials and printing exceeding the amount established by the Department of General Services for small procurements shall include a list of all the states that have been found by the Department of General Services to have applied a preference and the amount of the preference. Further, all invitations to bid and notices issued for the purpose of securing bids for construction and for supplies shall include a list of all states that apply a prohibition against certain items and shall inform potential Vendors that they are prohibited from using goods, supplies, equipment, materials or printing from those states. 62 Pa.C.S.A. §§ 107 & 5*



**PRFSD - Request For Quotation (RFQ) for Further Processed Commodity Products**

**Protest Procedure**

Any protest to this submission process must be submitted using the PRFSD Protest Form and Instructions provided in Attachment F. Return completed form to:

**Pittsburgh Regional Food Service Directors**

c/o Malik Hamilton, Bid Chair  
Pittsburgh Public Schools  
8 South 13<sup>th</sup> Street  
Pittsburgh, PA 15203

**PRFSD - Request For Quotation (RFQ) for Further Processed Commodity Products**

**Request for Quotation**

**Failure to sign and submit this form may be cause for submission rejection.**

Processing Manufacturer Contact Information

(Please type in information as this will be used to communicate any questions or notifications.)

Name of Manufacturer: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**Manufacturer Representative** - I have read all components of this submission evaluation guidelines in full. I certify that I have the authority to sign and enter into this agreement and that all the pricing quoted is correct. I understand the evaluation guidelines and its content and agree to be bound by its terms.

\_\_\_\_\_  
Manufacturer Representative Name – Please Print

\_\_\_\_\_  
Manufacturer Representative Name - Signature

\_\_\_\_\_  
Manufacturer Representative Title

\_\_\_\_\_  
Date

**9. List of Attachments**

**Attachment A:**

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion  
Lower Tier Covered Transactions

**Attachment B:**

Certification Regarding Lobbying

**Attachment C:**

Disclosure of Lobbying Activities

**Attachment D:**

Reciprocal Limitations Act

**Attachment D:**

Non-Collusion Affidavit

**Attachment E**

Minority/Woman-Owned Business Enterprise (MWBE) Certification

**Attachment F**

PRFSD Protest Form and Instructions

## **Attachment A**

### **Updated USDA Regulations on Added Sugars for School Meals – Effective School Year 2025-26**

The USDA has updated its nutritional standards for school meals to align with the Dietary Guidelines for Americans. Effective for the **2025-26 school year**, the regulations will place specific limits on **Added Sugars** in meals served through the National School Lunch Program (NSLP) and School Breakfast Program (SBP).

#### **Key Requirements:**

##### **1. Overall Limits on Added Sugars:**

- Added sugars must account for no more than **10% of calories** per meal, on average, over the course of a school week.

##### **2. Specific Food Category Restrictions:**

- **Breakfast Cereals:** Must contain no more than **6 grams of added sugars per dry ounce**.
- **Yogurt:** Must contain no more than **12 grams of added sugars per 6 ounces**.
- **Flavored Milk:** Must contain no more than **10 grams of added sugars per 8 fluid ounces**.

#### **Impact on School Meal Programs:**

Schools and food suppliers are required to review and update their meal offerings to meet these new standards. This includes:

- Reformulating recipes and products to reduce added sugars.
- Reviewing procurement practices to ensure compliance with the new guidelines.
- Training food service staff to implement these changes effectively.

#### **Compliance and Monitoring:**

Vendors and suppliers must provide detailed nutritional information for all products proposed as part of this solicitation. The nutritional data must include the specific quantity of added sugars per serving. Non-compliant products will not be considered for procurement.

