

CITY OF NEWTON, MASSACHUSETTS
PURCHASING DEPARTMENT
purchasing@newtonma.gov
Fax (617) 796-1227

March 8, 2024

ADDENDUM #2
REQUEST FOR PROPOSAL #24-52

FOOD SERVICE MANAGEMENT FOR NEWTON PUBLIC SCHOOLS

THIS ADDENDUM IS TO: ANSWER THE FOLLOWING QUESTIONS:

Q1. Can you confirm the number of originals & copies of the proposal needed (printed and electronic)

A1. Total number of copies: Eight(8) (one original and remainder are photocopies) submitted separately in a sealed envelope and marked as stated above. A separate CD or thumb drive should be provided for the Price Proposal and the Non-Price Proposal.

Q2. Can you please confirm the details of the performance bond and bid bond needed for the proposal?

A2. A bid bond equal to 5% of the proposer's budget expenses should be submitted with its proposal. The awarded proposer will provided a \$100,000 performance bond.

Q3. Can you confirm if the district prefers a flat or per-meal fee structure?

A3. Newton prefers a per-meal fee structure.

Q4. Can you provide details on the SFSP program? Locations, meal needs, enrollment per location & dates of service.

A4. Newton is not eligible to offer SFSP. We would like to offer the NSLP for the ESY program that will run 7/8-8/16 at Cabot elementary and NECP. Enrollment TBC. FY23 enrollment was approximately 500 at Cabot and 100 at NECP.

Q5. Can you provide detail on the district's minimal staffing requirements for the management team onsite ?

A5. Newton is requesting bidding FSMCs to propose the management team that they feel is necessary to support their proposed program operations.

Q6. Can you provide a copy of the proof of visitation for the proposal?

A6. We will use the sign-in sheets.

Q7. Are there additional minimum procurement requirements, other than what is provided in the RFP ? Such things as organic yogurt and all-natural dressings, to name a few. Does the district have any additional requirements or items that they do not wish to serve to the students?

A7. Newton has provided the minimum procurement requirements. Please share additional differentiating procurement plans within your proposal.

Q8. Please provide the meal claim site reports (Exhibit C2) for December 2023 and January 2024.

A8. December meal counts were provided in Addendum 1

Q9. Please confirm the number of service days is 180.

A9. 180 service days confirmed.

Q10. Please provide the meal equivalent rate to be used in the financial pro forma.

A10. \$4.665

Q11. Please provide your current FSMC contract.

A11. NPS responded to this question in Addendum 1. The successor FSMC contract is included in the RFP and must follow the DESE guidelines. The previous contract is not relevant.

Q12. Please provide the meal equivalence number to be used for proforma development.

A12. See A10 above.

Q13. Please provide the projected entitlement amount for SY 24-25. If this is not available yet, please provide the entitlement for SY 23-24

A13. See Addendum 1.

Q14. Please provide meal prices charged to paying students for breakfast and lunch for elementary, middle school and high school.

A14. Elementary: breakfast = \$2.50 lunch = \$5.25
Middle/High: breakfast = \$2.65 lunch = \$5.50

Q15. Thank you for providing enrollment and FRL percentages for each site. Can you please break this down further and provide the number of free and reduced students separately.

A15. The Eligibility Statistics By School Report from February 2024 (attached) shows free, reduced-price, and paid enrollment by school.

Q16. Please provide a copy of the contract with the current FSMC.

A16. See Addendum 1. The successor FSMC contract is included in the RFP and must follow the DESE guidelines. The previous contract is not relevant. If still requested, please provide additional context.

Q17. Please provide a copy of this year and last year's financials for the food service program.

A17. See Addendum 1

Q18. Are there any current open positions?

A18. See Addendum 1. Nothing open, but subject to change.

Q19. Are there any food service employees on SFA payroll?

A19. No.

Q20. Per the CBA, an attendance bonus is available to hourly staff if they don't utilize all PTO days- what was the dollar value paid in June 2023? We understand that any FSMC with the contract for the SY 24/25 is expected to honor the CBA.

