

## NON-DELEGABLE School Food Authority (SFA) Responsibilities

The SFA shall be legally responsible for the conduct of the food service program and shall supervise and monitor the food service operations to ensure compliance with the rules and regulations of the Colorado Department of Education/Office of School Nutrition (CDE/OSN) and the United States Department of Agriculture (USDA) regarding the school food service program. (CCR 2202-R-208.00) The Food Service Management Company (FSMC) acknowledges that the SFA is responsible for completing the following duties and that these cannot be delegated to the FSMC:

1. **On-site inspections:** 7 CFR 210.16(a)(2) (3).
  - a. Monitor the food service operation through periodic visits to ensure compliance with the approved FSMC contract.
  - b. Conduct on-site reviews of the lunch counting /claiming system by school
  - c. Follow-up on any lunch counts which show counting discrepancies
2. **Control and overall financial responsibility** of the school food service account. 7 CFR 210.19(a)(2)
3. **Advisory board:** establish and include parents, staff and students to assist in menu planning. The FSMC must adhere to the cycle for the first 21 days of meal service. Changes thereafter may be made with the approval of the SFA. 7 CFR 210.16(b)(1), 7 CFR210.16(a)(8)
4. **Health certification:** 7 CFR 210.16(a)(7) must be maintained to assure that all state and local regulations are met by the FSMC preparing or serving meals at the SFA facilities.
5. **Establish all prices:** 7 CFR 210.16(a)(4) for food items served under the nonprofit school food service account (e.g., reimbursable meals, a la carte, and adult meals).
6. **Retain signature authority** on: (7 CFR 210.9 (a)(b), 210.16(a)(5))
  - a. Application/agreement to participate in the Child Nutrition Programs including
  - b. Free and reduced price policy statement; and
  - c. On-line claim system.
  - d. Contractual agreements with the school nutrition program i.e., vending meals to other SFAs, etc. and any commodity processing contracts 7CFR 210.21 &.19(a)(1); 3015; 7CFR250.15(a)
  - e. Resolution of all program review and audit findings. 7 CFR 210.9(b)(17) and 210.18(k)(1)(2)
7. **Submit monthly claim for reimbursement** 7 CFR 210.8(a); 7 CFR 210.16(a)(5).
  - a. CDE-OSN approves only SFA personnel access to the system which also represents secure signature authority for applications and claims.
  - b. Review to ensure accuracy of lunch counts prior to the claim submission.
  - c. Edit check worksheets that compare daily lunch counts by eligibility category. Free and reduced-price meals may not be claimed in excess of the number of students approved for such benefits.
8. **Free and Reduced Price Meal Process** 7 CFR 245.6
  - a. Develop, distribute and collect parent letter and application for free/reduced price meals & free milk
  - b. b. Determination and verification of applications for free/reduced price meals or free milk
  - c. Conduct any hearings related to such determinations.
9. **USDA donated foods** 7 CFR 210.9(b)(15) (formerly Commodities)
  - a. Monitor that the maximum amount is received and used by the FSMC in the SFA food service.
  - b. Monitor that the FSMC credits SFA at least annually for all USDA Donated foods.
10. **A la carte food service:** 7 CFR 210.16(a) The SFA must also offer free, reduced price and full price reimbursable meals to all eligible children in order to operate an ala carte food service.
11. **Healthy School Meals for All:** SFAs opting into this state program are responsible for maximizing federal funding and following the terms provided in their permanent agreement on file with CDE.

***I acknowledge that these responsibilities cannot be delegated to the FSMC and must remain the sole responsibility of the SFA. Printed Name of authorized***

FSMC Representative \_\_\_\_\_ Title \_\_\_\_\_

Signature FSMC Representative \_\_\_\_\_ Date \_\_\_\_\_

**Appendix C: Debarment and Suspension Form**

Debarment and Suspension and Other Responsibility Matters Primary Covered Transactions

School Food Authorities are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, 2 CFR part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.

1. The prospective primary participant certifies to the best of its knowledge and belief that it and its principals:
  - a) Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective primary participant shall attach an explanation to this proposal.

Business Name \_\_\_\_\_ Date \_\_\_\_\_

Name and Title of Authorized Representative \_\_\_\_\_

Signature of Authorized Representative \_\_\_\_\_

**Appendix D: Certification Regarding Lobbying Certification Regarding Lobbying: Applicable to Grants, Sub-grants, Cooperative Agreements, and Contracts Exceeding \$100,000 in Federal funds.**

Submission of this certification is a prerequisite for making or entering into this transaction and is imposed by section 1352, Title 31, U.S. Code. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. 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.

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, an employee of a Member of Congress, or any Board Member, officer, or employee of [School] Independent School District in connection with the awarding of a Federal contract, the making of a Federal grant, the making of a Federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a 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, an employee of a Member of Congress, or any Board Member, officer, or employee of [School] Independent School District in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all covered sub-awards exceeding \$100,000 in Federal funds at all appropriate tiers and that all sub-recipients shall certify and disclose accordingly.

Business Name \_\_\_\_\_ Date \_\_\_\_\_

Name and Title of Authorized Representative \_\_\_\_\_

Signature of Authorized Representative \_\_\_\_\_