**PRFSD - Request For Quotation (RFQ) for Further Processed Commodity Products**

**Attachment B  
Certification Regarding Debarment, Suspension, Ineligibility and Voluntary  
Exclusion Lower Tier Covered Transactions**

This form is available electronically.  
OMB No. 0505-0027  
Expiration Date: 12/31/2018

*The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. § 552(a), as amended). This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, and 2 C.F.R. §§ 180.300, 180.355, Participants' responsibilities. The regulations were amended and published on August 31, 2005, in 70 Fed. Reg. 51865-51880. Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the proposed covered transaction.*

*According to the Paperwork Reduction Act of 1995 an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0505-0027. The time required to complete this information collection is estimated to average 0.25 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The provisions of appropriate criminal and civil fraud privacy, and other statutes may be applicable to the information provided.*

(Read Instructions On Page Before Completing Certification)

A. The prospective lower tier participant certifies, by submission of this submission, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency;

B. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this submission.

ORGANIZATION NAME	PR/AWARD NUMBER OR PROJECT NAME
NAME(S) AND TITLE(S) OF AUTHORIZED REPRESENTATIVE(S)	
SIGNATURE(S)	DATE

The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington,

## **PRFSD - Request For Quotation (RFQ) for Further Processed Commodity Products**

DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

### **Instructions for Certification**

(1) By signing and submitting this form, the prospective lower tier participant is providing the certification set out on page 1 in accordance with these instructions.

(2) The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

(3) The prospective lower tier participant shall provide immediate written notice to the person(s) to which this submission is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

(4) The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "submission," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549, at 2 C.F.R. Parts 180 and 417. You may contact the department or agency to which this submission is being submitted for assistance in obtaining a copy of those regulations.

(5) The prospective lower tier participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

(6) The prospective lower tier participant further agrees by submitting this form that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

(7) A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the System for Award Management (SAM) database.

(8) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

**PRFSD - Request For Quotation (RFQ) for Further Processed Commodity Products**

(9) Except for transactions authorized under paragraph (5) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment. Form AD-1048 (REV 07/15)

**PRFSD - Request For Quotation (RFQ) for Further Processed Commodity Products**

**Attachment C**

**Certification Regarding Lobbying**

**Certification for Contracts, Grants, Loans and Cooperative Agreements**

1)

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature:	Date:
Name and Title	



**Attachment D  
DISCLOSURE OF LOBBYING ACTIVITIES**

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

**INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES**

This disclosure form shall be completed by the reporting entity, whether sub awardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the sub awardee, e.g., the first sub awardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Sub awardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Submission (vendor approval) number; Invitation for Bid (IFB) number; grant

## **PRFSD - Request For Quotation (RFQ) for Further Processed Commodity Products**

announcement number; the contract, grant, or loan award number; the submission/submission control number assigned by the Federal agency). Include prefixes, e.g., "vendor approval-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

**PRFSD - Request For Quotation (RFQ) for Further Processed Commodity Products**

<b>1. Type of Federal Action</b> <input type="checkbox"/> A. Contract <input type="checkbox"/> B. Grant <input type="checkbox"/> C. Cooperative Agreement <input type="checkbox"/> D. Loan <input type="checkbox"/> E. Loan Guarantee <input type="checkbox"/> F. Loan Insurance	<b>2. Status of Federal Action</b> <input type="checkbox"/> A. Bid/Offer/Submission <input type="checkbox"/> B. Initial Award <input type="checkbox"/> C. Post award	<b>3. Report Type</b> <input type="checkbox"/> A. Initial Filing <input type="checkbox"/> B. Material Change <b>For Material Change Only:</b> Year: _____ Quarter: _____ Date of Last Report: _____
<b>4. Name and Address of Reporting Entity:</b> <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known Congressional District, if known: _____		<b>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</b>  Congressional District, if known: _____
<b>6. Federal Department/Agency:</b>	<b>7. Federal Program Name/Description:</b> CFDA Number, if applicable: _____	
<b>8. Federal Action Number: (if known)</b>	<b>9. Award Amount: (if known)</b>	
<b>10. a. Name and Address of Lobbying Entity: (if individual, last name, first name, MI)</b>	<b>10. b. Individual Performing Services: (including address if different from No. 10 a) (Last name, first name, MI)</b>	
<b>11. Amount of Payment: (check all that apply)</b> \$ _____ Actual <input type="checkbox"/> Planned <input type="checkbox"/>	<b>13. Type of Payment: (check all that apply)</b> <input type="checkbox"/> A. Retainer <input type="checkbox"/> B. One-Time Fee <input type="checkbox"/> C. Commission <input type="checkbox"/> D. Contingency Fee <input type="checkbox"/> E. Deferred <input type="checkbox"/> F. Other: (specify) _____	
<b>12. Form of Payment: (check all that apply)</b> <input type="checkbox"/> A. Cash                      Nature _____ <input type="checkbox"/> B. In-kind (specify)      Value _____		
<b>14. Brief Description of services performed or to be performed and date(s) of service, including officer(s), employees, or members contracted for payment indicated in Item 11. (Attach Continuation Sheets if necessary)</b>   		
<b>15. Continuation Sheets Attached:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>		
<b>16. Information requested through this form is authorized by Title 31 U.S.C. Section 1352. The disclosure of lobbying activities is a material representation of fact upon which evidence was placed by the above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. The information will be reported to the Congress semiannually and will be available for public inspection. Any person who fails to file the required disclosures shall be subject to a civil penalty of no less than \$10,000 and no more than \$100,000 for each such failure.</b>	<b>Signature:</b> _____ <b>Print Name:</b> _____ <b>Title:</b> _____ <b>Telephone Number:</b> _____ <b>Date:</b> _____	
<b><u>Federal Use Only</u></b> (Authorized for Local Reproduction)		

