

Title of Regulation:

Regulation No.: R 43-169

**FOOD SERVICE MANAGEMENT COMPANY
CONTRACTS**

Effective Date: 06/24/11

Constitutional and Statutory Provisions:

Section(s):

59-63-710, et seq. School lunch division in State Department of Education.
Code of Laws of South Carolina, 1976.

State Board Regulation:

43-169. Food Service Management Company Contracts

I. PURPOSE

Pursuant to regulations and policy guidelines promulgated by the United States Department of Agriculture (USDA), the South Carolina Department of Education (SCDE) is charged with the state-level administration and monitoring of local child nutrition programs funded by and subject to the provisions of the National School Lunch, Breakfast, and After-School Snack Programs. Part of this responsibility relates to the development, execution, and monitoring of contracts between local child nutrition programs and private food service management companies. This regulation provides that a statewide contract template and uniform timeframe shall be used for all contracts approved by the SCDE.

II. DEFINITIONS

A. SCHOOL FOOD AUTHORITY (SFA): A school food authority (SFA) is USDA verbiage used to identify any public school district, private, parochial, and charter school, as well as residential child care facility that participates in the National School Lunch, Breakfast, and After-School Snack Programs.

B. FOOD SERVICE MANAGEMENT COMPANY (FSMC): A food service management company (FSMC) is USDA verbiage used to identify a private sector entity that manages a child nutrition program for a SFA versus the SFA operating their own program.

III. IMPLEMENTATION

A. SOUTH CAROLINA DEPARTMENT OF EDUCATION (SCDE) RESPONSIBILITIES

(1) The SCDE shall create and update, as needed, a template contract document with appropriate terms and conditions that encompass all federal and state requirements for procurement agreements and child nutrition programs.

(2) The SCDE shall communicate all contractual requirements to all affected parties as part of any solicitation, bid, award, and final contract process initiated by a SFA.

(3) The SCDE reserves the right to accept, modify, and/or reject any request for deviations and/or amendments to the template contract document.

B. SCHOOL FOOD AUTHORITY (SFA) RESPONSIBILITIES

(1) A SFA shall communicate in writing any requested deviations and/or amendments to the template contract document, to include a justification as to why said changes are necessary.

C. FOOD SERVICE MANAGEMENT COMPANY (FSMC) RESPONSIBILITIES

(1) A FSMC shall communicate in writing any requested deviations and/or amendments to the template contract document, to include a justification as to why said changes are necessary

D. CONTRACT TIMEFRAMES

(1) The fiscal year for all food service management company contracts shall commence on July 1 and conclude on June 30.