

Appendix A

PLUM BOROUGH SCHOOL DISTRICT FOOD & NUTRITION SERVICES REQUEST FOR PROPOSAL

ICE CREAM PRODUCTS

PROPOSAL DUE – DATE: Monday, June 18, 2018 Time: 3:00 p.m.

The undersigned hereby offers to provide MILK and DAIRY food products as specified in this RFP for the period of July 1, 2018 to June 30, 2019.


I understand:

- any awarded contract may be renewed for up to one (1) additional one-year term by mutual agreement of the District and Selected Distributor.
- any Bidder that fails to properly complete or return any information or certifications required by the District or federal/state law will automatically be excluded from consideration.
- North Hills School District reserves the right to reject any or all bids, and that this bid may not be withdrawn during a period of sixty (60) days from the time of opening of the bid.
- The winning bidder must supply an ice cream freezer to each building at no cost to the district. Equipment would be returned at the end of the contract period if not renewed.
- All products below must meet USDA Smart Snack guidelines.

To be completed by Bidder

DISTRIBUTOR NAME Hershey Ice Cream

DISTRIBUTOR ADDRESS 217 Vandale Drive
Houston Pa 15342

SIGNATURE:  distributor authorized representative only

PRINTED NAME Alka Kelvington

TITLE Area Sales Manager

DATE 6-1-18

Appendix C

DEBARMENT OR SUSPENSION CERTIFICATION FORM

Non-Federal entities are prohibited from contracting with or making sub-awards under covered transaction to parties that are suspended or debarred or whose principals are suspended or debarred as required by (2 CFR 180). Entities ineligible for federal procurement are listed at <http://www.epls.gov>.

By submitting this offer and signing this certificate, the proposer certifies the company and principals:

1. Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not, within a three-year period, preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (2) of this certification;
4. Have not, within a three-year period, preceding this proposal had one or more public transactions (Federal, State or local) terminated for cause or default; and
5. Are not presently listed on the Federal Government Terrorism Watch List as described in Executive Order 13224.

The inability of a proposer to provide the certification required will not necessarily result in denial of participation in this covered transaction. The proposer shall submit an explanation of why it cannot provide the certification. The certification or explanation will be considered in connection with the District's determination whether to enter into this transaction. However, failure of the proposer to furnish a certification or an explanation shall provide reason for disqualification from participation in this transaction.

The proposer shall provide immediate written notice to the District if at any time the proposer learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstance.

Proposer's Name Hershey Ice Cream

Proposer's Address 217 Vandale Drive Houston Tx 15342

Proposer's Telephone 724 746-9200

Authorized Company Official's Name (Printed) AJ Kelvington

Signature of Company Official 

Date 6-1-18

Appendix D

LOBBYING CERTIFICATION FORM

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

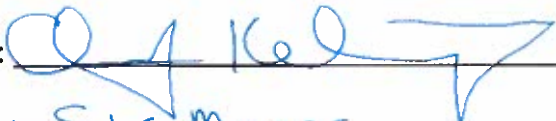
(1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any 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 contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.**

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed under Section 1352, Title 31, U.S. Code. 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 such failure.

*****THIS FORM MUST BE SIGNED AND DATED EVEN IF NO ACTIVITY*****

SIGNATURE:  _____

TITLE: ARec Sales Manager


DATE: 6-1-18

Appendix E

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

Approved by OMB
0348-0046

| | | |
|--|--|---|
| 1. Type of Federal Action: <input checked="" type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance | 2. Status of Federal Action: <input checked="" type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award | 3. Report Type: <input checked="" type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____ |
| 4. Name and Address of Reporting Entity: Prime _____ Subawardee _____ Tier _____, if known: Congressional District, if known: _____ | 5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, if known: _____ | |
| 6. Federal Department/Agency: | 7. Federal Program Name/Description: CFDA Number, if applicable: _____ | |
| 8. Federal Action Number, if known: | 9. 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 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: <u></u> Print _____ Name: <u>Alisa Kelvington</u> Title: <u>Area Manager</u> Telephone No.: <u>724-746-9200</u> Date: <u>6-1-18</u> | |
| 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; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include 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.

Appendix F

AFFIDAVIT OF NON-COLLUSION

Bids will not be considered unless this affidavit is fully executed including the affidavit of the notary and the notarial seal.

This Non-Collusion Affidavit is material to any contract awarded pursuant to this bid. According to the Pennsylvania Antbid-Rigging Act, 73 P.S., 1611 et seq., governmental agencies may require Non-Collusion Affidavits to be submitted together with bids.

