

Alabama State Department of Education



Request for Proposal

RFP ALSDE 2024-18

Summer Food Service Program Auditing Services

Alabama State Department of Education

Child Nutrition Programs

Note: FAXED OR E-MAILED PROPOSALS WILL NOT BE ACCEPTED.

Inquiries and response submissions related to this RFP are to be addressed to:

Cindy Gillespie

Office of Operations

Alabama State Department of Education

50 N. Ripley Street, Room P305

Gordon Persons Building

Montgomery, AL 36104

Email: cgillespie@alsde.edu

Deadline:

Proposals must be received no later than 4:00 p.m. on Tuesday, November, 5, 2024, CST. It is required that each vendor clearly mark the envelope RFP ALSDE 2024-18 in the lower left corner of the envelope (Response packages that are not marked will be rejected).

The proposal package must contain the following:

1. **Original proposal plus four copies** with original signatures (The proposal must be signed by an official authorized to legally bind the vendor to the information provided). **One (1) electronic copy** on a USB flash drive in MS Word format.
2. Must be currently registered with The Alabama Department of Finance, Division of Procurement as a State Vendor and provide vendor number. <http://www.purchasing.alabama.gov>
3. The vendor must complete the affidavit for business entity/employer/vendor. Verification of enrollment in E-verify should be presented on the form found in Appendix A.

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Section 1.00 Administrative Overview

1.1 Purpose and Background

Purpose:

The purpose of the RFP is to solicit competitive, sealed proposals to establish a contract for auditing services to conduct administrative reviews for the **Summer Food Service Program (SFSP)** throughout the state of Alabama. The USDA requires states to ensure that a review is conducted annually as required by the Code of Federal Regulation, Title 7, Part 225.

The Alabama State Department of Education (ALSDE) seeks to contract with a vendor to provide auditing services for the SFSP sponsors statewide.

Background:

The USDA Summer Food Service Program is underutilized in Alabama. Alabama is required to meet federal review requirements based on the Code of Federal Regulations, Title 7, Part 225, Code of Federal Regulations Title 2, Part 200, and Food Nutrition Service Instruction 796-4.

The SFSP sponsors and sites have increased from year 2015 through year 2017. The SFSP anticipates continued growth in the programs. Continued growth causes an increase in administrative reviews. Review requirements increased while state audit staff decreased resulting in a need for audit services. Complying with federal requirements as outlined in the aforementioned regulations and instruction will bring the state in compliance with the regulatory requirements. Alabama State Department of Education Child Nutrition state staff along with USDA regional and national staff have indicated the lack of staff is a factor in failing to meet the overall program requirements. The programs were created and acts authorized funds to feed children in low-income areas. The administrative review ensures compliance to the regulations, instructions, and guidance. The review analyzes the quantity and quality of the meals served and accounting practice of the sponsors participating in the program. A successful bidder will have the tools, knowledge, and capability of conducting the administrative review/audits for the Alabama State Department of Education.

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1.2 Anticipated Time Table

October 22, 2024	Question Submission Deadline
October 23, 2024	Question Responses Due
November 5, 2024, 4PM Central	Proposal Submission Deadline

1.3 Proposal Evaluation

An Evaluation Team will review the proposals and make a recommendation. The criteria listed below will be used to evaluate the proposals for the purpose of ranking them in relative position based on how fully each proposal meets the requirements of this RFP.

Evaluation Criteria:

Vendor qualifications, experience and references	35 points
Detailed description and delivery of services	35 points
Budget Proposal	30 points

Best and Final Offers:

The ALSDE may either accept a vendor's initial proposal by award of a contract or enter into discussions with vendors whose proposals are deemed to be reasonably acceptable consideration for award. After discussions are concluded, a vendor may be allowed to submit a "Best and Final Offer" for consideration in a manner and method prescribed by the ALSDE. By submitting a proposal each vendor accepts and agrees to all conditions and requirements herein.

The ALSDE will make all decisions regarding evaluation of the proposal. The ALSDE reserves the right to judge and determine whether a request is compliant with and has satisfactorily met the requirements of the RFP. The ALSDE reserves the right to waive technical and other defects if, in its judgment, the interest of the ALSDE so requires. Any further information disclosed about the RFP during this process will be provided to all vendors in a manner and method prescribed by the ALSDE.

Rejection of Proposal:

ALSDE reserves the right to reject any or all proposals which are deemed to be non-responsive, late in submission, or unsatisfactory in any way. ALSDE shall have no obligation to award a contract for work, goods and/or services as a result of this RFP.

