

BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES
ITEMS FOR DISCUSSION AND ACTION\FISCAL, FACILITIES AND AUDIT

ACTION: **First and Final Round Approval of Revisions to Board Policy 9015; Food Service; Operations, Contract, Vendors**

Board Policy - 9015 which address food service operations has been reviewed and a number of updates are being recommended:

- The policy title is being shortened to Food Service Operations and the number is being changed to 9300 which is the series related to food service policies.
- The objectives of the food service operation have been updated. The colleges currently have separate vending and beverage contracts so that is being separated from the food service operation. A new policy addressing these operations is being developed.
- Current policy limits the food service contracts to five (5) years. The Vice Presidents for Finance and Administration at the Colleges have all requested that the Board allow the contract period to be longer. The proposal is to allow for an initial contract of five (5) years with four (4) one (1) year renewal options. Hopefully, an extended term will help us this year as we negotiate for new contracts at all the Colleges, and possibly get a system contract in place.
- The guidance on the contract requirements is being updated including a requirement that contract terms include a termination clause with appropriate deadlines to replace the vendor.
- The issue of avoiding competition with local commercial eating establishments is addressed in the Draft 9010 policy also on the September Board agenda.

The policy has been reviewed by the Council of Business Officers with input from student affairs, and has had legal review.

The System Office recommends approval of the Revisions to Board Policy 9015; Food Service; Operations, Contract, Vendors.

ATTACHMENTS:

- Revisions to Board Policy 9015 (PDF)

Board of Trustees of the Nebraska State Colleges

Policy Category Auxiliary Operations

POLICY NAME: ~~Food Service; Operations; Contracts; Vendors~~ Food Service Operations

POLICY NUMBER: ~~90159300~~

A. PURPOSE

- A. To provide the goals and contract terms for food service operations.

B. DEFINITIONS

None

C. POLICY

1. Food Service Objectives

Objectives of the college food service are to 1) serve high quality foods at reasonable prices and at convenient times for the College community; ~~2) provide vending machine services at hours the food kitchens are closed~~; ~~23) provide catering to college groups and others in the college interest~~; ~~4) and provide a teaching resource for training students in foods and food service activities~~. 3) and provide options to the Colleges for concessions at sporting and other college events.

2. Contracted Food Service

A college may operate their own food service operation or contract with a food service provider.

2.1. Contract Requirements

- Should a college choose to provide food service through contract with a food service vendor, proposals are to be solicited from qualified food service vendors. such contract is to be approved by the Board upon recommendation by the President.
- The initial term of any food service contract cannot exceed five (5) years, with clearly identified start and end dates, but may have options to renew for four additional one-year periods beyond the initial period. Proposals are to be solicited from food service vendors every five (5) years.

- A copy of the proposed contract is to be submitted to the System Office for legal review prior to submitting it to the Board for approval.
- The RFP should not be incorporated as an Appendix to the contract. Any necessary representations in the RFP should be part of the contract terms.
- The contract should not include any mandatory renegotiation terms.
- The College contract is to be approved by the Board upon recommendation by the President. If the System proposes a single vendor for all three Colleges, such contract is to be approved by the Board upon recommendation by the Chancellor.
- The College is to provide a contract signed by the vendor to the Board for approval. Upon approval of the Board for a College food service contract, the approved contract is to be signed by the vendor. When approval has been granted by the Board, at least three (3) copies of the primary contract will be signed by the vendor. President or Vice President for Administration and Finance, and then by the Chancellor or Vice Chancellor for Finance and Administration or General Counsel.
- The System Office is to provide a contract signed by the vendor to the Board for approval if there will be a system-wide contract. Upon approval of the Board for a system-wide food service contract, the approved contract is to be signed by the Chancellor or Vice Chancellor for Finance and Administration, or the General Counsel.
- The contract must have a termination clause that will allow the College to terminate the contract with appropriate notice and clearly established deadlines that will allow sufficient time to replace the vendor before the start of the next fiscal year.
- Annual renewals to establish food service rates or change any terms of the contract, as recommended by the President or Chancellor, are to be submitted to the Board for approval. The College is to provide a contract signed by the vendor to the Board for approval. Annual renewal agreements, once approved by the Board, will also be signed by the vendor, the President or Vice President for Administration and Finance, and then by the Chancellor or Vice Chancellor for Finance and Administration or General Counsel.

~~Food services of the colleges are to operate within said intent and shall be provided so as to avoid competing with local commercial eating establishments.~~

~~Should a college choose to provide food service through contract with a food service vendor, such contract is to be approved by the Board upon recommendation by the President.~~

FORMS/APPENDICES:

None

SOURCE:

Neb. Rev. Stat.

Policy Adopted: January 1977

Policy Revised: January 1978, February 1989, March 1994, November 1995, December 2004, September 2006, March 2013, May 2016, September 2023