## PRFSD - Request For Quotation (RFQ) for Further Processed Commodity Products

### **Attachment E** Reciprocal Limitations Act

A. General Requirement. Pennsylvania has reacted to the in-state preference laws and practices of other states by reenacting the *Reciprocal Limitations Act* through the Commonwealth Procurement Code. Under this Act, Pennsylvania responds in a like manner against those states that apply preferences or prohibitions by giving similar preferences to Pennsylvania resident Vendors and Vendors offering supplies manufactured in Pennsylvania.

B. Requirements.

1. Product Preference. In all purchases of supplies exceeding \$10,000, preference is to be given to those Vendors offering supplies produced, manufactured, mined, grown, or performed in this Commonwealth as against those Vendors offering supplies produced, manufactured, mined, grown, or performed in any state that gives or requires a preference to goods, supplies, equipment, materials, or printing produced, manufactured, mined, grown, or performed in that state. The amount of the preferences is equal to the amount of the preference applied by the other state for that particular supply. [Lists of States Applying A Bidding Preference](#)

2. Vendor Preference. In the award of contracts for the procurement of supplies and construction exceeding \$10,000, preference shall be given to Pennsylvania resident Vendors against a nonresident Vendor from any state that gives or requires a preference to Vendors from that state. The amount of preference shall be equal to the amount of the preference applied by the state of the nonresident Vendor. A resident Vendor is a person, partnership or corporation, or other business entity authorized to transact business in this Commonwealth and having a bona fide establishment for transacting business within this Commonwealth at which it was transacting business on the day when bids for the public contract were first solicited. [Lists of States Applying A Bidding Preference](#)

3. Prohibition. For construction and for all purchases of supplies, the purchasing agency shall not specify, use, or purchase any supplies which are produced, manufactured, mined, grown, or performed in any state that prohibits the specification for, use or purchase of such items in or on its public buildings or other works, when such items are not produced, manufactured, mined, grown, or performed in such state. [Lists of States Applying A Bidding Preference](#)

C. Department of General Services Responsibilities.

1. List of Discriminating States. DGS is required to prepare a list of the states which apply a preference or prohibition and the amount of the preference. The list has been published, amended, and republished in the *Pennsylvania Bulletin*. The list also appears at the DGS website.

2. Invitation for Bids. The list of discriminating states and the amount of the preference must appear in all IFBs for supplies and construction where the amount exceeds \$10,000.

D. Bid Requirements.

1. Lists. IFBs for supplies and construction, where the amount exceeds \$10,000, must include the list of states which have laws prohibiting the use of out-of-state supplies or Vendors.