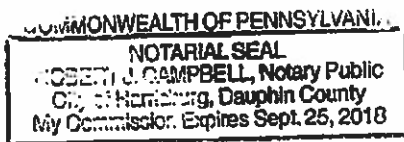
I state that I am Area Sales Manager (title) of Hershey Creamery Company (name of firm) and that I am authorized to make this affidavit on behalf of my firm, and its owners, directors, and officers. I am the person responsible in my firm for the price(s) and the amount of this Offer.

I state that:

1. The price(s) and amount of this Offer have been arrived at independently and without consultation, communication or agreement with any other Proposer or potential Proposer.
2. That neither the price(s) nor the amount of this Offer, and neither the approximate price(s) nor approximate amount of this Offer, have been disclosed to any other firm or person who is a Proposer or potential Proposer, and they will not be disclosed before Solicitation opening.
3. No attempt has been made or will be made to induce any firm or person to refrain from bidding on this contract, or to submit an Offer higher than this Offer, or to submit any intentionally high or noncompetitive Offer or other form of complementary Offer.
4. The Offer of my firm is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive Offer.
5. Hershey Creamery Company (name of firm), its affiliates, subsidiaries, officers, directors and employees are not currently under investigation by any governmental agency and have not in the last four years been convicted of or found liable for any act prohibited by State or Federal law in any jurisdiction, involving conspiracy or collusion with respect to bidding on any public contract, except as described in the attached appendix.
6. I state that Hershey Creamery Company (name of firm) understands and acknowledges that the above representations are material and important, and will be relied on by the District in awarding the contract(s) for which this Offer is submitted. I understand and my firm understands that any misstatement in this affidavit is and shall be treated as fraudulent concealment from the District of the true facts relating to the submission of Offers for this contract.

Mahli Singh
(Authorized Signature)

Hershey Creamery Branch Manager
(Name of Company/Position)



Sworn to and subscribed before me this 13 day of June 2010.

Notary Public [Signature]

My Commission Expires: Sept 25 2010

Appendix G

MILK AND DAIRY CONTRACT SOLICITATION AND AWARD PROTEST PROCEDURE

Bid protest procedures: A protest shall comply with and be resolved according to federal, state and local laws which may include those regulations found in OMB Circular A-87, A-122, 2 CFR 200 and 7 CFR 210, 220, 3016, 3019 and the Pennsylvania School Code.

If any Distributor who submitted a bid has an objection to the award of the contract to the apparent Selected Distributor, the objecting Distributor shall furnish that protest, in writing using the form provided, to the SFA within seven (7) business days of the date of the Distributor notification of the awarded contract.

The written protest shall be delivered to the address of the individual listed as the District contact in this Bid.

A protest of a solicitation shall be received by the named individual before the offer due date. A protest of a proposed award or of an award shall be filed within Seven (7) days after the protestor knows or should have known the basis of the protest.

A protest shall include:

- the name, address, and telephone number of the protestor;
- the signature of the protestor or an authorized representative of the protestor;
- identification of the purchasing agency and the solicitation or contract number;
- a detailed statement of the legal and factual grounds of the protest including copies of relevant documents;
- the form of relief requested
- The protest shall describe in detail the basis for the protest, and shall request a determination under this section.

If a protest is filed in a timely fashion, the District will review the basis for the protest and relevant facts under such terms and conditions as the District considers proper.

Upon completion of the review, the District shall submit its findings and recommendations to the school board members who shall then review the matter under such terms and conditions as deemed proper. Upon receipt of authority to act from the SFA's school board members, the District will notify those Bidders involved of its decision. The decision shall be final and binding on the objecting Distributor.

The District shall, in all instances, disclose information regarding protests to State Agency.



