FRESNO
ECONOMIC OPPORTUNITIES COMMISSION
3100 W. Nielsen Ave
Fresno, California 93711

REQUEST FOR BIDS
(THIS IS NOT AN ORDER!)

DAIRY PRODUCTS AND RELATED ITEMS BID NO. FS 0205

BIDS DUE: March 3, 2020 by 2:00 pm

Bids must be filed with the Director, Fresno Economic Opportunities Commission (Fresno EOC), Food Services (FS), 3100 West Nielsen, Fresno, California 93706, and received on or before 2:00 P.M. by the FCEOC Food Services Department.

Bids received after 2:00 P.M. will be returned, unopened, to bidder when those filed by the deadline are subsequently considered.

BIDS AWARDED: Week of March 3, 2020 Fresno EOC Food Preparation Center (FPC), 3100 West Nielsen, and Fresno, California 93706.

PURCHASE ORDER ISSUED: March 27, 2020

TERM: March 31, 2020 – March 31, 2021
BID ACTIVITY RECORD FOR BID NUMBER: 205

1. INFORMATION BELOW TO BE COMPLETED BY FCEOC REPRESENTATIVE.
2. IF HAND DELIVERING BID, PLEASE HAVE BID RECEIVED SECTION OF THIS FORM COMPLETED BY FCEOC REP AT TIME OF DELIVERY.
3. IF MAILING BID, FCEOC REP WILL COMPLETE THE BID RECEIVED SECTION OF THIS FORM UPON RECEIPT.

BID RECEIVED:

Name of Bid Company: ____________________________________________________________

Day Bid Turned In: ___________ Date Bid Turned In: ________________ Time: ___________ am/pm

Signature of Person Who Received Bid Package ______________________________________

Print Name of Person Who Received Bid Package ______________________________________

BID OPENING:

Day Bid Opened: ___________ Date Bid Opened: _______________ Time: ___________ am/pm

Signature of Person Who Opened Bid Package ______________________________________

Signature of Witness to Opening of Bid Package ______________________________________

Signature of Witness to Opening of Bid Package ______________________________________

AWARD OR DENIAL OF BID:

This Bid has been: _____________________________ Date: ______________________________

(Awarded/Denied)

Reason:_________________________________________________________________________

_______________________________________________________________________________

_______________________________________________________________________________

Authorized Signature __________________________________________________________

Print Name of Authorized Person _____________________________________________________

GENERAL CONDITIONS AND INSTRUCTIONS TO BIDDERS
1. Pricing must reflect March 31, 2020 prices.

2. **Evaluation of Bidders:**

   Each bidder will be evaluated on the following factors;

   a) Financial capability to perform a contract of the scope required.

   b) Adequacy of plant facilities for food preparation, with approved license certification that facilities meet all applicable State and local health, safety, and sanitation standards.

   c) Previous experience of bidder in performing services similar in nature and scope.

   d) Other factors such as transportation capability, sanitation, and packaging.

   Bidders that do not satisfactorily meet the above criteria may be rejected as non-responsive and not considered for award.

3. All products shall conform to the provisions set forth in the Federal, State, County, and City laws for their production, handling, processing, and labeling. Containers shall be so constructed as to ensure safe transportation to point of delivery.

4. Half-pint (2) milk containers must meet the State of California Department of Agriculture, Bureau of Dairy Services regulations.

5. The coded date on milk, when received at the FPC, must show **seven (7) days, or additional seven code days will be replaced by appropriate dairy, upon request.** When received, cases must be packed so that milk with shortest code dates can be served first.

6. Special care shall be taken in handling all cases of milk containers. If necessary, clean covering of cases (of a type acceptable to FS) shall be provided by the vendor to ensure clean milk containers. When milk is delivered to the FPC the temperature shall not exceed a maximum of 40F. and shall be in an unfrozen state. Milk shall be packed in cases without plastic shrink wrap.

7. Rotate milk so first-in product is first out

8. Delivery schedule must be acceptable to the Director of Food Services. When necessary, special deliveries must conform to the time desired.