A20. \$15,000. However, this bonus was approved mid-year so it is expected that this year will be higher as members have had knowledge of the bonus/incentive for the full year.

Q21. On Exhibit D Pg 47, the Employee Roster reflects hours per person. Are these hours paid daily, or scheduled? (CBA pg. 13 references ½ hour unpaid breaks for all employees working 6+ hours per day).

A21. Exhibit D shows actual hours worked, which reflects some individual preferences or long-standing practice with several specific employees.

Q22. On the tour, Amy mentioned there is a new Sustainable Food and Beverage ordinance in the city going into effect March 1, 2024.

- 1. Can you please share the specific link that was discussed on the tour?**
- 2. How will this impact the foodservice program and what specific changes will take place to the foodservice program moving forward?**

A22. Ordinance, flyer, and FAQ are provided with this Addendum. All serving materials must be reusable, recyclable, or compostable. NPS is allowed to offer single (not bundled) utensils and condiment packages upon request only.

Q23. Should proposals assume the Massachusetts-funded universal free lunch program will remain in effect for school year 24-25 or, if not, please provide student meal price rates.

A23. Yes. Massachusetts publicized the FY24 change as permanent.

Q24. Based on the March 8th response date for questions, It will only leave 3 business days to submit the proposals. In order to deliver the best and thoughtful content; we are respectfully asking for a one week extension of the due date.

A24. Most of these questions were addressed in the first addendum, which was published on February 27, 2024, and DESE has not extended the deadline to submit the unsigned contract to it by April 5, 2024 , so we have no ability to extend the submission date of March 14, 2024.

Remaining timeline

Thursday, 3/14 – open and review non-price proposals

Wednesday, 3/20 - NPS will hold interviews with bidding FSMCs

Thursday, 3/21 – NPS will submit non-price evaluations to City Procurement who will then evaluate the price proposals and make a recommendation to NPS for a successor FMSC.

Monday, 3/25 – NPS will make a recommendation to the School Committee for a successor FSMC

Friday, 4/5 – Unsigned contract submitted to DESE

All other terms and conditions of the IFB remain unchanged.

**PLEASE ENSURE THAT YOU ACKNOWLEDGE ALL ADDENDA ON YOUR
BID FORM. FAILURE TO ACKNOWLEDGE ALL ADDENDA COULD
RESULT IN REJECTION OF YOUR BID AS NONRESPONSIVE.**

Thank you.



Nicholas Read
Chief Procurement Officer

FOUR (4) ATTACHMENTS:

Eligibility Statistics by School
City Sustainability Ordinance
City Sustainability Ordinance Flyer
City Sustainability Ordinance FAQ