Qualified bidders aggrieved in connection with the with the solicitation of a contract may protest to the Chief Procurement Officer. See generally State of Alabama Department of Finance Administrative Code Regulations at <https://finance.alabama.gov/media/rnii4ga1/administrative-code-355-4-1-01-thru-06.pdf>.

Confidentiality:

All information contained in the RFP is considered to be the exclusive property of the ALSDE. Recipients of this RFP are not to disclose any information contained within the RFP unless such information is publicly available. This RFP is provided for the sole purpose of allowing Vendors to respond to these specifications.

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Selection Process:

The ALSDE will select the vendor that provides the most technically sound and cost-effective proposal that best fits the needs of the ALSDE. Final selection of the successful vendor will not be based solely on cost. The vendor product will be evaluated primarily on the scope of the activities linked to associated costs as detailed in the RFP. RFPs will be reviewed to ascertain that minimum requirements have been met. The ALSDE reserves the right to conduct discussions with potential vendors in order to clarify information contained in their proposals, but the ALSDE has no obligation to do so. This may include requesting a presentation of top finalists for final scoring. The vendor will provide notice to the ALSDE any partnership with another firm to provide parts of the solution; however, the vendor must provide management of the partner and is responsible for all project performance. Any subcontractor or partner will be subject to the same vetting process as the vendor, and the vendor is responsible for ensuring that each subcontractor acknowledges and is contractually bound by the staffing plan and other commitments listed in this RFP.

Unless provided by law, nothing in this RFP shall be construed to create any legal obligation on the part of ALSDE or any respondents. ALSDE reserves the right, in its sole discretion, to amend, suspend, terminate, or reissue the RFP in whole or in part, at any stage. In no event shall ALSDE be liable to respondents for any cost or damages incurred in connection with the RFP process, including, but not limited to, any and all costs of preparing a response to this RFP or any other costs incurred in reliance on this RFP. No respondent shall be entitled to repayment from ALSDE for any costs, expenses, or fees related to the RFP. All supporting documentation submitted in response to the RFP will become the property of the ALSDE. Respondents may also withdraw their interest in the RFP, in writing, at any point in time, as more information becomes known. If, within the confines of this RFP, the vendor provides intellectual property be it understood that all RFP contents are subject to Open Records Act laws and thus are subsequently in the public domain.

Intent to Award

Division of Procurement will send out an intent to award to the participating suppliers, defining the protest period. The CPO, Chief Procurement Officer, is the awarding authority and as such is a signatory on the agreement/contract.

Disclaimer Notice:

The ALSDE shall not be liable for any costs associated with the preparation of proposals or negotiations of a contract incurred by any party.

Availability of Funds:

It is expressly understood and agreed that the obligations of the ALSDE to proceed is conditioned upon the continued availability of funds that may be expended for these purposes.

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1.4 Conditions and Terms

Contract Terms:

The initial contract resulting from this RFP will be at a 12-month term and may be renewable for four (4) additional years pending written agreement of the vendor & ALSDE, dependent upon required state approvals, availability of funds, performance evaluations of the project, at the full discretion of the ALSDE. The contract will commence pending Legislative Review Committee approval and the Chief Procurement Officer's (CPO) signature.

The vendor shall be fully prepared to commence work after full execution of the contract by parties and the receipt of required governmental approvals.

Proposals should reference each element in the RFP by number on the cover of each copy and be arranged in the same sequence. All fees and costs are to be stated in United States currency. Vendors must reply to each element of the RFP.

Section 2.00 Scope

2.1 Scope of Vendor's Work and Responsibilities

The vendor is responsible for the following activities and products:

