	
A. Request for Proposal Issued	June 17, 2020
B. Pre RFP Vendor Meeting (Optional)	June 25, 2020
C. Questions No Classification Required	July 1, 2020
D. Due Date for RFP Responses	July 2, 2020
E. Publication of Responses	August 21, 2020
F. Publication of Contract Award	August 21, 2020
G. Contract Start Date	September 1, 2020

DATE PROPOSAL SUBMITTED: 6/26/20 SMR

or

NO PROPOSAL SUBMITTED: _____

PLEASE SUBMIT REASON FOR NO PROPOSAL: _____

Fresh Produce

REQUEST FOR PROPOSAL (RFP)

Proposals are due: By 5:00 p.m. EDT on July 22, 2020

Contract Duration: September 1, 2020, through June 30, 2022, with HPS option to renew for two additional, two-year contract terms, July 1, 2022, through June 30, 2024, and July 1, 2024, through June 30, 2026.

HPS

3275 N. M-37 Highway

P.O. Box 247

MIDDLEVILLE, MI 49333

269-795-3308



AUTHORIZED SIGNATURE: Sarah Re
NAME: Sarah Re
TITLE: VP Institutional Accounts
COMPANY: Creation Gardens / What Chefs Want
ADDRESS: 2055 Nelson Miller Pkwy
PHONE: 513-314-3355
E-MAIL: sre@creationgardens.com
DATE: 6/18/20

APPENDICES

- Appendix A – Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion
- Appendix B – Certification Regarding Lobbying
- Appendix C – Disclosure of Lobbying Activities
- Appendix D – Noncollusion Affidavit
- Appendix E – Certification of Compliance – Iran Economic Sanctions Act
- Appendix F – Indiana E-Verify Affidavit
- Appendix G – Ethical Standards Affidavit
- Appendix H – Conflict of Interest Affidavit

EXHIBITS

- Exhibit A – Membership List
- Exhibit B – Master Group Agreement
- Exhibit C – Pricing Information
- Exhibit D – Questions

Page 17 – Request for Proposal
TERMS & CONDITIONS



3275 N. M-37 Hwy.,
P.O. Box 247
Middleville MI, 49333
(800) 632-4572 | hpsnet.com

1. Company Name: Creation Gardens 2. Website: www.whatchefswant.com

3. Address: 2055 Nelson Miller PKWY, Louisville, KY 40223

4. Main Phone #: 800-600-8510 Fax: _____

5. Send orders to website (Name/Department) Via: Email Fax Phone Online

6. Company business hours: 24/7 Timezone: EST

7. Delivery Time: TBD

8. Shipped via: Common Carrier Direct Distributor

9. F.O.B. HPS institution facility (prepaid & absorbed) Accepted (If freight not included please define freight terms separately.)

10. Payment terms: 30 Days

11. Minimum order: n/a

12. Identify the states you service:

AL AR DE FL GA IL IN IA KS KY LA MD MI MN MO NC OH OK PA SC TN TX WI WV Entire US

13. Price protection for 1 years.

14. Please check all HPS member segments that your products and or services apply to:

Medical Senior Living Education Medical Associates Associates

15. Please complete the following where applicable:

a. Do you provide service to your equipment? Yes No At no charge? Yes No N/A

Define service charge: _____

b. Do you offer emergency service? Yes No If yes indicate hours of emergency service: _____

16. Relative to item #7 and #8 on the request for proposal, page eight, please indicate below the frequency with which your company will furnish electronic statistical reports (excel format) and recording fee to the HPS office, should you be awarded this bid:

Monthly Quarterly

Signature: Sarah Re

Printed Name: Sarah Re

Title: VP Institutional Accounts

Phone: 513-314-3355 Email: sre@creationgardens.com

Dollar Volume Contact - Required

1. Name: Danielle Sunborn 2. Title: Facilitator of Institutional Accounts

3. Email: dsunborn@whatchefswant.com 4. Phone: 513-410-6802

5. Address: 940 W. 5th Street

City: Cinti State: OH Zip: 45203

6. Subscribe to HPS Bottom Line:

Main Contact - Required

1. Name: Sarah Re 2. Title: VP Institutional Accounts

3. Email: sre@creationgardens.com 4. Phone: 513-314-3355

5. Address: 940 W. 5th Street

City: Cinti State: OH Zip: 45203

6. Subscribe to HPS Bottom Line:

Bid Contact - Required

1. Name: Sarah Re 2. Title: VP Institutional Accounts

3. Email: sre@creationgardens.com 4. Phone: 513-314-3355

5. Address: 940 W. 5th Street, Ct

City: Cinti State: OH Zip: 45203

6. Subscribe to HPS Bottom Line:

Marketing Contact - Required

1. Name: Lynnette Jones 2. Title: Director Customer Experience

3. Email: ljones@whatchefswant.com 4. Phone: 502-272-2101

5. Address: 2055 Nelson Miller PKWY

City: LOUISVILLE State: KY Zip: 40223

6. Subscribe to HPS Bottom Line:

Additional Contacts -

Customer service : call / text
502-587-9012 ←

800-600-8510 (toll free phone only)