Eligibility Statistics by School Report

1 - All Schools excludes Private and T-Tout

Info is as of 2/29/2024 01:15 AM

School Name	Free		Reduced		Free + Reduced		Paid		DC	Cat Elig	Income	Denied	Enrollment	Non-Reimb
	Total	%	Total	%	Total	%	Total	%						
Angier Elementary	36	9.23%	2	0.51%	38	9.74%	352	90.26%	37	0	1	4	390	95
Bigelow Middle School	97	22.40%	6	1.39%	103	23.79%	330	76.21%	97	1	5	6	433	96
Bowen Elementary	49	13.65%	4	1.11%	53	14.76%	306	85.24%	53	0	0	9	359	78
Brown Middle School	69	9.39%	11	1.50%	80	10.88%	655	89.12%	78	1	1	13	735	165
Burr Elementary	67	18.82%	1	0.28%	68	19.10%	288	80.90%	67	0	1	6	356	77
Cabot Elementary	64	14.85%	4	0.93%	68	15.78%	363	84.22%	66	0	2	9	431	98
Countryside Elementary	40	10.99%	7	1.92%	47	12.91%	317	87.09%	46	0	1	4	364	97
Ed Center	32	45.71%	1	1.43%	33	47.14%	37	52.86%	33	0	0	1	70	222
FA Day Middle School	120	13.76%	8	0.92%	128	14.68%	744	85.32%	122	2	4	17	872	154
Franklin Elementary	51	14.87%	4	1.17%	55	16.03%	288	83.97%	49	3	3	7	343	73
Horace Mann Elementary	84	22.22%	4	1.06%	88	23.28%	290	76.72%	81	2	5	3	378	65
Lincoln Eliot Elementary	116	34.32%	6	1.78%	122	36.09%	216	63.91%	117	0	5	7	338	82
Mason-Rice Elementary	19	5.69%	0	0.00%	19	5.69%	315	94.31%	19	0	0	5	334	69
Memorial-Spaulding Elementary	40	10.81%	5	1.35%	45	12.16%	325	87.84%	45	0	0	4	370	87
NECP	33	16.42%	6	2.99%	39	19.40%	162	80.60%	38	0	1	5	201	0
Newton North High	351	16.79%	33	1.58%	384	18.36%	1707	81.64%	366	1	17	42	2091	531
Newton South High	248	13.35%	19	1.02%	267	14.37%	1591	85.63%	264	0	3	42	1858	369
Oak Hill Middle School	96	14.63%	8	1.22%	104	15.85%	552	84.15%	101	0	3	12	656	140
Peirce Elementary	22	9.24%	0	0.00%	22	9.24%	216	90.76%	22	0	0	5	238	61
Underwood Elementary	55	22.63%	12	4.94%	67	27.57%	176	72.43%	62	0	5	8	243	56
Ward Elementary	17	7.87%	5	2.31%	22	10.19%	194	89.81%	17	0	5	0	216	54
Williams Elementary	28	13.27%	5	2.37%	33	15.64%	178	84.36%	31	0	2	7	211	65
Zervas Elementary	56	14.04%	5	1.25%	61	15.29%	338	84.71%	57	0	4	9	399	108
Totals	1790	15.06%	156	1.31%	1946	16.37%	9940	83.63%	1868	10	68	225	11886	2842

offense, \$100.00; third offense, \$200.00; fourth and subsequent offenses, \$300.00. Each day a violation occurs shall constitute a separate offense.

- (2) Whoever violates any provision of this section or any regulation established by the commissioner may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D. For purposes of this section, the commissioner of the health and human Services, or his or her designee, shall be enforcing persons.

(g) Severability.

Each separate provision of this section shall be deemed independent of all other provisions herein, and if any provision of this section be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this section shall remain valid and enforceable.

(Ord. No. A-56, 01-20-15; Ord. No. B-33, 07-08-19)

Sec. 12-72 Sustainable Food Containers and Packaging.

- (a) **Short Title.** This section may be cited as the “Sustainable Food and Beverage Serviceware, Packaging, and Single Use Ordinance” of the City of Newton.
- (b) **Purpose:** The purpose of this ordinance is to reduce the overall environmental impact of the City of Newton, its residents, and its businesses. Single use plastic has a significant impact on the environment through its carbon footprint, waste management, pollution, and more. The provisions of this ordinance will reduce the amount of single use plastic used throughout the City.

(c) Declaration of findings and policy- Scope

The city council hereby finds that the prohibition of the sale and use of certain single use plastic items by food service and retail establishments in the City of Newton is a public purpose that protects the public health, welfare and environment, advances solid waste reduction, protects waterways, and reduces the carbon footprint of the City’s business and residents.

(d) Definitions

The following words, unless the context clearly requires otherwise, shall have the following meanings:

“Accessories” means any food and beverage serviceware items that are not dishware and containers. The term “accessories” as used in this section includes, but is not limited to, straws, forks, spoons, knives, chopsticks, stirrers, condiment packages, and napkins.

“Commissioner” means the commissioner of health and human services of the City of Newton.

