

# Alvin C. York Agricultural Institute

## Milk, Milk Product, and Juice Specifications

### Statement of Procurement Need

Alvin C. York Agricultural Institute (York Institute) is seeking a supplier to provide and deliver milk, milk product, and juice to York Institute campus. The milk, milk product, and juice shall be used to provide meals and beverages to the York Institute student population through the National School Lunch Program. This shall be a one (1) year contract with two (2) renewal options. The estimated spend for this procurement is seventy-three thousand thirty-five dollars and zero cents. (\$73,035.00).

### I. Definitions

1. **Buy American Provision:** Section 104(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1998 (Public Law 105-336) added a provision, Section 12(n) to the National School Lunch Act (NSLA) (42 USC 1760(n)), requiring school food authorities (SFAs) to purchase, to the maximum extent practicable, domestic commodities or products. This Buy American provision supports the mission of the Child Nutrition Programs, which is to serve children nutritious meals and support American agriculture.
2. **Class I Dairy Products:** Milk used for fluid, or beverage, milk products.
3. **Economic Price Adjustment:** Provides for upward and downward revision of the stated contract price upon occurrence of specified contingencies.
4. **Federal Milk Marketing Orders (FMMOs):** Provisions under which dairy processors purchase fresh milk from dairy farmers supplying a marketing area.
5. **Hazard Analysis Critical Control Point (HACCP):** Systematic approach to construct a food safety program designed to reduce the risk of foodborne hazards by focusing on each step of the food preparation process-- from receiving to service. Section 111 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) amended section 9(h) of the Richard B. Russell National School Lunch Act by requiring school food authorities (SFAs) to implement a food safety program for the preparation and service of school meals served to children. The program must be based on HACCP principles and conform to guidance issued by the Department of Agriculture (USDA). All SFAs must have a fully implemented food safety program that complies with HACCP principles.
6. **National Motor Freight Classification (NMFC):** Class of vehicle required for shipping goods using four characteristics: density, stowability, handling, and liability. There are 18 different freight classes in the NMFC.
7. **National School Lunch Program (NSLP):** Federally assisted meal program operating in public and nonprofit private schools and residential childcare institutions. It provides nutritionally balanced, low-cost, or free lunches to children each school day. The program was established under the National School Lunch Act, signed by President Harry Truman in 1946.
8. **National Universal Production Code (UPC) Bar Coding:** A type of code printed on retail product packaging to aid in identifying a particular item. It consists of two parts--the

machine-readable barcode, which is a series of unique black bars, and the unique 12-digit number beneath it.

9. **Smart Snack Requirement:** Section 10 of the Child Nutrition Act of 1966, 42 USC 1779, as amended by the Healthy, Hunger-Free Kids Act of 2010 (HHFKA), requires that all food sold outside of the school meal programs, on the school campus and at any time during the school day must meet the nutrition standards set forth in the interim final rule titled “National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010”. This interim final rule, also known as the “Smart Snacks” rule, was published on June 28, 2013 and is effective on July 1, 2014.
10. **Standard Practice for Commercial Packaging (ASTM D3951-18):** Guidelines for packaging supplies and equipment, exclusive of ammunition, explosives, or hazardous material. ASTM D3951-18 covers information important to commercial preservation, packaging, packing, unitization, and marking for supplies and equipment. It also considers shipment by different methods and various handlings.
11. **Uniform Freight Classification Code:** A number established by the NMFC. It's also known as your NMFC classification or NMFC code. Your freight class helps determine your shipping cost.

## II. General Requirements

1. **Product Quality:** – These specifications are intended to be descriptive. If the quality of a dairy product item varies from this description and is questionable, it is the supplier's responsibility to get acceptance from the York Institute food manager five (5) workdays prior to delivery.
2. **Buy American Provision:** All K-12 school purchases must abide by the Buy American Provision.
3. **Smart Snack Requirement:** All foods sold at school during the school day are required to meet nutrition standards. The Smart Snack Requirement applies to foods sold a la carte, in the school store, vending machines, and any other venues where food is sold to students. It is the Supplier's responsibility to ensure snack foods (i.e., ice cream products) meet this Smart Snack Requirement before bidding. If a snack does not meet this requirement, it is the Supplier's responsibility to inform the Contract Administrator so appropriate changes can be made. The Supplier can use the Smart Snacks Product Calculator (<https://foodplanner.healthiergeneration.org/calculator/>) to determine if the product meets the Smart Snack Requirement..
4. **Shelf Life:** All products furnished shall be dated to provide adequate shelf life normal use. Milk and cream shall have a minimum shelf life of seven (7) days from the day of delivery. Cottage cheese, yogurt, sherbet, and ice cream shall have a minimum shelf life of fourteen (14) days from the day of delivery.

## III. Pricing Adjustments

1. This is an adjustable price contract, with pricing permitted to change on a yearly basis for Class I Dairy Products.

2. Price Decreases: After the Firm Price Period (i.e., July 1, 2021-June 30, 2022), prices shall be equitably adjusted to reflect a decrease in Supplier's costs based on the FMMO published monthly by the U.S. Department of Agriculture (USDA) and an Economic Price Adjustment.
3. Price Increases: After the Firm Price Period (i.e., July 1, 2021-June 30, 2022), prices shall be equitably adjusted to reflect an increase in Supplier's costs based on the FMMO published monthly by the USDA and an Economic Price Adjustment.
4. Price decreases or increases shall be based on the price model on the USDA website (<https://www.ams.usda.gov/rules-regulations/mmr/dmr>) under *Announcements of Federal Order Prices* click *Most recent Advanced Prices and Pricing Factors*. The dollar adjustment based on the formula shall be used for the Economic Price Adjustment. The FMMO pricing and the monthly release schedule can be accessed on the USDA website: <https://www.ams.usda.gov/rules-regulations/mmr/dmr>
5. This yearly adjustment may be positive, zero, or negative as long as it meets the USDA price model. The yearly pricing shall be based on fiscal years beginning July 1 of the fiscal year and ending June 30 of the fiscal year. Pricing adjustment requests must be submitted by June 1 of the fiscal year. Excluded from this price are any optional prompt payment discounts.

## **IV. Packaging & Labeling**

All packaging shall be in accordance with Standard Practice for Commercial Packaging (ASTM D3951-18). Labeling shall be in accordance with national UPC bar coding complying with the Federal Food, Drug and Cosmetic Act and regulation promulgated there under. USDA nutritional labels shall be included on products delivered to agencies requesting this labeling (such labeling is mandatory for customers receiving National School Lunch Program reimbursement). Shipping containers shall be in compliance with the NMFC and Uniform Freight Classification Code.

## **Delivery**

1. Deliveries shall be consistently scheduled to arrive at the York Institute campus at a day and time mutually agreed upon by the Supplier and York Institute. Deliveries once or twice a week are common.
2. All fresh items must be delivered at or below 40° Fahrenheit.
3. Supplier shall deliver product inside to the York Institute school cafeteria storage area. Location is Alvin C. York Agricultural Institute, 701 North Main Street, Jamestown, TN 38556. Delivery Contact: Karen Stephens. Telephone 931-879-2121.

## **Warehousing and Sanitation Program**

Supplier must have an active HACCP program and all records must be supplied upon request by the State.