

**UTICA CITY SCHOOL DISTRICT
BOARD OF EDUCATION
929 YORK STREET
UTICA, NEW YORK 13502**

INVITATION FOR BID

**SPECIFICATIONS AND BID PROPOSAL FORMS FOR THE PURCHASE
OF ITEMS IN THE FRESH FRUITS AND VEGETABLE PROGRAM FOR
USE IN THE SCHOOL FOOD SERVICE DEPARTMENT FOR THE
PERIOD OF NOVEMBER 15, 2023 THROUGH JUNE 30, 2024**

Bids will be accepted until 11:00 a.m. on October 26, 2023

Dated: October 11, 2023

LEGAL NOTICE

The Board of Education of the Utica City School District invites proposals on the forms provided for furnishing the following:

Fresh Fruits and Vegetable Program

Bids must be delivered to the office of the Purchasing Agent of the Utica City School District, 929 York Street, Utica, New York, prior to 11:00 a.m. on October 26, 2023 at which time they will be publicly opened and read. The proposals are to be based on specifications entitled "Specifications and Bid Proposal Form for Fresh Fruits and Vegetable Program for the period of November 15, 2023 through June 30, 2024", copies of which together with bid forms are on file and may be secured at the office of the Purchasing Agent of the Utica City School District, 929 York Street, Utica, New York. Bid documents may be obtained digitally in PDF format. Request documents via email to JoAnn Giotto at jgiotto@uticaschools.org.

Proposals signed by bidders shall be enclosed in a sealed envelope, addressed to Ms. JoAnn Giotto, Purchasing Agent, and marked in red in the lower, left-hand corner:

Fresh Fruit and Vegetable Program Bidders

Before submitting their proposals, bidders shall examine the specifications as contained herein and base their bids upon these specifications. The Board of Education reserves the right to reject any one or all items bid or to award all or any part of the bid. In cases where the Utica City School District receives two or more identical bids, the School District reserves the right to accept one bid only on the basis of a random selection process. If requested to do so, the successful bidder must execute a satisfactory contract, guaranteeing the faithful fulfillment of the terms of the contract.

**BOARD OF EDUCATION
UTICA CITY SCHOOL DISTRICT**

JoAnn Giotto, Purchasing Agent

GENERAL PROVISIONS

LAWS:

All supplies furnished under this specification shall comply in all respects to the standards and regulations established by federal and New York State laws, including the federal Pure Food and Drug Act and subsequent decisions of the U.S. Department of Agriculture.

PRICE:

All prices quoted shall include transportation and delivery charges fully prepaid by contractor, FOB Central Kitchen. All prices must remain in effect from November 15, 2023 through June 30, 2024.

INSPECTION:

The Board of Education, a duly appointed agent, or any properly authorized representative of the N.Y.S. Department of Health or a local health department shall have the right to inspect the premises, facilities, and methods on or by which such baking products are handled, and may take or cause to be made standard testing for bacteria count for the purpose of determining whether or not the Contract is being properly executed.

METHOD OF AWARD:

The Bid will be awarded to the lowest Responsive and Responsible Bidder meeting the specifications or providing acceptable deviation. The Board of Education reserves the right to award this bid **as a whole or split between vendors** or in its discretion, reject all bids, and re-advertise in the manner provided by Section 103 of the General Municipal Law. In cases where the Utica City School District receives two or more identical bids, the School District reserves the right to accept one bid only on the basis of a random selection process. Bidder must meet all specifications in order to be awarded this bid.

The award of the bid shall not be construed as a purchase. The Contractor(s) shall await the receipt of a Purchase Order from the buyer(s) before preparing shipments.

QUANTITIES:

Quantities listed are estimates only. Listed quantities are based on the item specification. Quantities increased or decreased are to be furnished at the Contract price.

PACKAGING:

Packaging and subsequent labeling shall comply in all respects to rules and regulations set forth by the N.Y.S. Department of Agriculture and Markets.

BILLING:

All Bid prices must include all charges and costs related to delivering the order to the address indicated on the purchase orders. If unauthorized charges appear on invoices and are not corrected to the satisfaction of the UCSD, Contractor will be deemed to be

not in compliance and in breach of the Contract. The Contract may be terminated. Further the Contractor may be disqualified from participating in the bidding program thereafter. A delivery receipt shall accompany daily deliveries. All billing is to be done weekly.

DELIVERY:

All deliveries shall be made between 7:00 a.m. and 3:30 p.m. on Monday through Thursday, as ordered and indicated, to the Central Kitchen, 400 Elizabeth Street, Utica, New York. Delivery schedules and times for delivery will be worked out by the successful Bidder and the Director of Food Services. Deliveries must be received at least 2 days prior to the service date. Dates are subject to change.

Delivery or packing slips must accompany every delivery and be clearly marked with quantity, unit price, extended price and total.