“Compostable” means a product comprised of i) wood or fiber-based substrate only;

or ii) bioplastic or other organic materials that break down in a compost pile within a set amount of time into safe material, and that is certified as such by the Biodegradable Products Institute (BPI), Compost Manufacturing Alliance (CMA), or OK Compost/TUV. Any bioplastic product must be clearly labeled with the applicable standard on the product. Products marked “compostable” or “biodegradable” that are not certified and marked as such may contain unsafe and toxic materials such as PFAS.

“Dishware and Containers” means all containers, bowls, plates, trays, cartons, cups, lids, film wrap, and other items on or in which prepared foods and beverages are packaged or directly placed.

“Foam polystyrene” means a non-biodegradable petrochemical thermoplastic made from aerated forms of polystyrene and includes several methods of manufacture. Expanded polystyrene (EPS) or extruded polystyrene (XPS) are forms of polystyrene.

“Styrofoam” is a Dow Chemical Co. trademarked form of extruded polystyrene and is commonly used to refer to foam polystyrene. These are generally used to make insulated cups, bowls, trays, clamshell containers, meat trays, foam packing materials and egg cartons. The products are sometimes identified by a #6 resin code.

“Food Establishment” means a retail establishment that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, including, but not limited to, any establishment requiring a permit to operate in accordance with the Massachusetts Retail Food Code, 105 CMR 590, as it may be amended from time to time.

“Full Service Food Establishment” means a food establishment where customers are seated at a table either by waitstaff or by themselves, and where orders are taken and served by waitstaff at the table.

“Packing material” means materials used to hold, cushion, or protect an item packed in a container for shipping, transport, or storage. The term “packing material” as used in this section includes, but is not limited to, packing “peanuts”, shipping boxes, coolers, ice chests, or similar containers.

“Prepared food” means any food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the premises where the food or beverages are to be served. For the purposes of this Section 12-72, prepared food does not include raw, butchered meats, fish and/or poultry sold from a butcher case or similar retail appliance.

“Recyclable” refers to material that can be sorted, cleansed, and reconstituted using the City’s curbside municipal collection programs for the purpose of using the altered form in the manufacture of a new product. Such materials must be accepted and recycled by the Materials Recovery Facility (MRF) that receives Newton’s residential curbside recycling. “Recycling” does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

“Retail establishment” means a business establishment engaged in the retail sale of goods directly to consumers.

“Reusable” refers to food and beverage serviceware that will be used multiple times in its same form by a food establishment. Such products are intended to be washed multiple times in a commercial dishwasher and to retain their form and function over multiple usage and washing cycles.

“Single Use” means food and beverage serviceware, that is not reusable, as defined above, and are designed to be used once and then discarded, and not designed for repeated use and sanitizing.

(e) Prohibited use and distribution of certain food and beverage serviceware and single use items.

- (i) Prohibition of the following items took effect on January 1, 2020, and shall continue to be in effect as of the effective date of this ordinance.
 - (1) Food establishments are prohibited from dispensing prepared food or beverages to any person in single use food containers made from foam polystyrene.
 - (2) Food establishments are prohibited from dispensing plastic stirrers.
 - (3) All food establishments are strongly encouraged to use reusable food serviceware in place of using single use food serviceware for all food served on the premises. Food establishments using any single use food serviceware and stirrers are strongly encouraged to use biodegradable, compostable, reusable or recyclable food serviceware and stirrers.
 - (4) Retail establishments are prohibited from selling or distributing single use food containers made from foam polystyrene to customers.
 - (5) Retail establishments are prohibited from selling or distributing to customers any packing material that is made in whole or in part from foam polystyrene.

- (ii) The following prohibitions shall take effect on March 1, 2024.
 - (1) The intentional release of helium filled balloons is prohibited. Any helium balloons must be sold with weighted attachments designed to limit unintentional release.
 - (2) Retail establishments are prohibited from selling or distributing dishware and containers that are not reusable, compostable, or recyclable to consumers. This prohibition includes, but is not limited to, dishware and containers made from black plastic, foam polystyrene, or paper lined with polyethylene or other petroleum-based plastic.
 - (3) Retail establishments are prohibited from selling or distributing packing materials that are not reusable, compostable, or recyclable to consumers, including, but not limited to, those made from foam polystyrene.

