



## AUBREY INDEPENDENT SCHOOL DISTRICT

Debby Sanders  
Superintendent  
dsanders@aubreyisd.net

415 Tisdell Lane  
Aubrey, TX 76227  
(940) 668-0060 Fax (940) 365-2627

September 16, 2015  
Texas Department of Agriculture  
Food and Nutrition  
P.O. Box 12847  
Austin, TX 78711-2847

Re: Performance Bond Requirement

In accordance with Texas Department of Agriculture (“TDA”) guidance issued on February 24, 2015 to all School Districts and School Food Authorities, please accept this letter as written certification on behalf of **Aubrey ISD** (the “SFA”) that the SFA desires to not require a performance bond to further secure the obligations of the Food Service Management Company (“FSMC”) under the enclosed Request for Proposal and Contract (the “Contract”). After careful review of the planned operations of the FSMC together with the other terms, rights and remedies available to the SFA under the Contract, including without limitation, the provision and terms of the Guarantee provided to the SFA by the FSMC as set forth in Exhibit I to the Contract, it is the SFA’s determination that the interests of the SFA and the state are adequately protected by such alternative means of security and that a performance bond is not necessary to further secure the obligations of the FSMC under this Contract. Should a performance bond be required by TDA we will accept the 2015-16 Budgeted Surplus of \$26,213.

In addition, we believe that the strong financial stability and capacity and reputational stature in the industry of the successful FSMC in connection with this Contract further supports this determination that additional security via a performance bond for this Contract is unnecessary. Similarly, we have determined that any marginal benefit provided to the SFA by requirement of performance bond in this instance is outweighed by the costs associated with such requirement.

In sum, the above demonstration of alternative adequate security for the FSMC’s obligations, deemed sufficient by the SFA after careful consideration of the underlying facts and circumstances with this Contract and procurement, is within the discretion afforded to the SFA by the applicable federal regulations on this topic and we trust that TDA will support such determination.

Please do not hesitate to contact me if there is any additional information you would like to support this certification.

Sincerely,

Mrs. Debby Sanders  
Superintendent



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