



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

Office for Prekindergarten through Grade 12 Education
Child Nutrition Program Administration
89 Washington Avenue, Room 375 EBA, Albany, NY 12234
(518) 473-8781 Fax (518) 473-0018
www.cn.nysed.gov

School Food Authority (SFA) Required Checklist
2022-2023 Extension of Food Service Management Company Contract

By selecting Extension Year 6, 7 or 8 the SFA is electing the Nationwide Waiver of FSMC Contract duration.

Contract Type: ☐ II ☐ III ☐ IV

Extension Year: ☐ 6 ☐ 7 ☐ 8

SFA: _____

LEA Code: _____

SFA Business Official: _____

Telephone Number: _____

NOTE: Use this required checklist to ensure that all documents you submit are complete (no blanks). If an incomplete document is received and or completed in pencil, it will be returned to the SFA and the SFA may be placed on reimbursement hold. Return this completed checklist with the extension. The checklist and Extension must be completed and signed by an authorized SFA Representative

SECTION 1 (ORIGINAL CONTRACT INFORMATION)

- ☐ Original agreement date; SFA name; county; FSMC name
- ☐ Commencing and ending dates (month/day/year; must agree with original contract)
- ☐ Original Bid Price (total, administrative, direct) per meal or Annual Per Meal Price
- ☐ Guaranteed Return

SECTION 2 (2022-23 EXTENSION INFORMATION)

- ☐ Commencing and ending dates (month/day; must agree with original contract)
- ☐ Appropriate month's Consumer Price Index (CPI-U) applied to previous bid year's price
- ☐ Current Bid Price (total, administrative, direct) per meal
- ☐ Annual Per meal price
- ☐ Guaranteed Return
- ☐ Summer Food Service Program
- ☐ Date agreement signed
- ☐ Signature of BOE President/Executive Director and FSMC Authorized Signatory; Sign in Blue Ink
- ☐ Debarment Option Form ☐ A or ☐ B *
- ☐ Completed Lobbying Certificate
- ☐ Completed Disclosure of Lobbying Activities Form (if required)

Email one original COMPLETE extension of contract to CN@nysed.gov.

Print Name: _____ Title: _____

Signature: _____ Telephone Number: _____

MUST BE SIGNED IN BLUE INK ONLY

SED APPROVED BY:			
NYSED Official	Date	Contract Type	Reviewer
NYSED Docutrax			

2022-2023 EXTENSION OF CONTRACT FOR SCHOOL FOOD SERVICE MANAGEMENT

SECTION I

INSTRUCTIONS

This section represents a restatement of information from the original Agreement. If the contract was bid on a per meal basis, record the original bid price and the direct cost and administrative fee figures from which the bid price is comprised. If the contract was awarded on the basis of an annual administrative fee, record that amount from the original agreement.

Any district that bids under Option A should report the annual return to the district guaranteed by the FSMC in the space provided. Fill in all blanks with required information or N/A if not applicable. NO BLANKS!

An original agreement* having been made on _____ by and between _____
Month Day Year School Food Authority

in the County of _____, New York, party of the first part, and _____ party
Food Service Company

of the second part, under and pursuant to the provisions of Section 1709, subdivision 22 of Education Law and Section 210.16, Part

7 of the Consolidated Federal Regulations for the period commencing on _____ and ending on _____.
Month Day Year Month Day Year

TYPE II ONLY

Enter the costs per meal. (Administrative Fee + Direct Cost = Total Cost Per Meal)

Breakfast	
Administrative Fee	
Direct Cost	
Total Cost Per Meal	

Lunch	
Administrative Fee	
Direct Cost	
Total Cost Per Meal	

Snack	
Administrative Fee	
Direct Cost	
Total Cost Per Meal	

TYPE III ONLY

Annual/Per Meal Administrative Fee	
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TYPE IV ONLY (Per Person Per Day)

Enter the costs per person, per day. (Administrative Fee + Direct Cost = Total Cost Per Day)

Administrative Fee Per Person	
Direct Cost Per Person	
Total Per Person Per Day	

TYPE IV ONLY (Cost Per Meal)

Enter the costs per meal. (Administrative Fee + Direct Cost = Total Cost Per Meal)

Breakfast	
Administrative Fee	
Direct Cost	
Total Cost Per Meal	

Lunch	
Administrative Fee	
Direct Cost	
Total Cost Per Meal	

Dinner	
Administrative Fee	
Direct Cost	
Total Cost Per Meal	

Snack	
Administrative Fee	
Direct Cost	
Total Cost Per Meal	

GUARANTEED RETURN: If contract was bid under Option A the party of the second part shall pay the party of the first part an annual amount of \$ _____ (Not subject to CPI-U increase).