- (4) Food establishments are prohibited from dispensing prepared food to any consumer in dishware and containers larger than 4 ounces that are not reusable, compostable, or recyclable. This prohibition includes, but is not limited to, dishware and containers made from black plastic, foam polystyrene, or paper lined with polyethylene or other petroleum-based plastic.
 - (5) Food establishments may not automatically provide single use accessories, including in takeout orders, whether orders are placed online, via phone, or in person. Such single use accessories may be provided only upon the request of the consumer either directly or in response to an inquiry by the food establishment. Single use accessories may not be prepackaged in sets. In addition, food establishments may have single use accessories available at self-service stations.
 - (6) The City of Newton is prohibited from serving a) prepared food or beverages in dishware and containers that are not reusable, compostable, or recyclable; and b) single use condiment packages. Notwithstanding the foregoing, the City of Newton may distribute condiment packages upon request.
 - (7) Full service food establishments shall utilize only reusable food and beverage serveware for dine-in customers.
- (f) **Effective date.** The effective date shall be upon passage of this ordinance or as otherwise specified herein.

(g) Enforcement.

- (i) Fine. Any food or retail establishments which violates any provision of this section or any regulation established by the Commissioner shall be liable for a fine as follows: First offense, warning; second offense, \$100.00; third offense, \$200.00; fourth and subsequent offenses, \$300.00. Each day a violation continues shall constitute a separate offense.
- (ii) Whoever violates any provision of this section or any regulation established by the commissioner may be penalized by a noncriminal disposition as provided in G.L. c. 40, Sec 21D.
- (iii) Any retail or food establishment may contest whether specific items are allowable under this Section by providing written documentation that the item is recyclable from both their city-permitted waste/recycling hauler and associated MRF, or compostable from their commercial organics hauler and associated compost end site.
- (iv) In the event that the commissioner determines that compliance with any provision of this Section 12-72 is not feasible due to industry wide unavailability of compliant items, the commissioner may suspend enforcement of such provision for all food and retail establishments until the commissioner determines that the supply of compliant items has been sufficiently restored.

- (v) The provisions of this Section 12-72 shall be enforced by the commissioner, or their designee.

(h) Severability.

Each separate provision of this section shall be deemed independent of all other provisions herein, and if any provision of this section be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this section shall remain valid and enforceable. (Ord C-32, 09/18/23)



Beginning March 1, 2024:

All dishware/containers (larger than 4 oz) must be reusable, compostable, or recyclable as determined by the MassDEP Recycle Smart MA program or City of Newton Department of Public Works.

All single use silverware, condiment packages, and other accessory items may be provided only upon request of the customer or at self-serve stations.

Single use silverware, condiment packages, and other accessory items cannot be prepackaged in sets.

Full service restaurants must use reusable food and beverage serviceware for dine-in customers.

Need Help?

Recyclability Questions

RecyclingWorks offers businesses free information and assistance on recycling and composting in MA.

☎ Hotline: (888) 254-5525

🌐 recyclingworksma.com

✉ info@recyclingworksma.com

Help Sourcing Supplies

Contact Green Newton for questions on recyclability of specific materials, vendors, etc.

✉ zerowaste@greennewton.org

Questions

Contact Newton Health and Human Services Department.

