



#036-21

Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo

DATE: February 5, 2021
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: **Extension of Nationwide Waiver for Food Service Management Contract Duration in the National School Lunch Program and Summer Food Service Program**

The purpose of this memo is to notify school divisions that the U.S. Department of Agriculture Food and Nutrition Service (USDA-FNS) has extended the duration of the Food Service Management Company (FSMC) contracts waiver for sponsors operating the National School Lunch Program, the Seamless Summer Option, and Summer Food Service Program (SFSP). This waiver extension is available for all FSMC contracts - meaning, contracts that may expire by or around June 30, 2021 to be extended through school year 2021-2022 (June 30, 2022). To ensure program integrity during this time, extended FSMC contracts are limited to one year.

Contract Renewal Options

Due to the need to secure contracts without delay, meal program sponsors with FSMC contracts expiring in school year 2020-2021 may, pursuant to 2 CFR 200.320(f)(2), use the emergency noncompetitive proposal procurement method to negotiate a new one-year FSMC contract for school year 2021-2022. To ensure program integrity moving forward, contracts resulting from such noncompetitive proposals may not exercise renewal options.

Under Program regulations at 7 CFR 210.16(d) and 225.6(h)(7), SFAs and SFSP sponsors with a FSMC may contract for no longer than one year, with options for a yearly renewal not to exceed four additional years. USDA-FNS recognizes that, in this public health emergency,

meal program sponsors and FSMCs may be otherwise unable to conduct a competitive procurement process for a new FSMC contract to provide safe and nutritious meals.

Waiver Expiration

This waiver extension is effective immediately, and remains in effect through June 30, 2021, or until expiration of the federally declared public health emergency, whichever is earlier.

Requirements for SFAs and SFSP Sponsors

All meal program sponsors that plan to participate in this waiver must submit a written request to Joy Washington, Virginia Department of Education, Office of School Nutrition Programs (VDOE-SNP) Procurement Review and Contract Specialist, by email at Joy.Washington@doe.virginia.gov no later than February 12, 2020.

For more information

Questions regarding the Nationwide Waiver for FSMC Contracts should be directed to Joy Washington, VDOE-SNP Procurement Review and Contract Specialist, by email at Joy.Washington@doe.virginia.gov.

JFL/SCC/JW/cc