2. State of Manufacture. Vendors must complete the State of Manufacture chart in IFBs by listing the name of the manufacturer and the state or foreign country of manufacture for each item. If the

## **PRFSD - Request For Quotation (RFQ) for Further Processed Commodity Products**

item is produced in the United States, the Vendor must identify the state. Failure to complete the chart may result in the rejection of the bid.

### 3. Vendor Residency.

a. Determining Non-Residency. In determining whether a Vendor is a nonresident Vendor from a discriminating state, the address label on the IFB may be used unless the Vendor corrects that address in its bid.

b. Determining Residency. In order to claim the preference for Pennsylvania resident Vendors, Vendors must have a bona fide establishment for transacting business within Pennsylvania at which it was transacting business on the date when bids were first solicited. The Vendor must also be authorized to transact business in Pennsylvania. Therefore, if the Vendor is a corporation, it must be incorporated in Pennsylvania or have a certificate of authority to do business in Pennsylvania.

E. Rejection of Bid – Prohibited Item or Vendor. If the State of Manufacture chart discloses that the item will be manufactured in a state which prohibits the purchase of such an item which isn't manufactured in such state, then the bid must be rejected.

F. Calculation of Preference. In calculating the preference, the dollar amount of the bid submitted by a Pennsylvania Vendor shall be reduced by the percentage preference which would be given to a nonresident Vendor by its state of residency. Similarly, the amount of a bid offering Pennsylvania supplies shall be reduced by the percentage preference which would be given to another Vendor by the state where the supplies are produced, manufactured, mined, or grown.

### G. Procedures.

1. Tab bids by dollar amount.

2. Start with low responsive bid and determine if:

- a. There is a Vendor or product prohibition.
- b. The supplies offered are manufactured in a discriminating state.
- c. The supplies are offered by a nonresident from a discriminating

state.

3. If there is a product prohibition involving the low bid, reject the low bid.

4. If the low Vendor is offering supplies produced, manufactured, mined, or grown in a discriminating state, and the next low Vendor is offering supplies produced, manufactured, mined, or grown in Pennsylvania, reduce the next low Vendor's bid by the percentage preference which would be given to the low Vendor by the state where the supplies are produced, manufactured, mined, or grown.

5. If the low Vendor is a resident Vendor of a discriminating state, and the next low Vendor is a Pennsylvania resident Vendor, reduce the Pennsylvania resident Vendor's bid by the percentage preference which would be given to the nonresident Vendor by its state of residency.

### References:

1. [Lists of States Applying A Bidding Preference](#)

**PRFSD - Request For Quotation (RFQ) for Further Processed Commodity Products**

**Attachment F  
Non Collusion Affidavit**

**INSTRUCTIONS FOR NON-COLLUSION AFFIDAVIT**

1. This Non-Collusion Affidavit is material to any contract/purchase order awarded pursuant to this vendor approval. According to *Section 4507 of Act 57 of May 15, 1998, 62 Pa. C. S. § 4507*, governmental agencies may require Non-Collusion Affidavits to be submitted with submissions.
2. This Non-Collusion Affidavit must be executed by the member, officer or employee of the vendor who makes the final decision on prices and the amount quoted in the vendor approval.
3. vendor approval rigging and other efforts to restrain competition, and the making of false sworn statements in connection with the submission of submissions are unlawful and may be subject to criminal prosecution. The person who signs the affidavit should examine it carefully before signing and assure himself or herself that each statement is true and accurate, making diligent inquiry, as necessary, of all other persons employed by or associated with the vendor with responsibilities for the preparation, approval or submission of the vendor approval.
4. In the case of an vendor approval submitted by a joint venture, each party to the venture must be identified in the vendor approval documents, and an affidavit must be submitted separately on behalf of each party.
5. The term "complementary vendor approval" as used in the affidavit has the meaning commonly associated with that term in the vendor approval process, and includes the knowing submission of submissions higher than the submission of another firm, any intentionally high or noncompetitive submission, and any other form of submission submitted for the purpose of giving a false appearance of competition.
6. Failure to submit an affidavit with the vendor approval in compliance with these instructions may result in disqualification of the submission.

