

**LOMPOC UNIFIED SCHOOL DISTRICT**

SPECIFICATIONS

FOR

REQUEST FOR PROPOSAL

**Q5-19 MILK AND DAIRY PRODUCTS**

|  |  |
| --- | --- |
| **BOARD OF TRUSTEES** | |
| Steve Straight | President |
| Bill Heath | Vice-President |
| Jeff Carlovsky | Clerk |
| Dick Barrett | Member |
| Gloria Grijalva | Member |
| Trevor McDonald | Secretary |

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**NOTICE TO BIDDERS**

Notice is hereby given that the Board of Education of the Lompoc Unified School District (LUSD) of Santa Barbara County, California, will receive quotes for the procurement of the following:

**Q5-19 MILK AND DAIRY PRODUCTS**

Sealed bids must be delivered no later than **2:00 p.m. on Wednesday, May 30, 2018** to Lompoc Unified School District, 1301 North A Street, Lompoc, CA 93436 at the office of the Purchasing Manager at about which time said bids will be opened.

Each bid will be in accordance with the specifications and requirements now on file in the office of the Purchasing Manager 1301 North A Street, Lompoc, California where they may be examined. Prospective bidders may secure copies of the bid documents at this office, at www.lusd.org or by contacting the Purchasing Department at (805) 742-3290.

Lompoc Unified School District is not responsible for proposals sent via U.S. Mail, common carrier or any other delivery service. All proposals are due in the office of the Purchasing Manager by the posted or advertised closing date.

All bidders are responsible for obtaining any addendums or revisions to the project. Questions or comments regarding this RFP must be put in writing and received by Lompoc Unified School District Purchasing Department no later than 2:00 p.m. **May 23, 2018**. Questions are to be emailed to **garnica.ruie@lusd.org**. Lompoc Unified School District shall not be obligated to answer any questions received after the above specified deadline or any questions submitted in a manner other than as instructed above.

The District’s School Board reserves the right to reject any and all bids.  No bidder may withdraw their bid for a period of ninety (90) days after the date set for the opening of bids.  Refer to the formal bid documents and specifications for additional information, terms, and conditions.

The Board of Trustees of the Lompoc Unified School District reserves the right to reject any or all bids or waive any irregularity in any bid, and to sit and act as sole judge of the merits and qualifications of any equipment or supplies offered.

BOARD OF EDUCATION

LOMPOC UNIFIED SCHOOL DISTRICT

By: Susan Bennett

Purchasing & Stores Manager

Publication Dates: May 09, 2018

May 16, 2018

**INSTRUCTIONS FOR BIDDERS**

**Q5-19 MILK AND DAIRY PRODUCTS**

1. INSURANCE - Bidders who perform services on district property and/or who drive on District business shall furnish District with evidence of comprehensive general liability and automotive liability insurance as follows:

* 1. Commercial or Comprehensive General Liability and Automotive Liability insurance covering bodily injury and property damage utilizing an occurrence policy form, in an amount no less than $1,000,000.00 combined single limit for each occurrence. Insurance coverage shall be subject to the approval of District’s Risk Manager and shall be provided through carriers with an AM Best Insurance rating of (A:VII) or higher with the exception of Workers’ Compensation Insurance which shall be provided through a carrier with a rating of B+ or higher and are admitted to transact business in the State of California.
  2. Each said comprehensive or commercial general liability insurance policy shall be endorsed with the following specific language:
     1. The District, its officers and employees are named as additional insured for all liability arising out of the acts or omissions by or on behalf of the name insured. Bidder shall provide District with a certificate of insurance and additional insured endorsement pursuant to said limits in section 6(A);
     2. The inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, and the coverage afforded shall apply as though separate policies had been issued to each insured, but the inclusion of more than one insured shall not operate to increase the limits of the company’s liability;
     3. The insurance provided herein is primary coverage to District with respect to any insurance or self-insurance programs maintained by District and no insurance held or owned by District shall be called upon to contribute to a loss, except for the sole negligence of District;
     4. This policy shall not be canceled or materially changed without first giving thirty (30) days prior written notice to District.
  3. The following documentation shall be submitted to District on or before the commencement date of the Agreement.
     1. Properly executed Certificates of Insurance clearly evidencing all coverage, limits, and endorsements required above. Said certificates shall be submitted prior to the execution of this Agreement.
     2. Signed copies of the specified endorsements for each policy. Said endorsement copies shall be submitted within thirty (30) days of execution of this Agreement.
  4. Upon District’s written request, certified copies of insurance policies. Said policy copies shall be submitted within thirty (30) days of District’s request.
  5. Bidder’s indemnity and other obligations shall not be limited by the foregoing insurance requirements.
  6. If Bidder, for any reason, fails to maintain insurance coverage or provide related documentation, as required, District may terminate this Agreement immediately upon written notice.
  7. Bidders may be required to provide evidence of workers compensation and employer liability insurance that provides full statutory coverage. Failure to furnish such evidence of insurance, if requested, may be considered default by the bidder/vendor. Nothing herein shall be construed as limiting in any way the extent to which the bidder(s)/vendor(s) may be held responsible for payment of damages or loss resulting from their operation.