- Conduct administrative reviews for ADMINISTRATIVE in accordance with the Code of Federal Regulations, Title 7, Part 225, Code of Federal Regulations, Title 2, Part 200, Food Nutrition Service Instruction 796-4 and applicable federal and state instruction, guidance, policies and procedures. Links are provided below
 - SFSP Regulation Link
 - <https://www.ecfr.gov/cgi-bin/text-idx?SID=57495a999f4f6d68cac59aae8d1421c4&mc=true&node=pt7.4.225&rgn=div5>
 - Procurement Regulation Link
 - <https://www.ecfr.gov/cgi-bin/text-idx?SID=19e6623d47db98af103ca71c8ef27dc7&mc=true&node=pt2.1.200&rgn=div5>
- Conduct all reviews assigned with the require time frames.
 - See Appendix B for a list of tentative locations and number of sites in each city for SFSP administrative reviews. Ten percent of the sites operated by the sponsor must be reviewed.
- Train staff to ensure administrative review procedures coincide with regulatory requirements.
- Provide an accurate and complete report for each review conducted.
- Submit individual audit reports as they are completed for a sponsor, including site(s) review(s) within three (3) days of completion of the audit.
- Meet regulatory requirements for issuance of report within thirty (30) days after the completion of field work.
- The audit tool to be utilized will be provided by ALSDE CNP to the successful bidder.
- All work will be completed, and deliverables submitted no later than August 31 of each contract year.
- Privacy, Confidentiality and Ownership of Information - The Alabama State Department of Education is the designated owner of all data and shall approve all access to that data. The Vendor shall not have ownership of ALSDE data at any time. The Vendor shall be in compliance with privacy policies established by governmental agencies or by state or federal law. The Vendor shall provide sufficient security to protect the Alabama State Department of Education data in network transit, storage and cache.

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- Data Transfer - In the event of a contract termination/cancellation/expiration or the Vendor ceases to do business (whether by bankruptcy, insolvency, merger, sale, assignment of assets or any other reason), the Vendor shall be responsible for providing assistance in the transfer of any ALSDE data residing on the Vendor's systems to the newly selected Vendor. Assistance to the newly selected Vendor shall include, but is not limited to, providing the data, review notes, and other related work products and files developed under this Contract.
- Identity Theft Prevention and Reporting Requirements - In the delivery and/or provision of Information Technology hardware, software, systems, and/or services through a contract/s established as a result of this solicitation, the vendor shall prevent unauthorized access to "Identity Information" of Alabama citizens, clients, constituents and employees. "Identity Information" includes, but is not limited to, an individual's first name or initial and last name in combination with any of the following information:
 1. Social Security Number;
 2. Driver's License Number;
 3. System Access ID's and associated passwords;
 4. Account Information; and
 5. Federal Employee Identification Number.The Vendor shall immediately notify the ALSDE upon learning of any unauthorized breach/access, theft, or release of ALSDE data containing "Identity Information." For even a single knowing violation of these Identity Theft Prevention and Reporting Requirements, the Vendor agrees that the ALSDE may terminate for default the contract(s) and may withhold payment(s) owed to the Vendor in an amount sufficient to pay the cost of notifying customers of unauthorized access or security breaches.
- Work Products
 1. Submitted work products shall be clean, legible, neat and free of grammatical and mathematical errors. Any costs associated with re-work shall be borne by the Vendor without charge to ALSDE to bring the work product to an acceptable standard.
 2. The Vendor shall consult with ALSDE on the nature, scope and deadlines associated with the work products at the project onset.
 3. Work products shall be submitted under the Microsoft Office suite of products (Word, Excel, PowerPoint, etc.).
 4. The Vendor shall have a quality assurance and review process in place prior to submission of work products to ensure its accuracy and completeness. The Vendor shall be responsible for incorporating recommendations and suggestions from ALSDE to ensure the quality of its work products.
 5. A full and complete work product must be accomplished before payment is made to the Vendor for the particular review. Missing, errant or incomplete work shall not qualify for payment.
- A communication log shall be maintained between the sponsor and the Vendor. The log shall note the time, date, and a brief description of the communication.
- The number of sites to review shall be determined following the USDA guidelines: "As part of each sponsor review, conduct reviews of at least 10 percent of each sponsor's sites, or one site, whichever number is greater." 7 CFR 225

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2.2 Scope of Alabama State Department of Education's Work and Responsibilities

Specific responsibilities of the ALSDE are stated below:

- ALSDE CNP will work closely with the vendor to facilitate that reviews enhance existing program without interruption of services.
- Provide review instrument to the successful bidder.
- Provide a listing of sponsors that must be reviewed including address and contact information.
- Evaluate vendor quality of work and timeliness of Administrative Review submissions.
- Train vendor staff on Administrative Review procedures and requirements.

Section 3.00 General Requirements

3.1 Requirements of Proposal

The vendor must provide the following mandatory information. **Failure to provide this information may be cause for the proposal to be rejected.** Qualifications, experience, and cost will be evaluated for contract award. The proposal may be submitted under the same cover with Vendor Requirements and Cost Proposal in two distinct sections. E-verify information is required to be submitted for all employees to include contractors of the vendors if necessary and applicable.

