

Board of Education

Mr. Zeke Greer—President
Mr. Dennis Rich—Vice-President
Mr. Weston Hacker — Secretary
Ms. Cynthia Black—Member
Mr. Brett McInnes—Member



J. Vance Lee Superintendent
Capitan Municipal Schools
519 Smokey Bear Blvd.
Capitan, NM 88316
575-354-8500
www.capitantigers.org

CAPITAN MUNICIPAL SCHOOLS BOARD OF EDUCATION

AGENDA ITEM EXECUTIVE SUMMARY

1. Board Meeting Date: May 18, 2026
2. Item Title: V.B.5 2026-27 Food Services Contract Approval
3. Name of Presenter: V. Lee
4. This item is for: XX Action ___ Consent Agenda ___ Discussion ___ Report/Information
5. Proposed Motion (Action Items Only): I move that we approve the 2026-27 Food Services Contract, as presented.
6. Executive Summary: Please see attached.



New Mexico Public Education Department

Student Success and Wellness Bureau
120 South Federal Place, Room 105
Santa Fe, NM 87501
Fax: 505-827-1815 Phone: 505-490-3149
<https://webnew.ped.state.nm.us/>

Date of Original Contract:
Renewal Year: 1 2 3 **4**

Contract Renewal Agreement for Vended Meal Services Nonprofit Food Service Program

This document contains the re-negotiated rates and fees for the furnishing of meals for nonprofit food service programs for the period beginning , 2026, and ending 2027. All of the terms and conditions of the original contract are applicable to the contract renewal. Upon acceptance, this document shall constitute the contract renewal between the Food Service Management Company (FSMC), also known as the vendor, and the School Food Authority (SFA) in accordance with Federal regulation [7 CFR §210.16\(d\)](#) and New Mexico Statute [Section 13-1-150 NMSA 1978](#).

Value of USDA Foods

Contract prices do not take into account the value of USDA foods that the FSMC will receive during the contract year. The FSMC will continue to credit the SFA for USDA Foods received for the renewed contract year.

Adjusted Meal Prices

The SFA and the FSMC have mutually agreed to 2026-2027 prices or fees as shown below. The maximum amount that 2026-2027 prices or fees may be increased is 3.8% percent (Consumer Price Index (CPI-U), Food Away from Home, West Region).

Check One:

Fixed Meal Price Contract – Prices adjusted as shown below.

Cost-Reimbursable Contract – Fees and costs adjusted as shown below.

Contract Renewal Agreement Certification Form 2026-2027

The *Contract Renewal Agreement Certification Form* must be completed and signed by the school food authority's (SFA's) authorized representative. A copy of this form must be submitted by the SFA along with copies of all applicable, required contract renewal documents listed in Section C below.

A. SFA Information

Agreement Number/Contract Number: RFP 2022-002

SFA: _____ Capitan Municipal Schools _____

FSMC/Vendor: _____ Southwest Foodservice Excellence (SFE) _____

B. General Contract Information

Contract Type: Fixed Price Cost Reimbursable

Programs: Lunch Breakfast (BAB and SBP)

FFVP Afterschool Snack Farm to School/NM Grown

Seamless Summer Option Summer Food Service Program

 Child and AdultCare Food Program

C. Required Documentation to be Submitted

Submit copies of the following documents:

- Contract Renewal Agreement for Vended Meal Services*, signed by both parties.
- Contract Renewal Agreement Certification Form 2026-2027*, signed by the SFA's authorized representative.
- Certification forms, as applicable, signed annually by the contractor (FSMC):
 - If the annual contract is \$25,000. or more, provide a signed copy of the *Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions*;
 - If the annual contract is over \$100,000., provide a signed copy of the *Certificate Regarding Lobbying – Contracts, Grants, Loans, and Cooperative Agreements*;
 - If the annual contract is over \$100,000. and any funds other than Federally appropriated funds have been used for lobbying, provide a signed copy of the *Disclosure of Lobbying Activities*.