2. Bidder shall be responsible for any damage he may do to school property.

3. Bidder shall provide and/or secure all necessary permits, licenses and authorizations (VAFB access) required by the City of Lompoc, County of Santa Barbara and Vandenberg Air Force Base. Bidder must conform to local, county, state and federal requirements.

4. Bidder must be engaged in the milk business and must conform to local, county, state and federal requirements.

5. Deliveries are to be made daily to all schools plus LUSD Central Kitchen. Enough milk must be delivered to cover breakfast and lunch adequately each day. If driver is making a delivery to cover breakfast for that day, it must be delivered before 7:15 a.m.

* LUSD Central Kitchen 600 Central Avenue Lompoc 93436
* Buena Vista ES 100 Aldebaran Lompoc 93436
* Crestview ES Utah Avenue VAFB 93437
* Fillmore ES 1211 East Pine Avenue Lompoc 93436
* Hapgood ES 324 South A Street Lompoc 93436
* La Canada ES 620 West North Street Lompoc 93436
* La Honda ES 1213 North A Street Lompoc 93436
* Los Berros ES 3745 Via Lato Lompoc 93436
* Miguelito ES 1600 West Olive Avenue Lompoc 93436
* Clarence Ruth ES 501 North W Street Lompoc 93436
* Lompoc Valley MS 234 South N Street Lompoc 93436
* Vandenberg MS 1145 Mountain View Blvd VAFB 93437
* Cabrillo High School 4350 Constellation Lompoc 93436
* Lompoc High School 515 West College Ave Lompoc 93436
* Manzanita 991 Mountain View Blvd VAFB 93437
* Maple HS 4010 Jupiter Avenue Lompoc 93436

6. In the event of an emergency, such as spoiled milk, the need for additional milk, short deliveries, etc., deliveries must be made within 2 hours from time of notification by the district, or an alternative method must be provided to assure the district has sufficient milk on time.

7. A maximum of 60 milk cartons will be packed uniformly within each crate. The weight of the milk cartons, including the crate, shall not exceed 40 pounds.

8. The District reserves the right to discontinue services of all or any portion of this contract for lack of good service or for any reason determined by the District to be detrimental to the health and welfare of students and District Personnel, and to hold the contractor in default.

9. Milk shall be placed in the school milk coolers/refrigerators and rotated by seller personnel daily.

10. Bidder shall provide a detailed monthly invoice by school site. Bidder shall provide verification of “Bidders Price” each time a change in price is passed on to the District.

11. The District reserves the right to award the “All or None”, whichever is most advantageous to the District.

12. The Period of Performance for this service will initially be for a twelve (12) month period commencing on **July 1, 2018**, after recommendation approval by LUSD SCHOOL BOARD, through **June 30, 2019**. The District may, at its discretion, extend the agreement for two additional one-year periods commencing July 1 and ending June 30 of each year through 2021. Each of the two additional one-year extensions will be initiated if deemed in the best interest of LUSD and only after approval for extension by the LUSD Board. The contract may be terminated for failure to comply with the bid instructions & conditions, performance, price, and/or due to the non-availability or non-appropriation of sufficient funds.

