

**SENATE, No. 3111**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED OCTOBER 18, 2018

**Sponsored by:**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**SYNOPSIS**

Authorizes school food authority to use cost reimbursable contract or fixed price contract for school meals.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning contracting for school meals and  
2 supplementing Chapter 33 of Title 18A of the New Jersey  
3 Statutes.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

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8 1. a. As used in this section:

9 “Cost reimbursable contract” means a contract that provides for  
10 payment by a school food authority of incurred costs for school  
11 meals to the extent prescribed in the contract, and may include a  
12 fixed fee for direct and indirect administrative costs and profit  
13 allocable to the contract.

14 “Fixed price contract” means a contract in which total costs for  
15 the provision of school meals are calculated by the food service  
16 management company and divided by the anticipated number of  
17 meals and meal equivalents expected to be served, that results in a  
18 fixed price per meal rate, and includes any management costs in the  
19 price per meal rate.

20 “Food service management company,” or “FSMC” means a  
21 commercial enterprise or nonprofit organization that contracts with  
22 a school food authority to manage school food service.

23 “School food authority” or “SFA” means the same as the term  
24 defined in 7 C.F.R. s.210.2.

25 b. A school food authority shall be permitted to pursue a  
26 request for proposal from a food service management company for  
27 the provision of school meals under the federal School Breakfast  
28 Program or the National School Lunch Program through a cost  
29 reimbursable contract or a fixed price contract.

30 c. A cost reimbursable contract or fixed price contract from a  
31 FSMC for the provision of school meals under the federal School  
32 Breakfast Program or the National School Lunch Program shall  
33 comply with any applicable federal rules and regulations, including  
34 federal procurement regulations.

35 d. The Department of Agriculture, in consultation with the  
36 State Board of Education, shall adopt rules and regulations pursuant  
37 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
38 1 et seq.), to implement the provisions of this section.

39  
40 2. This act shall take effect immediately.

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43 STATEMENT

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45 This bill would allow a school food authority to pursue a request  
46 for proposal from a food service management company for the  
47 provision of school meals under the federal School Breakfast

**S3111 SINGLETON**

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1 Program or the National School Lunch Program through a cost  
2 reimbursable contract or a fixed price contract.

3 A cost reimbursable contract or fixed price contract from a  
4 FSMC for the provision of school meals under the federal School  
5 Breakfast Program or the National School Lunch Program is  
6 required to comply with any applicable federal rules and  
7 regulations, including federal procurement regulations.