

July 22, 2020

**APPROVE RENEWAL OF ISBE WAIVER****THE CHIEF EXECUTIVE OFFICER RECOMMENDS:**

That the Chicago Board of Education (the "Board") approve the renewal application for a waiver of the Illinois School Code (105 ILCS 5/34-21.3) for a five-year term beginning July 1, 2021, and ending June 30, 2026. Section 34-21.3 of the Illinois School Code only allows for a competitive sealed bid for food service management companies. The waiver will allow CPS the option to solicit food services via a Request for Proposal (RFP) process.

Upon approval of this Board Report, the renewal waiver application described below will be forwarded to the Illinois State Board of Education (ISBE) for consideration, review, and approval consistent with State law.

**PUBLIC HEARING AND NOTICE:** A Public Hearing on this renewal waiver application was held on July 22, 2020, in accordance with Section 2-3.25g of the Illinois School Code. Notice of the Public Hearing was posted on the CPS and Board websites on July 7, 2020, published in a Chicago newspaper on July 14, 2020 and provided to Illinois state legislators who represent Chicago and collective bargaining agents on July 14, 2020, as required by Section 2-3.25g of the Illinois School Code.


**DESCRIPTION OF THE RENEWAL WAIVER:**

Section 34-21.3 of the Illinois School Code (105 ILCS 5/34-21.3) only allows for the expertise of a food services management company to be procured via a competitive sealed bidding process, awarding the contract to the lowest responsible bidder, considering conformity with bid specifications, terms of delivery, quality and serviceability as specified in the advertised bid document. Under this solicitation method, the advertised bid becomes the contract, allowing for no post-bid negotiations in specifications, pricing, or services.

The United States Department of Agriculture (USDA) (which governs federal child nutrition programs), under the Federal Acquisitions Regulations System, allows for child nutrition program products and services to be procured using either of two solicitation methods: a sealed bidding or competitive proposal process. The RFP process is a competitive method for procuring products and services whereby proposals are evaluated based upon predetermined evaluation and selection criteria. Cost is a primary, but not the sole, factor for the basis of the award. This waiver renewal will allow the district the option to use an RFP process for procuring food services. As a result, the Board can develop a more comprehensive food services program that best meets the changing needs and strategic priorities of the Board without having to rebid.

**AUTHORIZATION:** Authorize the Chief Executive Officer or designee to execute the renewal of the waiver application described above and submit it to ISBE in accordance with Section 2-3.25g of the School Code.


**Approved for Consideration:**

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**LaTanya D. McDade**  
Chief Education Officer

**Respectfully Submitted:**


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**Janice K. Jackson**  
Chief Executive Officer

Approved as to Legal Form:

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**Joseph T. Moriarty**  
General Counsel