13. Bidders must submit Bids on the Bid Form **Q5-19** and with all other required District forms. Bids not submitted on the District's required forms shall be deemed non-responsive and shall not be considered. Bids shall be clearly written without erasure or deletions. District reserves the right to reject any Bid containing erasures or deletions. All Bids must be sealed, and marked with name and address of the Bidder in the upper left corner. Bids must be submitted to the District Purchasing Office by date and time shown in the Notice to Bidders. It is the sole responsibility of the bidder to see that their bid is received at the proper time and place. Any bid received after the scheduled closing time for receipt of bids will be returned to the bidder unopened.

14. Bids will be opened at or after the time indicated for receipt of bids.

15. The District plans to proceed on the basis of the following schedule.

Bid Advertisement: 1ST **May 09, 2018**

2ND **May 16, 2018**

Issue Date **May 09, 2018**

Last Day for RFI’s **May 23, 2018** at 2:00 p.m.

Bid Due & Opening: **May 30, 2018** at 2:00 p.m.

Board Approval: **June 12, 2018**

Notice of Award: **June 13, 2018**

Commence Contract: **July 01, 2018**

**INFORMATION FOR BIDDERS**

**Q5-19 MILK AND DAIRY PRODUCTS**

The following is an approximate summary by package unit of milk and juice purchases used for one school year. The following estimates should not be considered actual requirements of LUSD. The following estimates should not be considered as either a commitment of quantity to be purchased or a limit of purchase during the Contract period.

ESTIMATED FISCAL YEAR USAGE

Milk, Chocolate, Fat Free, 8 oz 612,000

Milk, White 1% Low Fat, 8 oz. 332,000

Milk, White Whole, Gallon. 175

Soymilk, Unflavored, ½ Gallon 275

Buttermilk, ½ Gallons 1,600

Cheddar Cheese, Fine Shredded, 5 lb bags 1,000

**LOMPOC UNIFIED SCHOOL DISTRICT**

**Q5-19 MILK AND DAIRY PRODUCTS**

BID IS DUE: No later than 2:00 p.m. on **May 23, 2018** at the LUSD Purchasing Office

BID OPENING: Following 2:00 p.m. on **May 30, 2018**

PLACE: Lompoc Unified School District

1301 North A Street

Lompoc, CA 93436-3516

ATTENTION: Purchasing Department

The undersigned proposes and agrees to furnish the following to schools in the Lompoc Unified School District during the period commencing **July 1, 2018 through June 30, 2019** at the following price:

|  |  |  |  |
| --- | --- | --- | --- |
| **ITEM** | **UNIT** | **DESCRIPTION** | **UNIT PRICE** |
| 1 | ½ Pint | Milk, Chocolate, Fat Free |  |
| 2 | ½ Pint | Milk, White, Low Fat (1%) |  |
| 3 | ½ Gallon | Milk, Soy, Unflavored |  |
| 4 | ½ Gallon | Buttermilk |  |
| 5 | Gallon | Milk, White Whole |  |
| 6 | Case | Cheese, Cheddar, Finely Shredded, 5 lb Bag |  |

The undersigned also agrees, in the event that LUSD elects to extend the agreement for up to two additional years (thru June 30, 2021), to furnish milk and dairy products to schools in the Lompoc Unified School District during the period **July 1, 2018 through June 30, 2021** at the prices noted above.

The award(s) of this bid will be made to one responsive and responsible bidder(s) who meets the terms and conditions of the bid. Proposals found to satisfy the minimum qualification requirements will be evaluated against the evaluation criteria shown below by a review committee. “Minimum qualifications” shall mean complete proposals meeting all RFP instructions and conditions, received by the due date and time.

**VENDOR RANKING**

**Q5-19 MILK AND DAIRY PRODUCTS**

Following the receipt of Proposals, bidders shall be ranked based on the following criteria:

|  |  |  |
| --- | --- | --- |
| **Evaluation Criteria** |  | **Maximum Points** |
| Experience, Competence, Responsive |  | 15 |
| Customer References |  | 10 |
| Taste Test Results |  | 15 |
| Food Safety - HACCP Plan and Plant Security |  | 10 |
| Price |  | 50 |
| Total Points Possible |  | 100 |

Each Proposal will be evaluated based on criteria and priorities defined by the District, with specific attention to those features, functional and technical aspects noted for each section. The District’s evaluation panel will award the contract based on the prospective vendor submission that best meets the needs of the District with regard to the RFP specifications contained herein. Presentations/Interviews (if needed) may be requested by the evaluation panel. Vendors are advised that award may be made without interviews or further discussion.