9. Full, itemized invoices showing purchase order number must be furnished at the time of delivery.
10. **Item**                      **Estimated Quantities**

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantities</th>
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<tbody>
<tr>
<td>Milk, Whole, paper</td>
<td>756 half-gallons</td>
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<tr>
<td>Milk, low fat (1%) paper</td>
<td>76,789 half-gallons</td>
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<tr>
<td>Milk, low fat (1%) plastic</td>
<td>48,258 half-gallons</td>
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<tr>
<td>Milk, Fat-Free paper</td>
<td>99 half-gallons</td>
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<tr>
<td>Milk, low-fat (1%)</td>
<td>324,580 half-pints</td>
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<tr>
<td>Milk, fat-free</td>
<td>2,230 half-pints</td>
</tr>
<tr>
<td>Milk, Choc. Flavored, fat-free</td>
<td>91,660 half-pints</td>
</tr>
</tbody>
</table>

**By-Products**

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eggs, large</td>
<td>750 dozen</td>
</tr>
<tr>
<td>Yogurt, assorted</td>
<td>1,002 6 oz</td>
</tr>
<tr>
<td>Cottage, cheese, LF</td>
<td>100 ½ lb.</td>
</tr>
<tr>
<td>Apple Juice w/vitamin C</td>
<td>27,230 4 oz.</td>
</tr>
<tr>
<td>Orange Juice</td>
<td>28,122 4 oz.</td>
</tr>
</tbody>
</table>

11. The **Fresno EOC** reserves the right to require the successful bidder, or bidders, to submit a bid/performance bond equaling one percent (1%) of the total value of products bid.

12. **Price Adjustments**

The experience of the **Fresno EOC** demonstrates that it is fair, and in the best interests of the **Fresno EOC** organization and successful bidders, to allow for some adjustments in prices during the life of the contract. Therefore, and pursuant to the methods described below, price adjustments may, from time to time, be made by the parties to any contract for the furnishing of any one or more foods to **Fresno EOC**.

Price adjustments must be filed with the Bureau of Milk Stabilization pursuant to applicable State regulations.

13. Fresno EOC will not be responsible for price increase if 7-day notice is not given.

14. Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program. If Vendor offers a non-American product, Vendor must list the product(s) on next page and sign document.

15. **Termination**

Either party may cancel for cause with a 60-day notification if either party breaches a provision of this Contract (7 CFR, sections 210.16[d] and 250.12[f][9]). The nonbreaching party shall give the other party notice of such cause. If the cause is not remedied within 10 days, the nonbreaching party shall give a 60-day notice to the breaching party of their intent to terminate this Contract upon expiration of the 60-day period. This Contract may be terminated, in whole or in part, for convenience by the SFA with the consent of the FSMC, in which case the two parties shall agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated (2 CFR, Section...
200.339[a][3]). The Contract may also be terminated, in whole or in part, by the FSMC upon written notification to the SFA, setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, in the case of a partial termination, if the SFA determines that the remaining portion of the Contract will not accomplish the purposes for which the Contract was made, the SFA may terminate the Contract in its entirety (2 CFR, Section 200.339[a][4]). The rights of termination referred to in this Contract are not intended to be exclusive and are in addition to any other rights or remedies available to either party at law or in equity.

16. Buy American Certification. See attached.

17. The agency has the right to extend bid every six months up to three years

Definitions

The person or firm to whom a Contract is awarded shall be called the "Vendor." The price bid by the Vendor, upon the basis of which he is found to be the lowest responsible bidder and is awarded the Contract shall, for the life of the Contract, be called the "Contract Price." Fresno EOC shall prepare and keep reasonably current a list of persons and firms concerning whom Fresno EOC might reasonably expect to receive bids, from time to time, for furnishing dairy products and related items to Fresno EOC; which list shall be called the "Retailers List." Fresno EOC shall also prepare and keep reasonably current and accurate, information on who might reasonably be expected to serve as suppliers of dairy products and related items to Vendors during the life of the Contract; which list shall be called the "Wholesalers List." A person or firm whose name appears on the then-current Retailers List shall be called a "Retailer's List Supplier," and, a person or firm whose name appears on the then-current Wholesalers List shall be called a "Wholesaler's List Supplier."
This bid must be sealed and filed with the Director, Fresno Economic Opportunities Commission (Fresno EOC) Food Services Department (FS), 3100 West Nielsen, Fresno, California 93706, and received **ON OR BEFORE 2:00 P.M., March 3, 2020**

Bid award will be made to include all items.

Subject to cash discount of ____% _________ days after receipt of invoices and statement.