CERTIFY USDA REGULATORY STANDARDS ARE MET:

Utica City School District is required to comply with USDA regulations concerning the nutritional content of all foods served to students, and any changes or amendment to those regulations whenever they become effective. Therefore, every Bidder must certify to the Utica City School District that each product offered for purchase meets the USDA regulatory standards currently in effect along with its Bid, or the Bid will not be considered complete. During the term of the Agreement, the Contractor shall provide, upon request and for each substitute product whenever an item is replaced, a certification that any or all of the products meet the USDA regulatory standards then in effect. At any time during the Contract in the event that a product item is determined to not be in compliance with applicable USDA regulations, whether such determination is made by the Contractor of the Utica City School District, a substitute product which meets all applicable regulatory standards shall be substituted at the same Contract price. If the substitute product cost is different than the item replaced, the Contractor may apply to Utica City School District for an adjustment in price for the substitute product item. Utica City School District reserves the right, in its sole discretion, to determine whether a proposed substitute product is acceptable.

The Utica City School District Board of Education reserves the right to correct or revise the specifications to meet the industry standards for the product as may be required.

BUY AMERICAN PROVISION:

The Utica City School District to the maximum extent possible will purchase domestic commodities or products for use in the Fresh Fruit and Vegetable Program, National School Lunch Program and the School Breakfast Program. We require suppliers certify product(s) are processed in the U.S. and certify the percentage of U.S. content by weight or volume. Therefore, over 51% of the final processed product (by weight or volume) must consist of agricultural commodities that were grown domestically. Thus, for foods that are unprocessed, agricultural commodities must be domestic. For foods

that are processed, they must be processed domestically using domestic agricultural food components that are comprised of over 51% domestically grown items, by weight or volume as determined by the School Food Authority. Vendors should make every effort to bid items that meet this requirement. Any item that does not meet this criterion should be so noted on the bid.

PERFORMANCE:

The Utica City School District reserves the right to cancel the Contract for unsatisfactory performance or quality of product or packaging upon thirty (30) days written notice to the vendor.

NON-DISCRIMINATION:

The Contractor agrees that, in selecting its employees to perform the tasks and services contained in this Agreement, it will not discriminate on the grounds of race, color, religion, gender or national origin, physical handicaps or other physical limitations. The Contractor further agrees that it will make reasonable accommodation to the known physical or mental limitations of qualified disabled applicants and/or employees and will document any specific reasonable accommodation requested, made, or denied, with the basis for such denial. The Bidder further agrees and warrants that he/she will be in compliance with all civil rights requirements promulgated by Congress, the State of New York and the State in which the producing plant(s) is located.

FRESH FRUIT AND VEGETABLE PROGRAM
BID FORM TABLE FOR THE 2023-2024 SCHOOL YEAR
EACH BIDDER MUST COMPLETE THIS TABLE AND SUBMIT WITH THE BID

Product	Product Specs		UOM	Item Cost	Service Dates Nov- Feb	Service Dates Feb- May	Service Dates May- June
Clementines	10 x #3, variable count	5600 svg	Bulk Case		11/16/2023	2/16/2024	5/15/2024
Blueberries	1 oz tamperproof package	5600 svg	ea		11/20/2023	2/28/2024	5/17/2024
String Beans	4 each in sealed package	5600 svg	ea		11/21/2023	2/29/2024	5/20/2024
Baby Carrots	2oz indivual packages	5600 svg	ea		11/28/2023		5/22/2024
Grape Tomatoes	1 oz tamperproof package	5600 svg	ea		11/29/2023	3/4/2024	5/24/2024
Fuji Apples	100 ct	56	Bulk Case		12/1/2023	3/6/2024	5/28/2024
Blackberries	1 oz tamperproof package	5600 svg	ea		12/4/2023	3/7/2024	5/30/2024
Yellow, Red or Orange Bell Pepper	1 oz tamperproof package	5600 svg	ea		12/6/2023	3/10/2024	6/3/2024
Red Seedless Grapes	4 each in sealed package	5600 svg	ea		12/8/2023	3/12/2024	6/5/2024
Cherry Heirloom Tomatoes	4 each in sealed package	5600 svg	ea		12/11/2023	3/14/2024	6/7/2024
Cauliflower Florets	1 oz tamperproof package	5600 svg	ea		12/13/2023	3/17/2024	6/10/2024
Forelle Pears	100 ct	56	cs		12/15/2023	3/19/2024	6/12/2024
Honey Crisp Apples	100 ct	56	cs		12/18/2023	3/21/2024	6/14/2024