If presentations/interviews are needed, bidders will receive notification to interview with evaluation panel.

A bidder must be able to deliver the items within the required delivery date in order to be declared responsive to this bid. The District reserves the right to make no award at all, reserves the right to reject any and all bids and to waive any irregularity or discrepancy associated with this bid.

Unsolicited services or incentives offered as part of the Proposal response will NOT be evaluated or considered in the award process.

**QUESTIONNAIRE**

**Q5-19 MILK AND DAIRY PRODUCTS**

|  |  |
| --- | --- |
| Company Name: |  |

**No proposals shall receive consideration by Lompoc Unified School District** **unless they include responses to each and every question below. Prospective bidders should respond in detail to each of the following questions. Additional pages may be used as needed for thorough, yet concise, responses.**

1. Will you be able to meet the specified delivery days, hours, and deliveries per week?

Check: Yes \_\_\_\_ or No \_\_\_\_\_

If NO, attach proposed delivery schedule.

1. What is your procedure for notifying customers of shortages and /or substitutions?
2. Has your firm defaulted or been replaced at the will of a district during the school year within the last 2 years? If so, explain.
3. How will emergency deliveries (deliveries that are off usual schedule) be handled?
4. Describe your policy regarding your delivery driver/staff assisting sites in moving received products to storage areas? What is your policy in regard to rotating stock to ensure that older product is used first?
5. Briefly describe your food safety - HACCP plan and provisions for plant/delivery security.
6. How many years has your company been in the dairy business?
7. On Bid Form Q5-19 page 1, indicate the delivered cost for all items listed.

|  |  |
| --- | --- |
| By signing this, I certify that I am an authorized representative of the vendor (or individual) and that information contained in this proposal is accurate, true, and binding upon the vendor. | |
| Company Name |  |
| Signature of Company Official |  |
| Name of Signer |  |
| Title of Signer |  |
| Date |  |

# **ReferenceS**

**Q5-19 MILK AND DAIRY PRODUCTS**

Please submit three (3) current school district references requiring weekly deliveries to at least 12 locations.

Reference #1

|  |  |
| --- | --- |
| School District |  |
| Contact Person & Title |  |
| Telephone Number |  |
| Required Number of Deliveries per Week |  |

Reference #2

|  |  |
| --- | --- |
| School District |  |
| Contact Person & Title |  |
| Telephone Number |  |
| Required Number of Deliveries per Week |  |

Reference #3

|  |  |
| --- | --- |
| School District |  |
| Contact Person & Title |  |
| Telephone Number |  |
| Required Number of Deliveries per Week |  |

# **SOLICITATION PROTEST PROCEDURES**

A bidder may protest a bid award if he/she believes that the award is not in compliance with law, Board policy, or the bid specification. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award and shall include all documents supporting or justifying the protest. A bidder's failure to file the protest documents in a timely manner shall constitute a waiver of his/her right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide notice to the bidder of the date and time for Board consideration of the protest at least three business days before the Board meeting. The Board's decision shall be final.

# **“BUY AMERICAN” PROVISION**

Section 104(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1998 (Public Law 105-336) added a new provision, Section 12(n) of the NSLA (42 USC 1760(n)), requiring School Food Authorities to purchase domestically grown and processed foods, to the maximum extent practicable. Pursuant to 7 CFR Part 210.21(d), the term “domestic commodity or product” means:

(a) An agricultural commodity that is produced in the United States; and

(b) A food product that is processed in the United States substantially (51% or more) using agricultural commodities that are produced in the United States.

It is therefore required that bidders responding to this Request for Proposals indicate whether products offered on this proposal meet the definition of “domestic commodity or product” as stated immediately above. Indication shall be made on the Proposal Worksheet (Excel Spreadsheet) as part of the response to this proposal:

The successful bidder shall provide documented proof of compliance with this provision at the request of the District.

**FEDERAL NONDISCRIMINATION STATEMENT**

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at 800-877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (AD-3027) (PDF) found online at the Filing a Discrimination Complaint as a USDA Customer Web page External link opens in new window or tab. and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call 866-632-9992. Submit your completed form or letter to USDA by:

Mail:

U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW

Washington, D.C. 20250-9410

or

Fax: 202-690-7442

or

Email: program.intake@usda.gov

USDA is an equal opportunity provider.