✉ health@newtonma.gov

☎ (617) 796-1420

Scan the QR Code for More Information



www.newtonma.gov/plastic



City of Newton

Food Establishment Guide to Takeout Supplies

Choose containers that are reusable, compostable, or recyclable in Newton*



Clear plastic



Reusable containers



Compostable - Choose third party certified products free of PFAS



Look for PLA compostable plastic



White plastic



Unlined paper or other bio based bags and containers



Paper containers and cups lined with "poly-" coatings



Black plastic containers and utensils



Mineral filled polypropylene containers are not recyclable



Polystyrene "styrofoam" containers



Non-reusable Plastic bags

*Recyclable as determined by MassDEP's RecyclingWorks program or the City of Newton Sustainable Materials Management Division



Frequently Asked Questions for Sustainable Food & Beverage Serviceware, Packaging & Single Use Items Ordinance

1. Can I get help figuring out which products are compliant?

Yes. This [brochure](#) has information on products that meet the requirements of the ordinance. You can also call [RecyclingWork's](#) by calling the hotline at 888-254-5525 or email info@recyclingworksma.com or email Green Newton at zerowaste@greennewton.org for free assistance on recycling, sourcing compliant products, etc. You can also visit <http://recyclesmartma.org> for the Recyclopedia in which you can enter a name of an item to see if it is recyclable. For additional recycling questions you can also email Recycle Smart at recyclesmartma@mass.gov.

2. What do you mean by “reusable?”

“Reusable” means food and beverage serviceware that is intended to be washed multiple times in a commercial dishwasher and to retain their form and function over multiple use and washing cycles.

3. What do you mean by “compostable?”

“Compostable” means any product that is certified as such by the Biodegradable Products Institute (BPI), Compost Manufacturing Alliance (CMA), or OK Compost/TUV.

4. What do you mean by “recyclable?”

“Recyclable” refers to [materials](#) that are accepted by the City’s municipal collection program. This includes uncoated paper, aluminum, glass, and certain plastics. Black plastic and plastic-lined paper products are not recyclable.

If you need assistance determining whether a particular product is recyclable, call RecyclingWork’s hotline at (888) 254-5525 or email Green Newton at zerowaste@greennewton.org.

5. What do you mean by “accessories?”

“Accessories” means any food and beverage serviceware items that are not dishware and containers. This includes, but is not limited to, straws, forks, spoons, knives, chopsticks, stirrers, condiment packages, and napkins.

These items may not be prepackaged in sets and may only be provided upon request of the customer or at self-serve stations. Accessory items intended for takeout orders do not need to be reusable, compostable, or recyclable.

6. What do you mean by “single use?”

“Single use” means food and beverage serviceware that are designed to be used once and then discarded.

7. What do you mean by Dishware and Containers?

All containers, bowls, plates, trays, cartons, cups, lids, film wrap, and other items on or in which prepared foods and beverages are packaged or directly placed.

8. What do you mean by “full service food establishment?”

“Full service food establishment” means a food establishment where customers are seated at a table either by waitstaff or by themselves, and where orders are taken and served by waitstaff at the table.

9. Are customers allowed to bring in their own reusable beverage cups for refill?

Yes. The Food Code allows consumer-owned, personal take-out beverage containers to be refilled by food establishment employees or the consumer if the container is clean and refilling is a contamination-free process. It is up to the discretion of the establishment whether to accept reusable cups for refill and to accept or reject any container.

10. Are customers allowed to bring their own containers to package leftovers?

Yes. Customers may bring in their own clean containers for packaging leftovers. The container must be filled by the customer at their table.

11. What is “foam polystyrene?”

“Foam polystyrene” means a nonbiodegradable petrochemical thermoplastic made from aerated forms of polystyrene. “Styrofoam” is a trademarked form of polystyrene and is commonly used as a generic term to refer to foam polystyrene. Foam polystyrene is generally used to make insulated cups, bowls, trays, clamshell containers, meat trays, foam packing materials, and egg cartons.

12. What do you mean by “packing materials?”

“Packing materials” means materials used to hold, cushion, or protect an item packed in a container for shipping, transport, or storage. This includes, but is not limited to, packing peanuts, shipping boxes, coolers, ice chests or other similar containers.

13. What is the purpose of this ordinance?

This ordinance aims to reduce the prevalence of single-use plastics in the City of Newton.