

capabilities to distribute USDA Foods Products, including Processed, Non-Processed, DoD, and any USDA approved pilot programs to the HPS Institutions, and must quote on **Exhibit C** either the NOI Price (if permitted by the applicable State Department of Education or other State agency having jurisdiction), modified fee for service, or Closed Sku NOI (CNOI) for each USDA Foods Product. If applicable, each responding vendor must provide the cost structure (i.e., Fixed Fee per case) for the delivered distribution cost for any non-processed USDA Foods Products. If applicable, each responding vendor must provide the distribution cost (i.e., Fixed Fee per case) for the modified fee-for-service USDA Foods Products. If applicable, each responding vendor must provide the distribution cost (i.e., Fixed Fee per case) for the Closed SKU NOI USDA Foods Products. Each responding vendor must provide the distribution cost (i.e., fixed fee per case) for any USDA approved pilot programs to the HPS Institutions. Each responding vendor must provide a sample USDA Foods Manufacturer Tracking Report.

h. Firm Offers. All proposals will be considered firm offers to sell the Products to HPS Institutions that will remain open to acceptance or rejection for a period of ninety (90) days from the closing time and date shown above for submittal of proposals. Any responding vendor may withdraw its proposal at any time before the stated closing time and date. Due to FOIA and other disclosure laws and regulations that apply to certain SFAs and other HPS Institutions, proposals that are submitted in response to this RFP may be subject to disclosure as matters of public record.

i. Sales Volume; Separate Contract Items. The sales volume figures shown on **Exhibit C** and volume projections stated elsewhere in this RFP are intended for the responding vendor’s own use as an aid in determining approximate quantities. HPS makes no guarantee, express or implied, as to the exact quantities of Products that will be purchased by HPS Institutions, and the Awarded Distributor will be required to honor its pricing if quantities vary from **Exhibit C** or from projections stated elsewhere in this RFP. Responding vendors should note that HPS already has entered into group purchasing contracts for certain items included in the Proposal of Material – Specification List attached as **Exhibit C** (see Section 5.c.2 above).

j. Data Requests. Each responding vendor must furnish all data, technical literature and samples that HPS requests in connection with its evaluation of the vendor’s proposal.

k. Evaluation Criteria. The HPS School Food Purchasing Advisory Committee will evaluate proposals based upon the following factors, assigning to each factor the relative weight listed below:

a.	Price.....	20
b.	Completeness of the RFP.....	15
c.	Program Support.....	15
d.	Ability of vendor to comply with product specifications.....	15
e.	Ability of vendor to deliver commercial and commodity items	15
f.	System Support.....	15
g.	Value added programs offered by vendor	5

Each responding vendor’s score for Price will be calculated by applying the following formula:

$$\text{Price Score} = [20] \times \frac{\text{Low Commercial Proposal}}{\text{Commercial Proposal Being Evaluated}}$$

HPS will award the contract, if at all, to the responsive and responsible vendor whose proposal is considered most advantageous to the SFAs and other HPS Institutions. HPS will not necessarily award

the contract to the lowest-price vendor. HPS will notify the Awarded Distributor by electronic mail to the email address set forth in the vendor's proposal, with a duplicate copy deposited in the United States mail, certified, return receipt requested.

l. **Accept or Reject.** HPS reserves the right to accept or reject any and all proposals, in whole or in part; to request additional information or prices from one or more responding vendors; to waive any irregularities in any proposal; or to allow responding vendors to update or correct any errors in any proposal. HPS also reserves the right to award the contract without discussion with any responding vendor.

m. **Single or Multiple Award.** HPS anticipates making one award to a single responsive and responsible firm that offers the most advantageous proposal best meeting the requirements of the HPS Institutions. However, HPS reserves the right to make multiple awards if it determines that would be in the best interest of the HPS Institutions.

n. **Geographic Area.** HPS evaluates all proposals regardless of geographic coverage. Geographic service area is not an exclusion from the RFP process. HPS will evaluate all proposals by geographic service area allowing each vendor to submit competitive proposals according to market conditions in each geographic service area.

o. **Master Group Agreement; Renewal Option.** The Awarded Distributor must enter into a **Master Group Agreement** with HPS in substantially the form attached as **Exhibit B** (“**Master Group Agreement**”). The Master Group Agreement will have an initial term of one year (July 1, 2024 – June 30, 2025) and will be renewable by HPS, at its option, for up to four (4) additional terms of one year each upon written notice given to the Awarded Distributor before expiration of the then-current term. Any price adjustments that apply to a renewal term must be approved by the HPS School Food Purchasing Advisory Committee as provided in Section 5.c.1 of this RFP. The Committee will not approve any renewal that it determines would constitute a Material Change to the contract, including any renewal for which the forecasted total purchasing volumes exceed the actual volumes achieved during the previous contract term by a material amount. Additional factors to renew will be based on customer satisfaction with Products, service, and price. Renewal will be documented by mutual execution of a written amendment to the Master Group Agreement.

p. **Proposal Requirements.** To provide HPS with a standard format to analyze and evaluate each proposal, each responding vendor must complete its proposal in accordance with the instructions set forth below:

1. Each responding vendor must outline and describe the incentives that it will offer to the HPS Institutions, including but not limited to, the following:
 - A. Any incentives offered based on the HPS Institution's level of commitment to the Awarded Distributor;
 - B. Any incentives offered for accelerated payment terms;
 - C. Any incentive based on the HPS Institution's average drop size; and
 - D. Any transitional rebates
 - E. Any additional incentives that the vendor will offer the HPS Institutions.