**BID FORM ATTACHMENTS**

**Q5-19 MILK AND DAIRY PRODUCTS**

The following completed documents are attached hereto:

* **Designated Subcontractors List**
* **The Non-Collusion Declaration**
* **Workers Compensation Certification**
* **Drug-Free Workplace Certification**
* **Tobacco-Free Environment Certification**
* **Criminal Background Investigation / Fingerprinting Certification**
* **Suspension of Debarment Certification**
* **Instructions for Certification**
* **Certification Regarding Lobbying**
* **Disclosure of Lobbying Activities**
* **Instructions for Completion of SF-LLL**
* **Iran Contract Act Certification**

Bidder hereby certifies to the District that all representations, certifications, and statements made by Bidder, as set forth in this bid form, are true and correct and are made under penalty of perjury.

Dated this day of 20

Proper Business Name of Bidder

Business Address of Bidder

Signature

Typed written name and title of Signer

Taxpayer's Identification No. of Bidder

Telephone Number

Fax Number

E-mail Web page

Contractor's License No(s): No.: Class: Expiration Date:

No.: Class: Expiration Date:

Name of Corporation:

President:

Secretary:

Treasurer:

Manager:

(If Bidder is a corporation, affix corporate seal)

**DESIGNATED SUBCONTRACTORS LIST**

**TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID:**

**BID Q5-19 MILK AND DAIRY PRODUCTS**

Bidder must list hereinafter the name and location of each subcontractor who will be employed, and the kind of Work that each will perform if the Contract is awarded to the Bidder. Bidder acknowledges and agrees that under Public Contract Code section 4100, et seq., it must clearly set forth below the name and location of each subcontractor who will perform work or labor or render service to the Bidder in or about the construction of the Work in an amount in excess of one-half of one percent (1/2 of 1%) of Bidder’s total Bid, and that as to any Work that Bidder fails to list, Bidder agrees to perform that portion itself or be subjected to penalty under applicable law.

In case more than one subcontractor is named for the same kind of Work, state the portion that each will perform. Vendors or suppliers of materials only do not need to be listed.

If further space is required for the list of proposed subcontractors, additional sheets showing the required information, as indicated below, shall be attached hereto and made a part of this document.

**Subcontractor Name**: Location:

Portion of Work: License #

Classification of Workers:

**Subcontractor Name**: Location:

Portion of Work: License #

Classification of Workers:

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Date:

Proper Name of Bidder:

Signature:

Print Name:

Title:

(ADD ADDITIONAL PAGES IF NEEDED)

**WORKERS'COMPENSATION CERTIFICATION**

**TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID**

PROJECT/CONTRACT NO.: **Q5-19 MILK AND DAIRY PRODUCTS**

between Lompoc Unified School District (the “District” or the

“Owner”) and (the “Contractor” or the “Bidder”) Labor Code section 3700 in relevant part provides:

Every employer except the State shall secure the payment of compensation in one or more of the following ways:

* 1. By being insured against liability to pay compensation by one or more insurers duly authorized to write compensation insurance in this state.
  2. By securing from the Director of Industrial Relations a certificate of consent to self-insure, which may be given upon furnishing proof satisfactory to the Director of Industrial Relations of ability to self-insure and to pay any compensation that may become due to his employees.

I am aware of the provisions of section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the Work of this Contract.

Date:

Proper Name of Contractor:

Signature:

Print Name:

Title:

(In accordance with Article 5 - commencing at section 1860, chapter 1, part 7, division 2 of the Labor Code, the above certificate must be signed and filed with the awarding body prior to performing any Work under this Contract.)

**NON-COLLUSION DECLARATION**

**TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID**

**Public Contract Code Section 7106**

**Q5-19 MILK AND DAIRY PRODUCTS**

The undersigned declares:

I am the\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[date],

at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[city], \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[state].”

Date:

Proper Name of Bidder:

Signature:

Print Name:

Title:

**DRUG-FREE WORKPLACE CERTIFICATION**

**TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID:**

PROJECT/CONTRACT NO.: **Q5-19 MILK AND DAIRY PRODUCTS**

between Lompoc Unified School District (“District”) and (“Contractor” or “Bidder”).