Product	Product Specs		UOM	Item Cost	Service Dates Nov-Feb	Service Dates Feb-May	Service Dates May-June
Cut Honeydew	1 oz tamperproof package	5600 svg	ea		12/20/2023	3/24/2024	6/17/2024
Snow Peas	1 oz tamperproof package	5600 svg	ea		1/3/2024	3/26/2024	6/20/2024
Baby Bananas - Petites	15lb case	5600 svg	Bulk Case		1/4/2024	3/27/2024	6/24/2024
Navel Oranges	113 ct	50	Bulk Case		1/8/2024		6/25/2024
Broccoli Florets	1 oz tamperproof package	5600 svg	ea		1/10/2024	4/2/2024	
Peas Shoots	1/8 oz tamperproof package	5600 svg	ea		1/12/2024	4/4/2024	
Carrot Sticks	4 each in sealed package	5600 svg	ea		1/17/2024	4/7/2024	
Strawberries	2 Ct	5600 svg	ea		1/18/2024	4/8/2024	
Celery Sticks	4 each in sealed package	5600 svg	ea		1/22/2024	4/11/2024	
Asian Pears	24 ct	234	Bulk Case		1/24/2024	4/14/2024	
Cranberries	1 oz tamperproof package	5600 svg	ea		1/26/2024	4/16/2024	
Cut Watermelon	1 oz tamperproof package	5600 svg	ea		1/29/2024	4/18/2024	
Snap Peas	1 oz tamperproof package	5600 svg	ea		1/31/2024	4/28/2024	
Cut Cantaloupes	1 oz tamperproof package	5600 svg	ea		2/2/2024	4/30/2024	
NYS Apples	125 ct, 113 ct or 100ct	5600 svg	Tray		2/5/2024	5/2/2024	
Rainbow Carrot Sticks - NYS	4 each in sealed package	5600 svg	ea		2/7/2024	5/5/2024	

Product	Product Specs		UOM	Item Cost	Service Dates Nov- Feb	Service Dates Feb- May	Service Dates May- June
Celery Sticks	4 each in sealed package	5600 svg	ea		2/9/2024	5/7/2024	
Sliced Green Peppers	1 oz tamperproof package	5600 svg	ea		2/12/2024	5/9/2024	
NYS Apples	125 ct, 113 ct or 100ct	5600 svg	Bulk Case		2/14/2024	5/12/2024	

UTICA CITY SCHOOL DISTRICT UTICA, NEW YORK

TITLE & DATE OF SPECIFICATION: _____

DATE OF PROPOSAL: _____

NON-COLLUSION BIDDING CERTIFICATION

By submission of this bid or proposal, the bidder and each person signing on behalf of the bidder or bidders, subject to the terms of Section 103-d of the General Municipal Law amended by Chapter 675 of the Laws of 1966 certifies that:

a. The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor.

b. Unless otherwise required by Law, the prices that have been quoted in this bid have not been knowingly disclosed by the bidder and are not knowingly being disclosed by the bidder, prior to opening, directly or indirectly, to any other bidder or to any competitor.

c. No attempt has been made or is to be made by the bidder to induce any other person, partnership, or corporation to submit or not to submit a bid for the purpose of restricting competition.

d. The person signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statement contained in the certification, and under the penalties of perjury, affirms the truth thereof, such penalties being applicable to the bidder as well as the person signing in its behalf.

e. Iran Divestment Act: By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid, each party thereto certifies as to its own organization under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the state finance law.

SIGNATURE: _____

TITLE: _____

LEGAL ADDRESS: _____

DATE: _____

This non-collusion form must be completed, signed, and included with your bid.

**BID PROPOSAL FORM
FRESH FRUIT AND VEGETABLE PROGRAM**

TO: The Board of Education of the Utica City School District, Utica, New York

The undersigned, having examined the specifications, including the advertisement for bids and the general conditions and specifications dated October 26, 2023 and on file in the office of the Purchasing Agent of the Utica City School District, 929 York Street, Utica, New York, hereby proposes to furnish the items in the appropriate quantities listed on the bid form table for the services for the period of November 15, 2023 through June 30, 2024.

Please fill in the bid table on pages 6-8 and put the total bid price

below:

Total Bid Price \$ _____

The Board of Education reserves the right to reject any or all bids and reduce or increase the quantity specified herein.

FIRM NAME _____

PRINT NAME _____

SIGNATURE _____

TITLE _____

FIRM ADDRESS _____

DATE _____

TELEPHONE _____

PLEASE RETURN THIS ENTIRE BID PACKAGE WITH YOUR BID

FORM C
UTICA CITY SCHOOL DISTRICT

**PROPOSER'S CERTIFICATION OF COMPLIANCE WITH IRAN
DIVESTMENT ACT OF 2012**

In accordance with General Municipal Law Section 103-g, which generally prohibits the School District from entering into contracts with persons engaged in investment activities in the energy sector of Iran, the bidder/proposer submits the following certification:

[Please Check One]

Proposer's Certification

_____ By submission of this bid or proposal, each bidder/proposer and each person signing on behalf of any bidder/proposer certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief, that each bidder/proposer is not on the list created by the Office of General Services (OGS) pursuant to paragraph (b) of subdivision 3 of Section 165-a of the State Finance Law

_____ I am unable to certify that my name and the name of the bidder/proposer does not appear on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law. I have attached a signed statement setting forth in detail why I cannot so certify.

Dated: _____

Name of Bidder/Proposer

Signature of Authorized Official

Printed or Typed Name of Official and Title

Sworn to before me this
_____ day of _____, 20____

Notary Public