**PRFSD - Request For Quotation (RFQ) for Further Processed Commodity Products**

**NON-COLLUSION AFFIDAVIT**

I state that I am \_\_\_\_\_ of \_\_\_\_\_ and that I am authorized to make this affidavit on behalf of my firm, and its owners, directors, and, officers. I am the person responsible in my firm for the price(s) and the amount of this vendor approval.

I state that:

(1) The price(s) and amount of this vendor approval have been arrived at independently and without consultation, communication or agreement with any other contractor, vendor or potential vendor.

(2) Neither the price(s) nor the amount of this submission, and neither the approximate price(s) nor approximate amount of this submission, have been disclosed to any other firm or person who is a vendor or potential vendor, and they will not be disclosed before the vendor approval opening.

(3) No attempt has been made or will be made to induce any firm or person to refrain from responding to this contract, or to submit a submission higher than this submission, or to submit any intentionally high or noncompetitive submission or other form of complementary submission.

(4) The submission of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other non-competitive submission.

(5) \_\_\_\_\_ its affiliates, subsidiaries, officers, directors, and employees are not currently under investigation by any governmental agency and have not in the last four years been convicted or found liable for any act prohibited by state or federal law in any jurisdiction, involving conspiracy or collusion with respect to submitting a submission on any public contract, except as follows:

I state that \_\_\_\_\_ understands and acknowledges that the above representations are material and important, and will be relied on by PRFSD in awarding the contract(s)/ purchase order(s) for which this submission is submitted. I understand and my firm understands that any misstatement in this affidavit is and shall be treated as fraudulent concealment from the Purchasing Agency of the true facts relating to the submission of this vendor approval.

**(Signature)** \_\_\_\_\_

**(Signatory's Name)** \_\_\_\_\_

**(Signatory's Title)** \_\_\_\_\_

SWORN TO AND SUBSCRIBED

BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_ (Month), 20\_\_\_\_\_

My Commission Expires \_\_\_\_\_

Notary Public

**PRFSD - Request For Quotation (RFQ) for Further Processed Commodity Products**

**Attachment G**

**Minority/Woman-Owned Business Enterprise (MWBE) Certification.**

Does the commodity processing manufacturer responding to this vendor approval hold a MWBE Certification? (*circle one*) **Yes** **No**

If **no**, please sign at the bottom.

If **yes**, please provide the company name and certification number below and sign at the bottom.

---

Manufacturer Name

---

Certification Number

---

Manufacturer Representative Signature



**Attachment H  
Notice of Protest and Protest Procedures**

**DATE:**

**PROTESTING PARTY:**

- A party who did not submit a quote       A party who has responded to the RFQ  
 A prospective vendor who is aggrieved in connection with the solicitation

**REASON FOR PROTEST (attach documents as needed)**

**RELEVANT INFORMATION (attach documents as needed)**

**Do not write below. For PRFSD use only.**

**Date Notice of Protest Received:** \_\_\_\_\_

**Eligible for Review:**    Yes    No

**Date Forwarded to PRFSD BOD:** \_\_\_\_\_

**Date Forwarded to Eligible and Affected Respondents:** \_\_\_\_\_

**Date of Review and Consideration:** \_\_\_\_\_

**Extension Date:** \_\_\_\_\_

**Date of Determination:** \_\_\_\_\_

**Determination Made:**

\_\_\_\_\_

\_\_\_\_\_  
*Signature PRFSD Board President*

\_\_\_\_\_  
*Date*

## **PRFSD - Request For Quotation (RFQ) for Further Processed Commodity Products**

### **SOLICITATION PROTEST PROCEDURE POLICY**

Manufacturers or distributors who disagree or are otherwise aggrieved by the competitive procurement process have the right by federal regulation to enter into a formal protest with Pittsburgh Regional Food Service Directors (PRFSD).