This Drug-Free Workplace Certification form is required from the successful Bidder pursuant to Government Code section 8350 et seq., the Drug-Free Workplace Act of 1990. The Drug-Free Workplace Act of 1990 requires that every person or organization awarded a contract or grant for the procurement of any property or service from any state agency must certify that it will provide a drug-free workplace by doing certain specified acts. In addition, the Act provides that each contract or grant awarded by a state agency may be subject to suspension of payments or termination of the contract or grant, and the contractor or grantee may be subject to debarment from future contracting, if the contracting agency determines that specified acts have occurred.

The District is not a “state agency” as defined in the applicable section(s) of the Government Code, but the District is a local agency and public school district under California law and requires all contractors on District projects to comply with the provisions and requirements of Government Code section 8350 et seq., the Drug-Free Workplace Act of 1990.

Contractor shall certify that it will provide a drug-free workplace by doing all of the following:

* 1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the person’s or organization’s workplace and specifying actions which will be taken against employees for violations of the prohibition.
  2. Establishing a drug-free awareness program to inform employees about all of the following:
     1. The dangers of drug abuse in the workplace.
     2. The person’s or organization’s policy of maintaining a drug-free workplace.
     3. The availability of drug counseling, rehabilitation, and employee-assistance programs.
     4. The penalties that may be imposed upon employees for drug abuse violations.
  3. Requiring that each employee engaged in the performance of the contract or grant be given a copy of the statement required above, and that, as a condition of employment on the contract or grant, the employee agrees to abide by the terms of the statement.

I, the undersigned, agree to fulfill the terms and requirements of Government Code section 8355 listed above and will publish a statement notifying employees concerning (a) the prohibition of controlled substance at the workplace, (b) establishing a drug-free awareness program, and (c) requiring that each employee engaged in the performance of the Contract be given a copy of the statement required by section 8355(a), and requiring that the employee agree to abide by the terms of that statement.

I also understand that if the District determines that I have either (a) made a false certification herein, or (b) violated this certification by failing to carry out the requirements of section 8355, that the Contract awarded herein is subject to termination, suspension of payments, or both. I further understand that, should I violate the terms of the Drug-Free Workplace Act of 1990, I may be subject to debarment in accordance with the requirements of the aforementioned Act.

I acknowledge that I am aware of the provisions of Government Code section 8350 et seq. and hereby certify that I will adhere to the requirements of the Drug-Free Workplace Act of 1990.

Date:

Proper Name of Contractor:

Signature:

Print Name:

Title:

**TOBACCO-FREE ENVIRONMENT CERTIFICATION**

**TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID**

PROJECT/CONTRACT NO.: **Q5-19 MILK AND DAIRY PRODUCTS**

between Lompoc Unified School District (the “District” or the “Owner”)

and (the “Contractor” or the “Bidder”).

This Tobacco-Free Environment Certification form is required from the successful Bidder.

Pursuant to, without limitation, 20 U.S.C section 6083, Labor Code section 6400 et seq., Health & Safety Code section 104350 et seq. and District Board Policies, all District sites, including the Project site, are tobacco-free environments. Smoking and the use of tobacco products by all persons is prohibited on or in District property. District property includes school buildings, school grounds, school owned vehicles and vehicles owned by others while on District property.

I acknowledge that I am aware of the District’s policy regarding tobacco-free environments at District sites, including the Project site and hereby certify that I will adhere to the requirements of that policy and not permit any of my firm’s employees, agents, subcontractors, or my firm’s subcontractors’ employees or agents to use tobacco and/or smoke on the Project site.

Date:

Proper Name of Contractor:

Signature:

Print Name:

Title:

**CRIMINAL BACKGROUND**

**INVESTIGATION/ FINGERPRINTING CERTIFICATION**

**TO BE EXECUTED BY BIDDER AND SUBMITTED WITH BID**

PROJECT/CONTRACT NO.: **Q5-19 MILK AND DAIRY PRODUCTS**

Unified School District (“District”) and (“Contractor” or “Bidder”).

The undersigned does hereby certify to the governing board of the District as follows:

That I am a representative of the Contractor currently under contract ("Contract") with the District; that I am familiar with the facts herein certified, and am authorized and qualified to execute this certificate on behalf of Contractor.