APPENDIX A

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY EXCLUSION

The undersigned bidder makes this certification as part of its proposal in response to the RFP to which this Appendix is attached. The bidder certifies to the best of its knowledge and belief that it and its principals:

- 1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
- 2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- 3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph 2) above; and
- 4) Have not within a three-year period preceding this proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

Where the bidder is unable to certify to any of the above statements, the bidder must attach an explanation to this proposal.

Creation Gardens Fresh Produce RFP
Bidder's Name PR/Award Number or Project Name

Sarah Re VP Institutional Accounts
Name and Title of Authorized Representative

Sarah Re 6/18/20
Signature Date

APPENDIX B

CERTIFICATION REGARDING LOBBYING


The undersigned bidder makes this certification in the event the bidder's proposal in response to the RFP to which this Appendix B is attached results in a contract or subcontract that exceeds \$100,000 in federal fund expenditures:

The bidder certifies by signing and submitting this proposal, to the best of its knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned must complete and submit **Standard Form-LLL**, "Disclosure Form to Report Lobbying," in accordance with its instructions.

Submission of this certification is a prerequisite for making or entering into this transaction and is imposed by Section 1352, Title 31, U.S. Code. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Any person who fails to file the required certification will be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned also agrees by submitting its proposal that the bidder will require that the language of this certification be included in all lower tier subcontracts exceeding \$100,000 in Federal funds and that all subcontractors must certify and disclose accordingly.

Name Creation Gardens Sarah Re	Agreement Number:	
Address 940 W. 5th St. Cinti, OH 45203		
Printed Name and Title of Submitting Official: Sarah Re	Signature: 	Date: 6/18/20

APPENDIX C

NIA

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

1. Type of Federal Action <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material changes For Material Change Only: Year: _____ Quarter: _____ Date of last report: _____
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Sub-Awardee Tier _____, if known Congressional District, if known _____	5. If Reporting Entity in No. 4 is Sub-awardee, Enter Name and Address of Prime: Congressional District, if known _____	
6. Federal Department/Agency: B. Federal Action Number, if known _____	7. Federal Program Name/Description CFDA Number, if applicable _____	
10. a. Name and Address of Lobbying Entity (if individual, last name, first name, MI):	9. Award Amount, if known 10. b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only		Authorized for Local Reproduction Standard Form - LLL (Rev. 7/97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether sub-awardee or prime Federal recipient, at the invitation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. Section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or sub-awardee recipient. Identify the tier of the sub-awardee, e.g., the first sub-awardee of the prime is the 1st tier. Sub-awards include but are not limited to subcontracts, sub-grants and contract awards under grants.
5. If the organization filing the report in item 4 check "sub-awardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all Boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a Collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0348-0048. The time required to complete this information is estimated to average 10 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection.

APPENDIX D

NONCOLLUSION AFFIDAVIT

Creation Gardens, being first duly sworn, deposes and says, under the penalties for perjury, that he or she is Sarah Re of the bidder responding to the foregoing RFP, that the bidder's proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the proposal is genuine and not collusive or a sham; that the bidder has not entered into a combination or an agreement relative to the price to be offered by a person, or to prevent a person from making an offer, or to induce a person to refrain from making an offer; that the bidder has not directly or indirectly induced or solicited another person to put in a false or sham proposal, and has not directly or indirectly colluded, conspired, connived, or agreed with any vendor or anyone else to put in a sham proposal or to refrain from submitting a proposal; that the bidder has not in any manner, directly or indirectly, sought by agreement, collusion, communication, or conference with anyone to fix the bid price of the bidder or any other vendor, or to fix any overhead, profit, or cost element of the bid price or the bid price of any other vendor, or to secure any advantage against HPS or any public entity or other person interested in the proposed contract; that all statements contained in the proposal are true; that the bidder has not, directly or indirectly, submitted its bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, RFP depository, or to any member or agent thereof to effectuate a collusive or sham bid; and that the bidder and its affiliates, subsidiaries, officers, directors, members, managers, and employees are not currently under investigation by any governmental agency and have not in the last three years been convicted of or found liable for any act prohibited by state or federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding on any public contract.

Creation Gardens
Name of Firm

Sarah M Re
Signature (Firm)

STATE OF Kentucky)

) ss.

COUNTY OF Jefferson)

Subscribed and sworn to before me on June 25, 2020, by Sarah Re.