Hershey Creamery Company Smart Snack Program Items

Prices Effective July 1, 2018

| <u>Item</u> | <u>Quantity Per Case</u> | <u>Ounces</u> | <u>Nutrition Inc. Price</u> | <u>Unit Price</u> |
|--|--------------------------|---------------|-----------------------------|-------------------|
| ORANGE BLOSSOM - NO PRICE | 36 | 2.50 | \$10.08 | \$0.28 |
| POLAR BLAST FRUIT PUNCH BAR | 36 | 2.25 | \$10.08 | \$0.28 |
| CHOCOLATE SCOOTER | 36 | 2.75 | \$11.52 | \$0.32 |
| STRAWBERRY SCOOTER | 36 | 2.75 | \$11.52 | \$0.32 |
| BANANA TROPI-KOOL FRUIT BAR | 24 | 4.00 | \$21.27 | \$0.89 |
| MANGO TROPI-KOOL FRUIT BAR | 24 | 4.00 | \$21.27 | \$0.89 |
| STRAWBERRY TROPI-KOOL FRUIT BAR | 24 | 4.00 | \$21.27 | \$0.89 |
| MIGHTY MINI - REGULAR - NO PRICE | 48 | 2.25 | \$13.92 | \$0.29 |
| REDUCED FAT VANILLA ICE CREAM SANDWICH | 24 | 4.00 | \$11.04 | \$0.46 |
| REDUCED FAT MINTY MINT ICE CREAM SANDWICH | 24 | 4.00 | \$11.04 | \$0.46 |
| REDUCED FAT COOKIES 'N CREAM IC SANDWICH | 24 | 4.00 | \$11.04 | \$0.46 |
| LOW FAT COOKIES 'N CREAM CONE | 24 | 4.00 | \$12.24 | \$0.51 |
| CRAZY CONE | 24 | 4.00 | \$12.24 | \$0.51 |
| LOW FAT CHOCOLATE VANILLA TWIST CONE | 24 | 4.00 | \$12.24 | \$0.51 |
| NO FAT SOUR BLUE RASPBERRY TWISTER CUP | 18 | 3.75 | \$9.00 | \$0.50 |
| NO FAT SOUR APPLE TWISTER CUP | 18 | 3.75 | \$9.00 | \$0.50 |
| NO FAT BANANA CREAM YOGURT TWISTER CUP | 18 | 3.75 | \$9.00 | \$0.50 |
| NO FAT COTTON CANDY YOGURT TWISTER CUP | 18 | 3.75 | \$9.00 | \$0.50 |
| NO FAT BIRTHDAY CAKE YOGURT TWISTER CUP | 18 | 3.75 | \$9.00 | \$0.50 |
| NO FAT YOGURT- RASPBERRY - 4 oz. FOAM CUP | 24 | 4.00 | \$8.40 | \$0.35 |
| NO FAT YOGURT- VANILLA - 4 oz. FOAM CUP | 24 | 4.00 | \$8.40 | \$0.35 |
| LOW FAT VANILLA - 4 oz. TALLY HO FOAM CUP | 24 | 4.00 | \$5.76 | \$0.24 |
| ORANGE SHERBET - 4 oz. TALLY HO FOAM CUP | 24 | 4.00 | \$5.76 | \$0.24 |
| LEMON SHERBET - 4 oz. FOAM CUP | 24 | 4.00 | \$7.20 | \$0.30 |
| ORANGE SHERBET - 4 oz. FOAM CUP | 24 | 4.00 | \$7.20 | \$0.30 |
| RASPBERRY SHERBET - 4 oz. FOAM CUP | 24 | 4.00 | \$7.20 | \$0.30 |
| NO FAT BIRTHDAY CAKE YOGURT - 3 oz. PLASTIC CUP | 48 | 3.00 | \$13.92 | \$0.29 |
| LOW FAT COTTON CANDY - 3 oz. PLASTIC CUP | 48 | 3.00 | \$13.92 | \$0.29 |
| LOW FAT VANILLA - 3 oz. PLASTIC CUP | 48 | 3.00 | \$13.92 | \$0.29 |
| LOW FAT CHOCOLATE - 3 oz. PLASTIC CUP | 48 | 3.00 | \$13.92 | \$0.29 |
| LOW FAT CHOCOLATE SUNDAE - 3 oz. PLASTIC CUP | 48 | 3.00 | \$13.92 | \$0.29 |
| LOW FAT STRAWBERRY SUNDAE - 3 oz. PLASTIC CUP | 48 | 3.00 | \$13.92 | \$0.29 |
| LOW FAT SPOOKY SUNDAE - 3 oz. PLASTIC CUP | 48 | 3.00 | \$13.92 | \$0.29 |
| LOW FAT CANDY CANE LOW FAT - 3 oz. PLASTIC CUP | 48 | 3.00 | \$13.92 | \$0.29 |
| LOW FAT CHERRY VANILLA SWIRL - 3 oz. PLASTIC CUP | 48 | 3.00 | \$13.92 | \$0.29 |
| LOW FAT MINT CHOCOLATE TWIST - 3 oz. PLASTIC CUP | 48 | 3.00 | \$13.92 | \$0.29 |
| LOW FAT SPRING PARY LOW FAT - 3 oz. PLASTIC CUP | 48 | 3.00 | \$13.92 | \$0.29 |

301 South Cameron Street · Harrisburg, PA 17101

PRODUCTS OF HERSHEY CREAMERY CO. - NOT AFFILIATED WITH HERSHEY'S CHOCOLATE.