The Contractor has complied with the fingerprinting requirements of Education Code section 45125.1 with respect to all Contractor's employees and all of its subcontractors’ employees who may have contact with District pupils in the course of providing services pursuant to the Contract, and the California Department of Justice has determined that none of those employees has been convicted of a felony, as that term is defined in Education Code section 45122.1. A complete and accurate list of Contractor's employees and of all of its subcontractors' employees who may come in contact with District pupils during the course and scope of the Contract is attached hereto; and/or

**Name:**

**Title:**

Contractor’s responsibility for background clearance extends to all of its employees, Subcontractors, and employees of Subcontractors coming into contact with District pupils regardless of whether they are designated as employees or acting as independent contractors of the Contractor.

Date:

Proper Name of Contractor:

Signature:

Print Name:

Title:

**ATTACHMENT**

**TO FINGERPRINT NOTICE AND ACKNOWLEDGEMENT**

Under Education Code section 45125.1, no employee of a contractor or subcontractor who has been convicted of or has criminal proceedings pending for a violent or serious felony may come into contact with any student. A violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code. Those felonies are presently defined as:

1. Murder or voluntary manslaughter.
2. Mayhem.
3. Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 of the Penal Code or paragraph (1) or (4) of subdivision (a) of Section 262 of the Penal Code.
4. Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
5. Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
6. Lewd acts on a child under the age of 14 years as defined in Penal Code Section 288.
7. Any felony punishable by death or imprisonment in the state prison for life.
8. Any felony in which the person inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Penal Code section 12022.7 or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Penal Code sections 213, 265, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in Penal Code section 12022.5, 12022.53, or 12022.55.
9. Any robbery.
10. Arson, in violation of subdivision (a) of Penal Code section 451.
11. The offense defined in subdivision (a) of Penal Code section 289 where the act is accomplished against the victim’s will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
12. Attempted murder.
13. A violation of Penal code section 12308, 12309, or 12310.
14. Kidnapping.
15. Assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220.
16. Continuous sexual abuse of a child, in violation of Penal Code section 288.5.
17. Carjacking, as defined in subdivision (a) of Penal Code section 215.
18. A violation of Penal Code section 264.1
19. Extortion, as defined in Section 518, which would constitute a felony violation of Section 186.22 of the Penal Code.
20. Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of section 186.22 of the Penal Code.
21. Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.
22. Any violation of Section 12022.53
23. A violation of subdivision (b) or (c) of Section 11418.

A serious felony is any felony listed in subdivision (c) Section 1192.7 of the Penal Code. Those felonies are presently defined as:

(1) Murder or voluntary manslaughter; (2) Mayhem; (3) Rape; (4) Sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (5) Oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (6) Lewd or lascivious act on a child under the age of 14 years; (7) Any felony punishable by death or imprisonment in the state prison for life; (8) Any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm; (9) attempted murder; (10) Assault with intent to commit rape, or robbery; (11) Assault with a deadly weapon of instrument on a peace officer; (12) Assault by a life prisoner on a non-inmate; (13) Assault with a deadly weapon by an inmate; (14) Arson; (15) Exploding a destructive device or any explosive with intent to injure; (16) Exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem; (17) Exploding a destructive device or any explosive with intent to murder; (18) Any burglary of the first degree: (19) Robbery or bank robbery; (20) Kidnapping; (21) Holding of a hostage by a person confined in a state prison; (22) Attempt to commit a felony punishable by death or imprisonment in the state prison for life; (23) Any felony in which the defendant personally used a dangerous or deadly weapon: (24) Selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code: (25) Any violation of subdivision (a) of Section 289 where the act is accomplished against the victim’s will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person; (26) Grand theft involving a firearm; (27) carjacking, (28) any felony offense, which would also constitute a felony violation of Section 186.22; (29) assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 244; (31) assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Sections 245; (32) assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Sections 245.2, 245.3 or 245.5; (33) discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246; (34) commission of rape or sexual penetration in concert with another person in violation of section 264.1; (35) continuous sexual abuse of a child, in violation of Section 288.5; 936) shooting from a vehicle, in violation of subdivision (c) or (d) of Section 12034; (37) intimidation of victims or witnesses, in violation of Section 136.1; (38) criminal threats, in violation of Section 422; (39) any attempt to commit a crime listed in this subdivision other than an assault; (40) any violation of section 12022.53; (41) a violation of subdivision (b) or (c) of Section 11418; and 942) any conspiracy to commit an offense described in this subdivision.