- N/A Any other amendments for non-material allowable contract changes accompanied by written justification for the amendment. (Requires PED approval prior to execution).
- Board of Education's/Governing Council's approval of contract renewal in accordance with New Mexico Statute [22-5-4](#) NMSA 1978. (BOE's/GC's meeting agenda and minutes).
- Reconciliation of Credits for USDA Foods, for current school year, in accordance with [7 CFR §250.54\(c\)](#).
- FSMC Monitoring Form(s) from current year (monitoring required under [7 CFR §210.16\(a\)\(3\)](#)).
- Food Service Advisory Committee minutes from current year (advisory board required under [7 CFR §210.16\(a\)\(8\)](#)).

D. Complete Assurances for the State Requirements for Contractors and Contractor's Employee(s)

- SFA assures that the contractor and contractor's employee(s) received a criminal history record check in accordance with New Mexico Statute Section [22-10A-5](#), NMSA 1978.
- SFA assures that the contractor and contractor's employee(s) completes training in the detection and reporting of child abuse and neglect, ethical misconduct, professional responsibilities, sexual abuse and assault, and substance abuse in accordance with New Mexico Statute Section [22-10A-32](#), NMSA 1978 and [6.60.11](#) NMAC.

E. Certification Statement and Signature of Authorized Representative

Under the provisions of the United States Department of Agriculture (USDA), Food and Nutrition Service (FNS), I certify as an authorized representative of the SFA/LEA that all the information contained in the executed *Contract Renewal Agreement* and accompanying contract renewal documents is true and accurate.

I understand the nonprofit school food service program account cannot be used to pay for unallowable contract costs. As the authorized representative for the school food authority noted above, I will ensure operation of the nonprofit school food service program, including use of nonprofit school food service account funds, is in compliance with the rules and regulations of the State of New Mexico and the USDA regarding Child Nutrition Programs.

I understand revisions cannot be made to the executed *Request for Proposal and Contract* without first submitting proposed revisions to the New Mexico Public Education Department Student Success and Wellness Bureau for review and receiving written notification the proposed revisions are allowable within regulatory guidelines. Furthermore, I understand additional documents and/or

agreements, including those developed by the contractor (FSMC), cannot become part of the executed contract.

I understand all contract information provided to the New Mexico Public Education Department Student Success and Wellness Bureau is being given in connection with the receipt of Federal funds and deliberate misrepresentation may subject me to prosecution under applicable state and Federal criminal statutes and regulations. Further, I understand that such misrepresentation could result in the loss of Federal and state funding received by the School Food Authority for School-Based Child Nutrition Programs.

	Title	Date
Authorized Representative Signature		
Mail, fax, or email to:	Student Success and Wellness Bureau	
	120 South Federal Place, Room 105	
	Santa Fe, NM 87501	
	Fax: 505-827-1815	
	Email: JoseGuzman@ped.nm.gov	

Please submit documents only once. For example, do not fax and mail. Only one copy of each set of documents is necessary. All original documents must be retained in the SFA's files in accordance with [7 CFR §210.15\(b\)](#), [7 CFR §210.23\(c\)](#), [7 CFR §250.19](#), and [2 CFR § 200.334](#).

New Mexico Public Education Department Use Only:	
PED Review of Renewal	
Tier One Review	
Date:	PED Official:
Tier Two Review	
Date	PED Official
<p><i>Tier One Reviewer</i></p> <p><input type="checkbox"/> Approved Date Approved _____</p> <p><input type="checkbox"/> Returned for Revision Date returned _____</p> <p><i>Tier Two Reviewer</i></p> <p><input type="checkbox"/> Approved Date Approved _____</p> <p><input type="checkbox"/> Returned for Revision Date returned _____</p>	



New Mexico Public Education Department

Student Success and Wellness Bureau

**Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
– Lower Tier Covered Transaction**

School Food Authorities are required to ensure that all subcontractors and subgrantees are neither excluded nor disqualified under the suspension and debarment regulations found at [2 CFR §200.414](#) and [2 CFR Part 180](#) by doing any one of the following:

- Checking the Excluded Parties List found at the System for Award Management (SAM) <https://sam.gov/>.
- Collecting a certification that the entity is neither excluded nor disqualified. Since a Federal certification form is no longer available, the grantee or subgrantee electing this method must devise its own.
- Including a clause to this effect in the subgrant agreement and in any procurement contract expected to equal or exceed \$25,000., awarded by the grantee or a subgrantee under its grant or subgrant.