2022-2023 EXTENSION OF CONTRACT FOR SCHOOL FOOD SERVICE MANAGEMENT

SECTION II

Following the provision of Section 305, subdivision 14 of Education Law and Section 114.2 of the Regulations of the Commissioner of Education and Section 210.16, Part 7 of the Consolidated Federal Regulations, the parties hereto mutually agree to extend the agreement for a period of one year commencing on _____

Month Day Year

and ending on _____ with the first day of food service being _____ .

Month Day Year

Month Day Year

The party of the first part shall pay the party of the second part:

A la Carte Conversion Factor for 2022-23 is \$4.21

INSTRUCTIONS

This section should be completed by the School Food Authority entering into a contract extension and refers to the upcoming school year, 2019-2020. The percentage increase must be based on the Consumer Price Index for Urban (CPI-U) consumers in the New York-Northeastern New Jersey Area. The CPI-U for the 12-month period immediately preceding the month in which the contract ends must be used. (Education law 305.)

It is further agreed that the (CPI-U) percentage of increase in cost, if any, for services rendered during the one year period of this extension will be _____. Find current CPI-U at https://www.bls.gov/regions/new-york-new-jersey/news-release/consumerpriceindex_newyorkarea.htm

The party of the first part shall pay the party of the second part:

TYPE II or TYPE IV ONLY (Cost Per Meal)

Enter prior year costs. (Prior Administrative Fee * ((CPI-U/100)+1)) + (Prior Direct Cost * ((CPI-U/100)+1)) = Total Cost Per Meal

Breakfast	Prior Year	This Year
Administrative Fee		
Direct Cost		
Total Cost Per Meal		

Lunch	Prior Year	This Year
Administrative Fee		
Direct Cost		
Total Cost Per Meal		

Snack	Prior Year	This Year
Administrative Fee		
Direct Cost		
Total Cost Per Meal		

Dinner	Prior Year	This Year
Administrative Fee		
Direct Cost		
Total Cost Per Meal		

TYPE III ONLY

Enter prior year fee. Prior Annual Administrative Fee * ((CPI-U /100)+1)

	Prior Year	This Year
Annual/Per Meal Administrative Fee		

TYPE IV ONLY (Per Person Per Day)

Enter the prior year costs. (Prior Administrative Fee * ((CPI-U /100)+1)) + (Prior Direct Cost * ((CPI-U/100)+1)) = Total Cost Per Day

	Prior Year	This Year
Administrative Fee Per Person		
Direct Cost Per Person		
Total Per Person Per Day		

GUARANTEED RETURN: \$ _____ (must agree with page 2 or original contract if applicable.)

Does your SFA participate in the Summer Food Service Program? ☐ Yes ☐ No

The extension has been determined as follows:

- (1) The costs herein shall not exceed the contracted cost of the preceding year by more than the percentage increase of the Consumer Price Index for Urban consumers for New York-Northern New Jersey.
- (2) The SFA and FSMC agree to follow the required food based menu plan, standards and timeline established by USDA. (Guidance Attached to Extension)
- (3) All of the items of said agreement shall remain in full force and effect.

In witness whereof, the parties hereto have executed this extension of agreement.

Original Signature Must be Provided by Both Parties (BLUE INK ONLY)

Party of the First Part - Board of Education President/Executive Director	Date	Party of the Second Part - FSMC Authorized Signatory	Date
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DEBARMENT OPTION A - SFA

_____ checked the excluded parties list system on
(Name and Title)

<http://www.epls.gov> and this prospective contractor _____
(Name of Contractor)

was not on the list as being suspended, debarred or disqualified.

Original Signature - SFA Representative

Date

Please Note the Following Regarding Debarment Option A or Debarment Option B:

Although we have included a list of the FSMC's that have not been debarred (with an asterisk) as a part of our annual FSMC web posting, it was based on our office checking on the Excluded Parties List System (EPLS) website as of January 2018. However, since by the time you go out to bid or extend, circumstances regarding the FSMC's debarment status may have changed, it is your responsibility to check the list before submitting your contract or extension to SED for approval.

