Reply to
Attn. of: SFSP-331

Subject: Summer Food Service Program Policy Memorandum #4-98: Private Non-Profit Sponsors Procuring Meals from Commercial Food Service Management Companies

To: STATE AGENCY DIRECTORS - Colorado ED, Iowa, Kansas, Missouri DH, Montana OPI, Nebraska ED, North Dakota, South Dakota, Utah and Wyoming DHSS

This memorandum is in response to discussion at the recent National Summer Food Service Program (SFSP) meeting regarding the prohibition on private non-profit (PNP) sponsors contracting with food service management companies (FSMCs) for the preparation of SFSP meals.

As you know, the authorizing legislation permits the Department to grant waivers to PNP sponsors to procure summer meals from a commercial FSMC under certain circumstances. During the past year, the National Office has approved several waivers on a case-by-case basis. In these cases, the waiver removed the impediment that would have denied Program access to children at locations where meals could not be obtained from a public source or prepared by the sponsor. We have previously attempted to maximize PNP sponsors' meal service options in rural areas through guidance issued on May 7, 1993 (SFSP-197). That guidance permitted PNP sponsors to obtain meals from other PNP entities.

As a result of these waivers and the guidance on contracting with other PNP, PNP sponsors have been able to provide meals to children who otherwise would not have had access to the Program. This memorandum will, therefore, allow State Agencies (SA) to grant similar waivers to PNP sponsors, if the SA:

- Works with the sponsor to ensure that procurement of summer meals from commercial FSMCs is considered only after all other eligible sources and options for meal service have been explored and noted in the files;
• Provides appropriate guidance to the sponsor to ensure that applicable Federal, as well as State and local, procurement standards are properly followed;

• Ensures compliance with requirements at section 225.6(g) of the SFSP regulations for FSMC registration; and

• Submits a brief report to the Regional Office no later than September 30, 1998, on the number of waivers approved; the number of meals served to children; and the estimated number of children receiving meals as a result of the waiver.

SAs must evaluate waivers on a case-by-case basis when PNP sponsors demonstrate a need, and SAs must comply with the above cited criteria. If there are further questions with regard to this waiver exception, please contact our office at (303) 844-0359.

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