Subgrantee and contractors must obtain a SAM Unique Entity ID (UEI) Number. All Federal Government awards are required to have a SAM UEI number. There is no charge for a SAM UEI number. The SAM UEI number serves as a means of tracking and identifying applications for Federal assistance and is required on all applications for Federal Assistance.

This certification is required by the regulations implementing [Executive Order 12549](#), Debarment and Suspension. 2 CFR §200.212 Suspension and Debarment. The regulations were published as [Part III of the December 26, 2013, Federal Register \(Pages 78590-78691\)](#). Copies of the regulations may be obtained by contacting the Department of Agriculture agency with which this transaction originated.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON NEXT PAGE)

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Southwest Foodservice Excellence

RFP 2022-002

Organization Name

PR/Award Number of Project Name

Name and Title of Authorized Representative

Signature

Date

<p style="text-align: center;">Instructions for Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions</p>

- By signing and submitting this form, the prospective lower tier participant is providing the certification set out on the reverse side (previous page) in accordance with these instructions.
- The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
- The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal,” and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
- The prospective lower tier participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated. The prospective lower tier participant further agrees by submitting this form that it will include this clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
- Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and /or debarment.

REQUIRED CERTIFICATION REGARDING LOBBYING

Applicable to Grants, Subgrants, Cooperative Agreements, and Contracts Exceeding \$100,000 in Federal Funds

Submission of this certification is a prerequisite for making or entering into this transaction and is imposed by 31 U.S.C. Section 1352. This certification is a material representation of fact that was relied upon when this transaction was made or entered into. 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.

The undersigned certifies, to the best of their 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 a Federal contract, the making of any Federal grant, the making of a Federal loan, entrance into a cooperative agreement, or the extension, continuation, renewal, amendment or modification of a 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 Form to Report Lobbying*,” in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all covered subawards exceeding \$100,000 in Federal funds at all appropriate tiers, and that all subrecipients shall certify and disclose accordingly.

Southwest Foodservice Excellence 9366 E Raintree Dr. Scottsdale AZ 85260

Name/Address of Organization

Name/Title of Submitting Official

Signature of Submitting Official

Date

**INSTRUCTIONS FOR COMPLETION OF SF-LLL,
DISCLOSURE OF LOBBYING ACTIVITIES FORM**

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 in 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. Use the SF-LLLA Continuation Sheet for additional information if the space on the form is inadequate. 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 follow-up 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 first 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; or 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 or loan commitment for the prime entity identified in Item 4 or Item 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.
 - a. (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. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (Item 4) to the lobbying entity (Item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box. Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box. Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the dates of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal officials or employees contacted or the officers, employees, or Members of Congress that were contacted.
15. Check whether or not a SF-LLLA Continuation Sheet is attached.
16. The certifying official shall sign and date the form; print their 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 30 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.

