

MARCH 6, 1998

SUBJECT: Summer Food Service Program Policy Memorandum #4-98: Private Non-Profit Sponsors Procuring Meals from Commercial Food Service Management Companies

TO: Regional Directors
All Regions
Summer Food Service Program

This memorandum is in response to discussion at the recent National Summer Food Service Program (SFSP) meeting regarding the prohibition on private non-profit (PNP) sponsors contracting with food service management companies for the preparation of SFSP meals.

As you know, the authorizing legislation permits the Department to grant waivers to PNP sponsors to procure summer meals from a commercial food service management company under certain circumstances. During the past year, we have approved several waivers on a case-by-case basis. In these cases, the waiver removed the impediment that would have denied Program access to children at locations where meals could not be obtained from a public source or prepared by the sponsor. We have previously attempted to maximize PNP sponsors' meal service options in rural areas through guidance issued on April 28, 1993. That guidance permitted PNP sponsors to obtain meals from other PNP entities.

As a result of these waivers and the guidance on contracting with other PNPs, PNP sponsors have been able to provide meals to children who otherwise would not have had access to the Program. This memorandum will, therefore, allow State agencies to grant similar waivers to PNP sponsors, if the State agency:

- works with the sponsor to ensure that procurement of summer meals from commercial food service companies is considered only after all other eligible sources and options for meal service have been explored and noted in the files;
- provides appropriate guidance to the sponsor to ensure that applicable Federal, as well as State and local, procurement standards are properly followed;
- ensures compliance with requirements at section 225.6(g) of the SFSP regulations for food service management company registration; and
- submits a brief report to the regional office no later than September 30, 1998, on the number of waivers approved; the number of meals served to children; and the estimated number of children receiving meals as a result of the waiver.

Please advise your States that waivers must be evaluated on a case-by-case basis when PNP sponsors demonstrate a need and that States must comply with the above cited criteria. If there are further questions with regard to this waiver exception, please contact Norma Ball or Ed Morawetz at 703/305-2620.

/ORIGINAL SIGNED/

STANLEY C. GARNETT
Director
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