Therefore, either:

The SFA must look on the EPLS website and complete the Debarment Option A form to be submitted with the Contract/Extension packet.

OR

The FSMC must complete the Debarment Option B form to be submitted with the Contract/Extension packet.

Please note: only the Debarment Option A or Debarment Option B form needs to be submitted with your contract or extension - do not submit both forms.

INSTRUCTIONS FOR CERTIFICATION REGARDING DEBARMENT

Required for FSMC's not listed on the 2021-2022 Management Company Listing.

1. By signing and submitting this form, the prospective lower tier participant is providing the certification set out on the reverse side 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 and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person in which this proposal 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," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is 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 it 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 Non-procurement List.
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.
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 in the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

DEBARMENT OPTION B

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

SFAs are required to ensure that all sub-contractors and sub-grantees are neither excluded nor disqualified under the suspension and debarment rules found at 2 CFR 200.212 by doing any one of the following:

- Checking the Excluded Parties List found at the System for Award Management www.SAM.gov;
- Collecting a certification that the entity is neither excluded nor disqualified. Since a Federal certification form is no longer available, the grantee or sub-grantee electing this method must devise its own;
- Including a clause to this effect in the sub-grant agreement and in any procurement contract expected to equal or exceed \$25,000, awarded by the grantee or a sub-grantee under its grant or sub-grant;
- Sub-grantee and contractors must obtain a DUNS Number. All Federal Government awards are required to have a DUNS number. To obtain a DUNS number, contact Dun and Bradstreet at 1-800-368-5868 or visit their website at <https://eupdate.dnb.com/requestoptions.asp>. There is no charge for a DUNS number. The DUNS number serves as a means of tracking and identifying applications for Federal assistance and is required on all applications for Federal assistance.

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension. 2 CFR 200.212 Suspension and Debarment. The regulations were published as Part III of the December 26, 2013, Federal Register (pages 78590-78691). Copies of the regulations may be obtained by contacting the Department of Agriculture agency with which this transaction originated.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON NEXT PAGE)

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.

Organization Name

PR/Award Number or Project Name

Name and Title(s) of Authorized Representative(s)

Signature (Blue Ink Only)

Date

Instructions for Form 7

INSTRUCTIONS FOR CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION – LOWER TIER COVERED TRANSACTIONS

DEBARMENT OPTION B

1. By signing and submitting this form, the prospective lower tier participant is providing the certification set out on the reverse side 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 and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal 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,” “proposal,” and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is 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 it 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 Nonprocurement List.
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.
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.

REQUIRED CERTIFICATION REGARDING LOBBYING

Applicable to Grants, Subgrants, 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, or an employee of a Member of Congress 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, 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 subrecipients shall certify and disclose accordingly.

Name/Address of Organization

Name/Title of Submitting Official

Signature (Sign in Blue Ink Only)

Date

FORM 7B

DISCLOSURE OF LOBBYING ACTIVITIES

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

1. Type of Federal Action: <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		2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/applications <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award		3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change for Material Change only: year _____ quarter _____ date of last report _____	
4. Name and address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____ if known: Congressional District, if known: _____			5. If Reporting Entity in #4 is Subawardee, Enter Name and Address of Prime: Congressional District, if known: _____		
6. Federal Department/Agency:			7. Federal Program Name/Description: CFDA Number, if applicable: _____		
8. Federal Action Number, if known:			9. Award Amount, if known: \$ _____		
10.a. Name and Address of Lobbying Entity (if individual, last name, first name, MI): _____			b. Individuals Performing Services (including address if different from #10a.) (last name, first name, MI): _____		
11. Amount of Payment (check all that apply): \$ _____ <input type="checkbox"/> actual <input type="checkbox"/> planned			13. Type of Payment (check all that apply): <input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other; specify: _____		
12. Form of Payment (check all that apply): <input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind: specify: _____ nature _____ value _____					
14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment indicated in Item 11:					
15. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty not less than 10,000 and not more than \$100,000 for each such failure.			Signature: _____ (Sign in Blue Ink only) Print Name: _____ Title: _____ Telephone #: _____ Date: _____		
Federal Use Only:					Authorized for Local Reproduction Standard Form – LLL