DISCLOSURE OF LOBBYING ACTIVITIES

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

1. Type of Federal Action a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan Insurance	2. Status of Federal Action a. bid/offer/application b. initial award c. post award	3. Report Type a. initial filing b. material change for Material Change only: year: _____ quarter: _____ date of last report: _____
4. Name and address of Reporting Entity: Prime _____ Subawardee _____ Tier _____, <i>if known</i> Congressional District, <i>if known</i> : _____		5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: Congressional District, <i>if known</i> : _____
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, <i>if applicable</i> :	
8. Federal Action Number, if known:	9. Award Amount, if known:	
10. a. Name and Address of Lobbying Entity: <i>(if individual, last name, first name, MI)</i>	10. b. Individual Performing Services: <i>(including address if different from No. 10 a) (Last name, first name, MI)</i>	
11. Amount of Payment: <i>(check all that apply)</i> \$ _____ Actual Planned	• Type of Payment: <i>(check all that apply)</i> a. retainer b. one-time fee	

<p>12. Form of payment: <i>(check all that apply)</i></p> <p>a. cash</p> <p>b. in-kind:(specify)</p> <p>nature _____ value _____</p>	<p>c. commission</p> <p>d. contingency fee</p> <p>e. deferred</p> <p>other: <i>(specify)</i> _____</p>																		
<p>● Brief Description of services performed or to be performed and date(s) of service, including officer(s), employee(s), or member(s) contracted for payment indicated in Item 11.</p>																			
<p>● Continuation Sheet(s) SF-LLA attached:</p>																			
<p>● 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 reported to the Congress semi-annually and 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.</p>	<table border="0"> <tr> <td style="text-align: center;">Yes</td> <td style="text-align: center;">No</td> </tr> <tr> <td colspan="2">_____</td> </tr> <tr> <td colspan="2">Signature</td> </tr> <tr> <td colspan="2">Chris Odom</td> </tr> <tr> <td colspan="2">Print Name</td> </tr> <tr> <td colspan="2">_____</td> </tr> <tr> <td colspan="2">Title</td> </tr> <tr> <td colspan="2">_____</td> </tr> <tr> <td>Phone 480-551-6550</td> <td>Date</td> </tr> </table>	Yes	No	_____		Signature		Chris Odom		Print Name		_____		Title		_____		Phone 480-551-6550	Date
Yes	No																		

Signature																			
Chris Odom																			
Print Name																			

Title																			

Phone 480-551-6550	Date																		
<p>Federal Use Only:</p>	<p>Authorized for Local Reproduction</p> <p>Standard Form – LLL (Rev. 7-97)</p>																		

Approved by OMB

**DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET (FORM SF-LLLA)**

Reporting Entity: _____ Page _____ of _____

- A. The term "Air Act" means the Clean Air Act, as amended (41 U.S.C. 1957 et seq., as amended by Public Law 91-604).

- B. The term "Water Act" means Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Public Law 92-500).

- C. The term "Clean Air Standards" means any enforceable rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the Air Act or Executive Order 11738, an applicable implementation plan as described in section 110(d) of the Clean Air Act (42 U.S.C. 1957c-5(d)), an approved implementation procedure or plan under Section 111(c) or Section 111(d), respectively, of the Air Act (42 U.S.C. 1857c-6(c) or (d)), or approved implementation procedure under Section 112(d) of the Air Act (42 U.S.C. 1857c-7(d)).

- D. The term "Clean Air Standards" means any enforceable limitation, control, condition, prohibition, standard, or other requirement which is promulgated pursuant to the Water Act or contained in a permit issued to a discharger by the Environmental Protection Agency or by a State under an approved program, as authorized by Section 402 of the Water Act (33 U.S.C. 1342) or by local government to ensure compliance with pretreatment regulations as required by Section 307 of the Water Act (33 U.S.C. 1317).

- E. The term "Compliance" means compliance with clean air or water standards. Compliance shall also mean compliance with a schedule or plan ordered or approved by a court of competent jurisdiction, the Environmental Protection Agency or an Air or Water Pollution Control Agency in accordance with the requirements of the Air Act or Water Act and regulations issued pursuant thereto.

- F. The term "facility" means any building, plant, installation, structure, mine, vessel, or other floating craft, location or sites of operations, owned, leased or supervised by the Food Service Management Company.

SIGNATURE/TITLE OF FSMC AUTHORIZED REPRESENTATIVE
DATE _____

SIGNATURE/TITLE OF SFA AUTHORIZED REPRESENTATIVE
DATE _____