Part I

Signed Cover Letter:

The cover letter shall serve as the first page of the vendor's proposal. The vendor shall complete the cover letter and attach it to the proposal in response to the RFP. The cover letter must be signed by an official authorized to legally bind the vendor. It will state that the vendor is a legal entity that will meet the specifications. The cover letter must accompany the submitted proposal. The letter accompanying the proposal must have original signatures and must include contact numbers and e-mail addresses for the authorized official signing the letters.

Part II

Vendor Qualification and Experience:

Vendor shall provide satisfactory evidence of the vendor's capability to coordinate the types of activities and to provide the services described in the RFP in a timely manner. Special attention should be given to the discussion of qualifications. The discussion shall include a description of the vendor's background and relevant experience as related to the required activities in the RFP.

Part III

Vendor shall provide a detailed plan describing how the services will be performed to meet the requirements of the RFP. The description shall encompass the requirements of this RFP. The response/work product documentation of citation(s) and report must be prepared and organized in a clear and concise manner that is easily understandable.

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Vendor Organization:

Vendor shall provide a detailed description of the organizational structure and explain how the organization qualifies to be responsive to the requirements of this RFP.

References:

The vendor shall provide a minimum of three (3) trade references who can support and validate auditing experience, including names of persons who may be contacted, position of person, addresses, and phone numbers where similar services were provided as described in this RFP. Preference will be given to a firm who has audit experience with the Summer Food Service Program.

Executive Summary:

An executive summary is required. This summary will condense and highlight the contents of the vendor's proposal.

Part IV

Cost Proposal:

The vendor shall submit a cost proposal in addition to other required information. The cost proposal should include the methods of calculation, concise explanation of each item listed in the cost proposal and total cost per administrative review which must include required site review(s) to conform with and conduct complete Administrative Reviews in accordance with the requirements described in the RFP.

Subcontractor Disclosure:

If the execution of work to be performed requires the hiring of Subcontractors, **you must clearly state this in the bid proposal and provide qualification for such individuals.** Sub-Contractors must be identified and the services they will provide or work they will perform must be clearly defined. The ALSDE will not refuse a proposal based upon use of a Sub-Contractor; however, the ALSDE reserves the right to refuse the Sub-contractor you have selected. Contractor and associated personnel shall remain solely responsible for the performance of all work, including work that may be sub-contracted.

Describe your rationale for utilizing Subcontractors including relevant past experience partnering with stated Subcontractor(s). Documents for E-verification of subcontractors are the sole responsibility of the contractor and must be available upon request to ensure compliance.

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Section 4.00 General Terms and Conditions

4.1 Governance

This RFP and its terms shall be governed and construed according to the laws of the State of Alabama. Any dispute arising out of this RFP shall be brought in the State of Alabama, with venue in Montgomery County, Alabama. Vendors agree to comply with all applicable federal and state laws and regulations.

4.2 Immigration

The proposal must contain a statement that the firm is aware of and in compliance with the requirements of the Beason-Hammon Alabama Taxpayer and Citizen Protection Act; a statement that the vendor is enrolled in the E-Verify as required by Section 31-13-9 (b), Code of Alabama 1975, as amended:

BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT

COMPLIANCE

The Beason-Hammon Alabama Taxpayer and Citizen Protection Act (31-13-1 et seq, Code of Alabama, 1975 as amended by Act 2012-491) regulates illegal immigration in the State of Alabama. All contracts with the State or political subdivision thereof must fully comply with each provision as provided by law.

A proposal must include a statement that the vendor has knowledge of this law and is in compliance. Before a contract is signed, the vendor awarded the contract must submit a Certificate of Compliance using the form at Appendix A. E-Verify enrollment can be accomplished at the website of the United States Department of Homeland Security at <http://www.uscis.gov>.

See Section 10 for additional language required by Section 10(k) of the Act to be included in the contract.

Rev.5-24-13Conflict of Interest

The vendor attests that no employee, officer, or agent of the vendor shall participate in the selection, award, or administration of a contract if a real or apparent conflict of interest may be involved. A conflict would arise when the employee, officer, agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein has a financial or other interest in the organization selected for an award. The officers, employees, and agents of the vendor, if selected as the career planning system vendor, shall neither award nor offer gratuities, favors, nor anything of monetary value from vendors or subcontractors.