#### **PROCEDURE:**

Federal regulations are the primary authority for rules related to competitive procurement. Those regulations that MAY be applicable to competitive procurements of PRFSD are found in OMB Circular A-87, A-122, 2 CFR 200 and 7 CFR 210, 220, 3016, 3019. Applicability of the federal regulation depends upon the product or services being procured and the federal program in which it will be used. In addition, Pennsylvania School Code contains additional state regulations related to competitive procurement that may also be applicable.

Protests may be by any of the following:

- 1) By a party who did not submit a bid or submission;
- 2) By a party who has responded to this Request for Quotes (RFQ),
- 3) By a prospective respondent who is aggrieved in connection with the solicitation

Those parties who did not submit a bid or submission must file for protest prior to the indicated due date for RFQ submissions, vendor approval, or vendor approval. Protests received after that time will not be reviewed and considered. Such protests will be dismissed as untimely.

Those parties who responded to the RFQ who are aggrieved in connection with the solicitation must file for protest within seven (7) days of the protesting party knowing of the facts giving rise to the protest. No protest filed after that protest window or more than ten (10) days after the due date for RFQ submissions will be reviewed and considered. Untimely protests will be dismissed.

The date of filing will be the date the protest is received by PRFSD. Protests to this quote solicitation must be in writing and submitted to the contact person listed on the RFQ for which a protest is filed.

Protests must be filed utilizing the form titled, "Notice of Protest." Appropriate documentation or relevant information may be included as attachments to the form when completed and returned. Issues not raised in the original written protest are deemed to be waived and may not be raised on appeal. All documentation is forwarded to the Board of Directors for PRFSD for review and consideration within five (5) days of receipt.

If the protest is received before the RFQ due date and substantial issues are raised by the protest, all Vendors and offerors who appear to have a substantial and reasonable prospect of being affected by the protest shall be notified of the protest and the reasons for the protest. They may, in turn, file their own position to the protest within five (5) days after the receipt of the Notice of Protest.

## **PRFSD - Request For Quotation (RFQ) for Further Processed Commodity Products**

Further action on the RFQ solicitation or award shall be stayed until the protest is resolved except in cases where state or federal deadlines prevail. In those cases, the solicitation will continue as is, but final decisions regarding the protesting vendor and any other vendors that may be affected by the protest will be suspended until the protest is resolved. If there is a continued delay in resolving the protest, PRFSD reserves the right to resume its activities related to the procurement under protest if such action is found to be in the best interest of the membership affected by the protest.

The Board of Directors for PRFSD have up to fifteen (15) days to review the protest and any documentation or relevant information. This period will also be used for additional research as needed. Additional documents or information deemed necessary to resolve the protest may be requested during this period. The Board of Directors for PRFSD reserves the right to schedule a hearing to review the protest with the protesting party and other affected parties. If additional time is required to resolve the protest, the Board of Directors for PRFSD will notify the protesting party of such action. At no time will any protest remain without determination in excess of sixty (60) days from the receipt of the original Notice of Protest.

If the RFQ solicitation or award is found to be contrary to law, the Board of Directors for PRFSD reserves the right to cancel the solicitation, change the solicitation to comply with law, reject all quotes or submission or those parts of the quotes or submissions which were affected by the violation, or change/cancel the RFQ award to comply with the law.

If such determination is made after execution of the RFQ that no respondent has acted fraudulently or in bad faith, 1) the RFQ may be ratified and affirmed if doing so is in the best interest of PRFSD membership, 2) the RFQ may be modified to comply with the law with the consent of all parties, or 3) the RFQ may be cancelled in accordance with the termination, default, and settlement clause in the RFQ.

If such determination is made after execution of the RFQ and the respondent has acted fraudulently or in bad faith, the RFQ may be 1) declared void; 2) modified to comply with the law and with the consent of all parties; or 3) ratified and affirmed if doing so is in the best interest of the PRFSD membership. A copy of the protest determination will be sent to the protesting party and any other person determined to be affected by the decision within five (5) days of the determination being made.

This protest procedure is only applicable to PRFSD as an organization of School Food Authorities (SFAs) and does not extend to competitive procurement processes of individual SFAs or their third-parties.