**SUSPENSION AND DEBARMENT CERTIFICATION**

**U.S. DEPARTMENT OF AGRICULTURE**

**INSTRUCTIONS: SFA to obtain from any potential vendor or existing contractor for all contracts in excess of $100,000. This form is required each time a bid for goods/services over $100,000 is solicited or when renewing/extending an existing contract exceeding $100,000 per year (Includes Food Service Management and Food Service Consulting Contracts).**

|  |
| --- |
| **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions** |

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 7 CFR Part 3017, Section 3017.510, Participants’ responsibilities. The regulations were published as Part IV of the January 30, 1989, *Federal Register* (pages 4722 – 4733). Copies of the regulations may be obtained by contacting the Department of Agriculture agency with which this transaction originated.

**(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS FOLLOWING)**

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Lompoc Unified School District 692200

Name of School Food Authority Agreement Number

Potential Vendor or Existing Contractor (Lower Tier Participant):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name Title Signature Date

**INSTRUCTIONS FOR CERTIFICATION**

1. By signing and submitting this form, the prospective lower tier participant (one whose contract for goods or services exceeds the Federal procurement small purchase threshold fixed at $100,000) is providing the certification set out on the reverse side in accordance with these instructions.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal,” and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this form that it will include this clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**CERTIFICATION REGARDING LOBBYING**

**INSTRUCTIONS: To be completed and submitted ANNUALLY by any child nutrition entity receiving Federal reimbursement in excess of $100,000 per year and potential or existing contractors/vendors as part of an original bid, contract renewal or extension when the contract exceeds $100,000.**

|  |
| --- |
| **Applicable to Grants, Subgrants, Cooperative Agreements, and Contracts**  **Exceeding $100,000 in Federal Funds** |

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 shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The undersigned certifies, to the best of his or her 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 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 a Federal contract, the making of a Federal grant, the making of a Federal loan, the entering into a cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a 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 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 this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.
3. The *undersigned shall require* that the language of this certification be included in the award documents for all covered subawards exceeding $100,000 in Federal funds at all appropriate tiers and that all subrecipients shall certify and disclose accordingly.

|  |  |  |  |
| --- | --- | --- | --- |
| Name of School Food Authority Receiving Child Nutrition Reimbursement In Excess of $100,000:  Lompoc Unified School District | | Agreement Number:  692200 | |
| Address of School Food Authority:  1301 North A Street, Lompoc, CA 93436 | | | |
| Printed Name and Title of Submitting Official: | Signature: | | Date: |
| **OR** | | | |
| Name of Vendor: | | | |
| Printed Name and Title: | Signature: | | Date: |

Approved by OMB

0348-0046

**DISCLOSURE OF LOBBYING ACTIVITIES**

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:**   a. contract  \_\_\_\_ b. grant  c. cooperative agreement  d. loan  e. loan guarantee  f. loan insurance | 1. **Status of Federal Action:**   a. bid/offer/application  \_\_\_\_\_ b. initial award  c. post-award | | 1. **Report Type:**   a. initial filing  \_\_\_\_\_ b. material change  **For material change only:**  Year \_\_\_\_\_\_\_ quarter \_\_\_\_\_\_\_  Date of last report\_\_\_\_\_\_\_\_\_\_\_ | |
| 1. **Name and Address of Reporting Entity:**   \_\_\_\_ Prime \_\_\_\_\_ Subawardee  Tier\_\_\_\_\_\_, if Known:  **Congressional District*,*** *if known***:** | | 1. **If Reporting Entity in No. 4 is Subawardee,**   Enter Name and Address of Prime:  **Congressional District*,*** *if known***:** | |
| 1. **Federal Department/Agency:** | | 1. **Federal Program Name/Description:**   CFDA Number, *if applicable*: \_\_\_\_\_\_\_\_\_\_\_\_ | |
| 1. **Federal Action Number,** *if known:* | | 1. **Award Amount**, *if known:*   **$** | |
| **10. a. Name and Address of Lobbying Registrant**  *(if individual, last name, first name, MI):* | | **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 subawardee or prime Federal recipient, at the initiation 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. 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 followup 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 subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks “Subawardee,” 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; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included 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 registrant under the Lobbying Disclosure Act of 1995 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. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, 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 OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503

END OF DOCUMENT