4.3 Discrimination

Alabama Non-Discrimination Statement:

No person shall be denied employment, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program or activity on the basis of disability, gender, race, religion, national origin, color, age, genetic information, or any other category protected under the law. Ref: Sec. 1983, Civil Rights Act, 42 U.S.C.; Title VI and VII, Civil Rights Act of 1964; Rehabilitation Act of 1973, Sec. 504; Age Discrimination in Employment Act; the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008; Equal Pay Act of 1963; Title IX of the Education Amendment of 1972; Title II of the Genetic Information Nondiscrimination Act of 2008. Title IX Coordinator, P.O. Box 302101, Montgomery, Alabama 36130-2101 or call (334) 694-4717.

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USDA Non-Discrimination Statement:

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language), should contact the responsible state or local agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: [USDA Program Discrimination Complaint Form](#) from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue,
SW Washington, D.C. 20250-9410; or
2. Fax: (202) 690-7442; or
3. Email: program.intake@usda.gov.

This institution is an equal opportunity provider.

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APPENDIX "A"

State of _____)
County of _____)

CERTIFICATE OF COMPLIANCE WITH THE BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT (ACT 2011-535, as amended by ACT 2012-491)

DATE: _____

RE Contract/Grant/Incentive (describe by number or subject):

_____ by and between
_____ (Contractor/Grantee) and
_____ (State Agency, Department or Public Entity)

The undersigned hereby certifies to the State of Alabama as follows:

1. The undersigned holds the position of _____ with the Contractor/Grantee named above, and is authorized to provide representations set out in this Certificate as the official and binding act of that entity, and has knowledge of the provisions of THE BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT (ACT 2011-535 of the Alabama Legislature, as amended by ACT 2012-491) which is described herein as "the Act."

2. Using the following definitions from Section 3 of the Act, select and initial either (a) or (b), below, to describe the Contractor/Grantee's business structure.

BUSINESS ENTITY. Any person or group of persons employing one or more persons performing or engaging in any activity, enterprise, profession, or occupation for gain, benefit, advantage, or livelihood, whether for profit or not for profit.

a. Self-employed individuals, business entities filing articles of incorporation, partnerships, limited partnerships, limited liability companies, foreign corporations, foreign limited partnerships, and foreign limited liability companies authorized to transact business in this state, business trusts, and any business entity that registers with the Secretary of State.

b. Any business entity that possesses a business license, permit, certificate, approval, registration, charter, or similar form of authorization issued by the state, any business entity that is exempt by law from obtaining such a business license, and any business entity that is operating unlawfully without a business license.

EMPLOYER. Any person, firm, corporation, partnership, joint stock association, agent, manager, representative, foreman, or other person having control or custody of any employment, place of employment, or of any employee, including any person or entity employing any person for hire within the State of Alabama, including a public employer. This term shall not include the occupant of a household contracting with another person to perform casual domestic labor within the household.

____ (a) The Contractor/Grantee is a business entity or employer as those terms are defined in Section 3 of the Act.

____ (b) The Contractor/Grantee is not a business entity or employer as those terms are defined in Section 3 of the Act.

3. As of the date of this Certificate, the Contractor/Grantee does not knowingly employ an unauthorized alien within the State of Alabama and hereafter it will not knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama;

4. The Contractor/Grantee is enrolled in E-Verify unless it is not eligible to enroll because of the rules of that program or other factors beyond its control.

Certified this _____ day of _____, 20____.

Name of Contractor/Grantee/Recipient
By: _____
Its _____

The above Certification was signed in my presence by the person whose name appears above, on this _____ day of _____, 20____.

WITNESS: _____

Printed Name of Witness

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APPENDIX "B"

Tentative List of SFSP Sponsor Locations

City	Number of Sponsors
Alexander City	1
Andalusia	2
Anniston	1
Atmore	1
Birmingham	2
Camden	1
Centre	1
Clanton	2
Demopolis	1
Dothan	1
Double Springs	1
Enterprise	1
Eufaula	1
Evergreen	1
Fairfield	1
Gadsden	1
Geneva	1
Greenville	1
Gulf Shores	1
Hayneville	1
Heflin	1
Huntsville	3
Jacksonville	1
Leeds	1
Luverne	1
Monroeville	1
Montgomery	2
Oneonta	1
Opp	1
Oxford	1
Ozark	1
Piedmont	1
Roanoke	1
Sheffield	1
Talladega	1
Tallassee	1

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Theodore	1
Troy	1
Union Springs	1
Wetumpka	1
Total	46

Note: The exact number of sponsors cannot be determined but could be in the range of 70. The list could change due to additions, termination, withdrawal, etc. Ten percent of the sites operated by a sponsor must be reviewed.