Julie M Pate, Notary Public
County of Jefferson, State of Ky.
My Commission Expires: 1-7-2021
Acting in the County of Jefferson

APPENDIX E

CERTIFICATION OF COMPLIANCE – IRAN ECONOMIC SANCTIONS ACT

Michigan Public Act No. 517 of 2012

The undersigned, the owner, or authorized officer of the below-named company (the "Company"), pursuant to the compliance certification requirement provided in the HPS's Request For Proposal (the "RFP"), hereby certifies, represents, and warrants that the Company (which includes its officers, directors and employees) is not an "Iran Linked Business" within the meaning of the Iran Economic Sanctions Act, Michigan Public Act No. 517 of 2012 (the "Act"), and that in the event the Company is awarded a contract by HPS as a result of the aforementioned RFP, the Company is not and will not become an "Iran Linked Business" at any time during the course of performing any services under the contract.

The Company further acknowledges that any person who is found to have submitted a false certification is responsible for a civil penalty of not more than \$250,000.00 or two (2) times the amount of the contract or proposed contract for which the false certification was made, whichever is greater, the cost of HPS's investigation, and reasonable attorney fees, in addition to the fine. Moreover, any person who submitted a false certification shall be ineligible to bid on a request for proposal for three (3) years from the date the it is determined that the person has submitted the false certification.

Creation Gardens
Name of Company

Sarah Re VP Institutional Accounts
Name and Title of Authorized Representative

Sarah M Re
Signature

6/18/20
Date

APPENDIX F

INDIANA E-VERIFY AFFIDAVIT

This Affidavit is made in connection with the Request for Proposals to which it is attached, for the benefit of HPS and HPS Institutions. In compliance with I.C. 22-5-1.7, et seq., the undersigned states that:

1. He/she is authorized to sign this Affidavit on behalf of the Responding Vendor identified below.
2. The Responding Vendor does not knowingly employ an "unauthorized alien" within the meaning set forth in 8 U.S.C. 1324a(h).

I swear or affirm, under the penalties for perjury, that the foregoing statement is true.

Responding Vendor's Name Creation Gardens

By (signature): Sarah M Re

Name (printed): Sarah Re

Title: VP Institutional Accounts

Date: 6/18/20

**APPENDIX G
ETHICAL STANDARDS AFFIDAVIT**

Contractor, after being first duly sworn, affirms that by its employment policy, standards and practices it does not subscribe to any personnel policy which permits or allows for the promotion, demotion, employment, dismissal or laying off of any individual due to race, creed, color, national origin, age or sex and that it is not in violation of and will not violate any applicable laws concerning the employment of individuals with disabilities.

Contractor understands that it shall be a breach of ethical standards for any person to offer, give or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy or other particular matter pertaining to any program requirement of a contract or subcontract or to any solicitation or proposal therefore.

Contractor also understands that it shall be a breach of ethical standards for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

Contractor also understands that it shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure a metropolitan government contract upon the agreement or understanding for a contingent commission, percentage or brokerage fee, except for the retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

Contractor represents that it has not retained anyone in violation of the foregoing.

Contractor also understands that a breach of ethical standards could result in civil or criminal sanctions and/or debarment or suspension from being a seller, contractor or subcontractor under metropolitan government contracts.

Print name of bidder: Sarah Re Signature: Sarah M Re

Name of Company: Creation Gardens City: Louisville State: KY

Sworn to and subscribed before me, a notary public in and for the above state and county, on this

25th Day of June, 2020.

Notary Public Julie M Pate

My commission expires: 1-7-2021



**APPENDIX H
CONFLICT OF INTEREST AFFIDAVIT**

This affidavit is required by state law and complies with the State of Michigan, Act No. 232 of Public Acts of 2004, Enrolled House Bill No. 5376, Sec. 1267, paragraph 3, and sub-paragraph (d), as listed below:

- (3) The advertisement for bids (and proposals) shall do all of the following:
State that the bid shall be accompanied by a sworn and notarized statement disclosing any familial relationship that exists between the owner or any employee of the bidder and any member of the board, intermediate school board, or board of directors or the superintendent of the school district, intermediate superintendent of the intermediate school district, or chief executive of the public-school academy. A board, intermediate school board, or board of directors shall not accept a bid that does not include this sworn and notarized disclosure statement.

CHECK ONE OF THE TWO BOXES BELOW.

List and describe all existing Conflicts of Interest. *(Attach an additional page if necessary.)*

To the best of my knowledge, no conflict of interest exists.

Print name of bidder: Sarah Re Signature: Sarah M Re

Name of Company: Creation Gardens City: Louisville State: KY

NOTARY: State of Kentucky County of Jefferson

Sworn to and subscribed before me, a notary public in and for the above state and county, on this

25th Day of June, 2020.

Notary Public Julie M Pate
My commission expires: 1-7-2021