<table>
<thead>
<tr>
<th>Milk</th>
<th>GROSS</th>
<th>UNIT PRICE</th>
<th>NET</th>
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</thead>
<tbody>
<tr>
<td>1. Fluid Whole, paper</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>2. Fluid low-fat-1/2 gallons (1%), paper</td>
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<tr>
<td>3. Fluid low-fat-1/2 gallons (1%), plastic</td>
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<tr>
<td>4. Fluid fat-free-1/2 gallons, paper</td>
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<tr>
<td>5. Fluid low-fat-1/2 pints (1%)</td>
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<tr>
<td>6. Fluid fat-free-1/2 pint</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>7. Fluid choc. Flavored, fat-free-1/2 pints</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>By-Products/Misc</th>
<th>GROSS</th>
<th>UNIT PRICE</th>
<th>NET</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Eggs, large, dozen</td>
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<tr>
<td>2. Yogurt, assorted- 6 oz.</td>
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<tr>
<td>3. Cottage cheese, low-fat-#5 carton</td>
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<tr>
<td>4. Apple juice-4oz (Vitamin C Fortified)</td>
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<tr>
<td>5. Orange juice-4oz</td>
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</table>

All prices and discounts should be bid on basis of volume delivered as per General Conditions and Instructions to Bidders, No. 1 on cover page.
INCLUDE INFORMATION ON DISCOUNTS FOR COMMODITY-PROCESSED LOW-FAT MILK FROM DRY MILK.

The undersigned hereby proposed and agrees to furnish and deliver the goods or services in accordance with the terms, conditions, specifications, and prices herein quoted.

FIRM NAME ______________________     NAME OF BIDDER ______________________

ADDRESS ________________________     SIGNATURE _________________________

CITY/STATE/ZIP ________________________________ DATE ___________________

If further information is desired before bidding, please call Jon Escobar, Director of Food Services, (559) 266-3663.
CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This debarment form must be signed and submitted along with the proposal.

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 43 CFR Part 12, Section 12.510, Participants’ Responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). For further assistance in obtaining a copy of the regulations, contact the U.S. General Services Administration.

(Before completing certification, read instructions)

(1) The prospective lower tier participant certifies, by submission of this proposal 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.

(2) 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 proposal.

Company

Name and Title of Authorized Representative

Signature Date
CERTIFICATION REGARDING A DRUG-FREE WORKPLACE

This drug-free workplace form must be signed and submitted along with the proposal.

As required by the State Drug-Free Workplace Act of 1990 (Government Code Section 8350 et. Seq.) and the Federal Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR 85, Sections 85.605 and 85.610, the bidder certifies that it will provide a drug-free workplace.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS)

(1) The bidder certifies that, as a condition of Award, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance while conducting any business activity with the Agency.

(2) If the bidder, or any employee of the bidder, is convicted of a criminal drug offense resulting from a violation occurring during the conduction of any business activity, the bidder will report the conviction, in writing, within 10 calendar days of the conviction, to the Agency.

_______________________________________________________
Company

_______________________________________________________
Name and Title of Authorized Representative

_______________________________________________________
Signature  Date
Section I - CERTIFICATION REGARDING LOBBYING

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 any 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, A 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 sub-awards exceeding $100,000 in Federal funds at all appropriate tiers and that all sub-recipients 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.

Authorized Signature: ______________________________________________________________

Print Name: ______________________________________________________________________

Signature Date: ___________________________________________________________________

Title: ____________________________________________________________________________

Company: ________________________________________________________________________
CERTIFICATION

By the requirements of the Richard B. Russell National School Lunch Act's (NSLA) Buy American provision that school food authorities (SFAs) must follow these guidelines when purchasing food and food products for use in the Child Nutrition Programs. Section 104(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1998 (Public Law 105-336) added a new provision, Section 12(n) of the NSLA (42 USC 1760(n)), requiring SFAs to purchase domestically grown and processed food s, to the maximum extent practicable.

FEOC participates in the National School Lunch Program and School Breakfast Program and is required to use the nonprofit school food service funds, to the maximum extent practicable, to buy domestic commodities or products for Program meals. A 'domestic commodity or product’ is defined as one that is either produced in the U.S. or is processed in the U.S. and contains over 51 percent of its agriculture food component, by weight or volume, from the U.S.

Two situations may warrant a waiver to permit purchases of foreign food products include: 1) The product is not produced or manufactured in the U.S. in sufficient and reasonable available quantities of a satisfactory quality; and 2) competitive bids reveal the costs of a U.S. Product is significantly higher than the foreign product.

If Vendor offers a non-American product, Vendor must list the product below. Product is subject to review by District. If District declines a waiver, product will be awarded to lowest priced item meeting award criteria. District's decision on approval of foreign substitutions will be final.

<table>
<thead>
<tr>
<th>Product Description</th>
<th>Country of Origin</th>
<th>Domestic Price</th>
<th>Non-American Price</th>
<th>Reason for Waiver</th>
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Attach additional sheets if necessary.

__________________________________________________________
Name of Contractor __________________________ Date __________

__________________________________________________________
Signature of Authorized Official __________________________

Title ________________________________________________

To be submitted with bid response.